

**The Idea of Freedom in
Michael Oakeshott
and the
Contemporary
Liberal-Communitarian Debate**

**Thesis submitted for the degree of
Doctor of Philosophy**

By

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Abstract

The purpose of this thesis is to ask: what are the issues that divide today's Liberals, Rawls, Dworkin, and Kymlicka for example, from their Communitarian critics, Sandel, Taylor, MacIntyre and so forth, and how may we see the political theorizing of Michael Oakeshott as going some way to answering, explaining and criticizing these issues. At root, it would appear that the principal issue that divides the Liberals from the Communitarians is agency: what it is, how it ought to be understood, and the normative consequences that are regarded as following from such differing understandings. In the case of the Liberals, they are said to employ an "unembedded" or "emotivist" conception of the self plainly indebted to Kant, with the normative consequences being that of the justification and promulgation of the procedural republic in which impartial justice is regarded as "the first virtue of social institutions." The Communitarians, by contrast, are regarded as employing a more "Hegelian" conception of agency, one in which practice precedes principle, justice is an important element in a complex whole, and the normative consequences are that of the promulgation of a perfectionist "politics of the good." However, in this dissertation, I dispute that the issue that divides the Liberals from the Communitarians is one of philosophy. I prefer instead to suggest it is actually one of politics and that such politics as it is composed can best be seen by examining the respective political dispositions, though not philosophies, of Kant and Hegel, and through the lenses of Oakeshott's understanding of Rationalism in Politics. I say this because while the Liberals and the Communitarians borrow the political dispositions of Kant and Hegel, they eschew the metaphysics with which Kant and Hegel underwrote their political philosophies, and it is from such metaphysics that they acquire their normative legitimacy. However, without such metaphysics, they merely become examples of what Oakeshott terms Rationalism in Politics. Once I have staked out these two 'dispositions' in political theorizing in Chapters 4 and 5, I then examine the respective relevant expositors of these dispositions in the current debate. John Rawls's *A Theory of Justice* will be examined in Chapter 6 as the paradigm example of Deontological Liberalism. Chapters 7 and 8 will examine Alasdair MacIntyre and Charles Taylor's critique of the contemporary theory and practice of Liberalism respectively. Chapter 9 will examine Richard Rorty's attempt at a post-modern ideal, Liberal utopia as a response to our current condition, and lastly, in chapter 10, I shall examine Oakeshott's ideal character of civil association as presented in *On Human Conduct* as a non-normative resolution of certain important facets of the Liberal-Communitarian debate. Chapter 11 shall provide a summary of the dissertation so far, as well as examine the alternative politics of truly rational conduct. By constructing the dissertation in this way, I hope to demonstrate the following points: One, that today's debate is as much about politics as it is philosophy; two, that there really is much more common ground between the Liberals and the Communitarians than either side is willing to recognize; three, that the Liberal-Communitarian debate is much more parochial and historically bound than might otherwise be thought; and lastly, that in Oakeshott's critique of what he calls Rationalism in Politics, which I examine in Chapter 3, standing on the shoulders of his idealist conception of philosophy presented in *Experience and its Modes*, we may gain a per-

spective and critique of the debate that would otherwise remain hidden.

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ABSTRACT	2
CHAPTER 1 - WHAT DIVIDES THE LIBERALS FROM THE COMMUNITARIANS? MOREOVER, HOW MAY WE SEE THE POLITICAL PHILOSOPHY OF OAKESHOTT AS ANSWERING, EXPLAINING AND CRITICISING THESE POINTS OF CONTENTION?	8
1 – 1 WHAT ARE THE ISSUES?	8
1 – 2 WHAT LIBERALISM IS & IS NOT	11
1 – 3 A FEW FEATURES OF THE LIBERAL & COMMUNITARIAN DEBATE	14
<i>Table 1 – Rorty’s Taxonomy of Political Philosophy</i>	19
CHAPTER 2 – MICHAEL OAKESHOTT & THE IDEA OF PHILOSOPHY AS EXPERIENCE WITHOUT MODIFICATION, ARREST OR PRESUPPOSITION.....	29
2 – 0 PREFACE.....	29
2 – 1 INTRODUCTION TO A WORLD IN WHICH METAPHYSICS NO LONGER OBTAINS	33
2 – 2 OAKESHOTT & EXPERIENCE & ITS MODES	34
2 – 3 IDEALISM, BRITISH AND OTHERWISE.....	37
2 – 4 OAKESHOTT & IDEALISM	40
2 – 5 THE SUBJECT MATTER OF PHILOSOPHY – EXPERIENCE WITHOUT ARREST, MODIFICATION OR PRESUPPOSITION	43
2 – 6 RUSSELL & THE PHILOSOPHY OF LOGICAL ATOMISM	45
2 – 7 WHAT THERE IS, FOR RUSSELL THAT IS.....	47
2 – 8 PHILOSOPHY, OAKESHOTT & THE MODES IN COMPARISON	49
2 – 9 EXPERIENCE & ITS MODES	50
2 – 10 CONCLUSION	52
CHAPTER 3 – OAKESHOTT, THE SELF OF THE MODE OF PRACTICE, THE IDEA OF RATIONALISM IN POLITICS & THE ALTERNATIVE OF RATIONAL CONDUCT.....	54
3 – 0 PREFACE TO THE IDEA OF OAKESHOTT & RATIONALISM IN POLITICS	54
3 – 1 INTRODUCTION TO THE IDEA OF RATIONALISM IN POLITICS.....	55
3 – 2 INTRODUCTION TO OAKESHOTT’S UNDERSTANDING OF RATIONALISM IN POLITICS.....	56
3 – 3 OAKESHOTT & THE IDEA OF PHILOSOPHY AS EXPERIENCE WITHOUT ARREST, MODIFICATION OR PRESUPPOSITION REVISITED.....	58
3 – 4 THE MODES OF EXPERIENCE, AGAIN.....	59
3 – 5 OAKESHOTT’S CONCEPTION OF THE SELF.....	59
3 – 6 THE SELF & THE MODE OF PRACTICE.....	61
3 – 7 THE MORALITY OF THE SELF-CONSCIOUS PURSUIT OF IDEALS & THE MORALITY OF CUSTOM & HABIT	63
3 – 8 THE DEFECT OF THE MODE OF PRACTICAL EXPERIENCE	65
3 – 9 REITERATING THE SELF & THE MODE OF EXPERIENCE OF PRACTICE.....	66
3 – 10 WHAT IS RATIONALISM IN POLITICS? DOES IT RESULT FROM THE REALISM OF VALUES & OF THINGS RELATED PREVIOUSLY? NO. BUT IT IS NOT UNRELATED EITHER.....	68
3 – 11 RATIONALISM IN THE FIELD OF POLITICS	72
3 – 12 THE ORIGINS OF RATIONALISM IN POLITICS.....	75
3 – 13 RATIONALISM & THE SELF-CONSCIOUS PURSUIT OF IDEALS	76
3 – 14 WHAT ARE NON-RATIONALIST POLITICS?.....	77
3 – 15 CONCLUSION	79
CHAPTER 4 – KANT, MORALITÄT, THE KINGDOM OF ENDS & THAT MOST RESILIENT IDEAL OF A COSMOPOLITAN LIBERAL WORLD UTOPIA.....	82
4 – 0 PREFACE.....	82
4 – 1 INTRODUCTION	82
4 – 2 KANT.....	86
4 – 3 KANT & THE SYSTEM OF LIBERTIES	88
4 – 4 KANT & THE MUCH TRUMPETED CHARGE OF FORMALISM	89
4 – 5 KANT & HOBBS.....	90

4 – 6 MORALITY	93
4 – 7 <i>RECHT</i>	97
4 – 8 A COSMOPOLITAN, FEDERAL, LIBERAL UTOPIA	98
4 – 9 KANT & THE IDEA OF RATIONALISM IN POLITICS	100
4 – 10 CONCLUSION	101
CHAPTER 5 – HEGEL & <i>DER STAAT</i>	103
5 – 0 PREFACE.....	103
5 – 1 INTRODUCTION	105
5 – 2 KANT, PHILOSOPHY, & THE ARGUMENT FOR THE TRANSCENDENTAL UNITY OF APPERCEPTION	107
5 – 3 HEGEL <i>CONTRA</i> KANT.....	108
5 – 4 PHILOSOPHY IN KANT & HEGEL	109
5 – 5 HEGEL & HISTORY	111
5 – 6 ON <i>THE PHILOSOPHY OF RIGHT</i>	115
5 – 7 AUTONOMY IN KANT & HEGEL	117
5 – 8 HEGEL, KANT & AGENCY	118
5 – 9 THE PROBLEM	119
5 – 10 HOW DOES HEGEL’S CRITIQUE OF KANT STAND UP, & HOW APPLICABLE IS IT TO TODAY’S DEBATE IN POLITICAL THEORY?	121
5 – 11 CONCLUSION	122
CHAPTER 6 – JOHN RAWLS’S <i>A THEORY OF JUSTICE</i> & AN OAKESHOTTIAN CRITIQUE OF SAME	124
6 – 0 PREFACE.....	124
6 – 1 INTRODUCTION: DEONTOLOGICAL LIBERALISM REVISITED	126
6 – 2 DEONTOLOGICAL LIBERALISM & ITS CONTEMPORARY FORM IN RAWLSIAN CONTRACTARIANISM	127
6 – 3 JOHN RAWLS’S <i>A THEORY OF JUSTICE</i>	128
6 – 4 “THE ORIGINAL POSITION” & “THE VEIL OF IGNORANCE”	131
6 – 5 “THE THIN THEORY OF THE GOOD”	133
6 – 6 THE TWO PRINCIPLES OF JUSTICE.....	135
6 – 7 THE LIBERTY PRINCIPLE.....	135
6 – 8 THE DIFFERENCE PRINCIPLE.....	136
6 – 9 APPLICATION OF RAWLS’S PRINCIPLES TO SOCIETY.....	136
6 – 10 A “JUST” SOCIETY?.....	137
6 – 11 RAWLS’S <i>A THEORY OF JUSTICE</i> : RELATIVELY FREE FROM OBJECTION?	138
6 – 12 IS THE ORIGINAL POSITION SUPERFLUOUS TO RAWLS’S ARGUMENT?	139
6 – 13 JUSTIFICATION & REFLECTIVE EQUILIBRIUM.....	141
6 – 14 RATIONALISM IN POLITICS & THE ASSOCIATED MORALITY OF THE SELF-CONSCIOUS PURSUIT OF IDEALS	143
6 – 15 RAWLS’S <i>A THEORY OF JUSTICE</i> & THE PRACTICES OF RATIONALISM IN POLITICS & THE ASSOCIATED MORALITY OF THE SELF-CONSCIOUS PURSUIT OF IDEALS.....	144
6 – 16 CONCLUSION	146
CHAPTER 7 – ALASDAIR MACINTYRE, JOHN RAWLS & MICHAEL OAKESHOTT	148
7 – 1 INTRODUCTION	148
7 – 2 MACINTYRE’S CRITIQUE OF LIBERALISM, “A DISQUIETING SUGGESTION”	153
7 – 3 HOW THE WORLD WAS, IS NOW &, SHOULD ONCE AGAIN MADE BE.....	156
7 – 4 THE EMOTIVIST SELF.....	160
7 – 5 RAWLS AS EMPLOYER OF “THE EMOTIVIST SELF”?	162
7 – 6 MACINTYRE, RAWLS & OAKESHOTT’S UNDERSTANDING OF “RATIONALISM IN POLITICS”	170
7 – 7 AN “EMERGING THOMISTIC CONCLUSION”?	172
7 – 8 A HOBBSIAN RESOLUTION?.....	173
CHAPTER 8 – CHARLES TAYLOR & “THE ETHICS OF AUTHENTICITY”	175
8 – 1 INTRODUCTION.....	175

8 – 2 TAYLOR’S CRITIQUE OF MODERNITY GENERALLY & DEONTOLOGICAL LIBERALISM SPECIFICALLY	178
8 – 3 PRACTICAL REASON – HOW WE OUGHT TO EXPLAIN THE SELF	182
8 – 4 OUR MORAL INTUITIONS	182
8 – 5 TAYLOR & PROCEDURAL ACCOUNTS OF JUSTICE.....	187
8 – 6 WHAT IS GOING ON HERE; WHAT KIND OF POLITICS DOES TAYLOR ADVOCATE?	192
CHAPTER 9 – RICHARD RORTY, MICHAEL OAKESHOTT & LIBERALISM WITHOUT FOUNDATIONS.....	197
9 – 1 RORTY ET LES PHILOSOPHES	197
9 – 2 THE ARGUMENT OF THIS CHAPTER.....	200
9 – 3 RORTY & THE IDEA OF “PHILOSOPHY”	204
9 – 4 RORTY’S CONTRIBUTION TO THE LIBERAL-COMMUNITARIAN DEBATE	209
9 – 5 RORTY’S UNDERSTANDING OF THE LIBERAL-COMMUNITARIAN DEBATE	209
<i>Table 2 – Rorty’s Taxonomy of Political Philosophy</i>	210
9 – 6 LIBERAL POLITICAL PHILOSOPHY & RORTY	214
9 – 7 RORTY’S RESPONSE TO THIS CHARGE OF RADICAL INSTABILITY	224
9 – 8 HOW RORTY IS HIMSELF A RATIONALIST	226
CHAPTER 10 – ON HUMAN CONDUCT & THE LIBERAL COMMUNITARIAN DEBATE.....	229
10 – 0 PREFACE.....	229
10 – 1 INTRODUCTION TO <i>ON HUMAN CONDUCT</i>	233
10 – 2 OAKESHOTT & PHILOSOPHY IN <i>ON HUMAN CONDUCT</i>	236
10 – 3 ON THE UNDERSTANDING OF HUMAN CONDUCT.....	239
10 – 4 CONDUCT <i>INTER HOMINES</i>	243
10 – 5 THE IDEAL CHARACTER OF CIVIL ASSOCIATION.....	246
10 – 6 ENTERPRISE ASSOCIATIONS.....	250
10 – 7 CIVIL ASSOCIATION	251
10 – 8 POLITICS.....	253
10 – 9 SOCIETAS & UNIVERSITAS.....	255
10 – 10 ON THE CHARACTER OF THE MODERN EUROPEAN STATE,	255
10 – 11 OAKESHOTT & THE IDEAL CHARACTER OF CIVIL ASSOCIATION	257
10 – 12 WHAT OF OAKESHOTT’S IDEAL CHARACTER OF CIVIL ASSOCIATION?	258
10 – 13 CONCLUSION	259
CHAPTER 11 – THE IDEA OF FREEDOM IN OAKESHOTT & THE LIBERAL COMMUNITARIAN DEBATE; CONCLUSION.....	262
11 – 1 INTRODUCTION.....	262
11 – 2 THE THEORY AND PRACTICE OF POLITICS IN A NON-REALIST WORLD.....	264
11 – 3 THE LIBERAL COMMUNITARIAN DEBATE AS A DEBATE BETWEEN TWO RIVAL DISPOSITIONS IN POLITICS: KANTIAN AND HEGELIAN	267
11 – 4 THE LIBERAL COMMUNITARIAN DEBATE AS AN EXERCISE IN RATIONALISM IN POLITICS	271
11 – 5 RECAPITULATION OF OAKESHOTT & PHILOSOPHY AS THE IDEA OF EXPERIENCE WITHOUT ARREST OR MODIFICATION.....	273
11 – 6 RE-INTRODUCTION TO OAKESHOTT’S CONCEPTION OF RATIONALISM IN POLITICS....	274
11 – 7 OAKESHOTT & “THE IDEAL CHARACTER” OF CIVIL ASSOCIATION	275
11 – 8 WHAT ARE NON-RATIONALIST POLITICS?.....	275
11 – 9 RATIONAL CONDUCT	276
11 – 10 CONCLUSION	280
BIBLIOGRAPHY.....	282

Where ends are agreed, the only questions left are those of means and these are not political, but technical.

–Isaiah Berlin

Chapter 1 - What Divides the Liberals from the Communitarians? Moreover, How May We See the Political Philosophy of Oakeshott as Answering, Explaining and Criticising These Points of Contention?

1 – 1 What Are the Issues?

What are the issues that divide today’s Liberal political philosophers, Rawls, Barry, Nozick, Dworkin and Kymlicka for example, from their Communitarian critics, Sandel, Taylor, MacIntyre, Rorty, Walzer and others?¹ Moreover, how may we understand the political theorising of Michael Oakeshott as answering, explaining and criticising these points of contention? This is the subject of the following dissertation.

At root, the issues that divide the Liberals and the Communitarians appear to derive from a common source: the issue of agency, specifically: what agency is; how agency ought to be understood; and the normative consequences which are regarded as following from such differing conceptions.

The Liberal theorists are said to employ a conception of agency and a manner of political theorising plainly indebted to Kant, with the normative consequences for them being that of “the procedural republic,” where “right” is understood as

¹ There is another understanding of the term “Communitarianism”: that is the Communitarianism espoused by such people as Amitai Etzioni in his book *The Spirit of Community: Rights, Responsibilities and the Communitarian Agenda*, Ira Magaziner and his “Politics of Meaning” and that found in the “The Responsive Communitarian Platform: Rights and Responsibilities,” in *The Responsive Community* (Winter 1991/2). This variety of Communitarianism is much more overtly political, and less “philosophical” than the sense of Communitarianism that I am interested in. We can call these Communitarians, following *The Economist* (“Freedom and Community,” December 24, 1995), the “low” Communitarians. With them, I am not here concerned.

“prior to the good” and “justice as impartiality” is promoted as “the first virtue of social institutions.” As Rawls would have it, “Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override... the rights secured by justice are not subject to political bargaining or to the calculation of social interests.”²

By contrast, the Communitarians are said to employ a more “Hegelian” understanding of agency and the state. This is said to lead them to promote a more Aristotelian “politics of the good,” where impartial justice is not seen as the first virtue of social institutions, but rather an important element within a more comprehensive whole. As Michael Sandel puts it, “[Deontological] Liberalism overlooks the danger that when politics goes badly, not only disappointments but also dislocations are likely to result. And [Deontological Liberalism] forgets the possibility that when politics goes well, we can know a good in common that we cannot know alone.”³

In this dissertation, however, I shall attempt to demonstrate that the Liberal-Communitarian debate has as much to do with politics as it does philosophy. Furthermore, I will contend that Oakeshott (especially the Oakeshott of *On Human Conduct*) in a distinctively non-normative way (and therefore according to my thesis, a non-political way) coherently combines a Communitarian conception of the subject with a Liberal, procedural account of the state.⁴ I will argue that this possession of certain important facets of Liberal and Communitarian theorising by Oakeshott both answers and overcomes the criticisms that the Liberals and the Communitarians make of each other’s respective positions.⁵

² Rawls, John. *A Theory of Justice* (Oxford: Oxford University Press, 1972) pp.3-4

³ Sandel, Michael. *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982) p.183

⁴ Oakeshott, Michael. *On Human Conduct* (Oxford: Clarendon Press, 1975)

⁵ Oakeshott’s non-normative conception of political philosophy is perhaps what is most distinctive about his political theorizing, and what most distinguishes him from the Liberals and the Communitarians of today’s debate.

I will also attempt to show that Oakeshott's account of political theorising is superior to that of the Communitarians insofar as Oakeshott understands that the employment of an embedded conception of agency does not necessarily require the advocacy of "a politics of the common good." (Such a conception of politics may or may not contain such *au courant* Communitarian ideals as "virtue," "community" or "authenticity.") Nor does Oakeshott show it to be the case that the promulgation of the Liberal ideal of "the neutral state" necessarily requires the promulgation of the unembedded, atomist individual, the bane (according to the Communitarians) of all Deontological Liberal theorising. I will also argue that Oakeshott's political theorising is superior to that of the Deontological Liberals (such as the aforementioned John Rawls). Indeed, Oakeshott does not understand the practice of political philosophy to be the philosophic determination of normative ideals, ideals of which it is then incumbent (if we agree with the rationality of their arguments and the method of their argumentation) for us to realise in practice. That, according to Oakeshott, would be to fall into the embrace of that most distinctive feature of the modern political tradition, "Rationalism in Politics."

Lastly, Oakeshott's *On Human Conduct* provides us with an ideal example of how political philosophy ought to be conducted if we agree that philosophy may *never* be used to direct practice as this dissertation shall from beginning to end contend.

In these many respects and more, Oakeshott directs us away from the theory and practice of politics as exercises in "Rationalism in Politics" and directs us toward the concept of politics as participation in "The Conversation of Mankind" and "The Pursuit of Intimations." Oakeshott, in summary, believes that the practices of Rationalism in Politics "threaten our Rational Conduct." What Oakeshott precisely means by these terms I shall clarify in Chapter 3.

Since Oakeshott is not a straightforwardly normative political theorist, we shall therefore be able, with Oakeshott's help, to see that the relations between the ontology employed (how agency is understood) and the normative claims (how

we ought to regulate the state) are not nearly as closely related as the Liberal-Communitarian debate assumes them to be. Moreover, in Oakeshott's critique of what he calls "Rationalism in Politics," we shall gain a particular perspective on the debate that is largely, I contend, absent from within it.⁶

Oakeshott, as I earlier suggested, understands the practice of politics as "The Pursuit of Intimations," the practice of political theory as a particular mode of participation in "The Conversation of Mankind," and the practice of normative theorising as a species of "Rationalism in Politics." He derives these theses from his idealist conception of philosophy as a whole. I shall discuss these topics in Chapter 2 but, in short, Oakeshott believed that political philosophy may never be normative because philosophy may never direct practice. Philosophising is reflection on the presuppositions of experience. Indeed, philosophy's purpose for Oakeshott is always as a prophylactic to more ambitious theorising. According to Oakeshott, philosophy's *raison d'être* is, and as I hope to show, to help eliminate the crookedness in our thought and to clarify and enhance our understanding of our social practices.

1 – 2 What Liberalism is & is not

Isaiah Berlin in his influential essay "Two Concepts of Liberty" remarks that historians of political thought have noted almost two hundred different understandings of the term "liberty." Before examining any further the issues that I have so far only mentioned, it would be helpful to direct a cursory glance at the nature of Liberalism and what it is understood to be.

⁶This is perhaps somewhat ironic, insofar as the Communitarians specifically build their critiques upon coruscating critiques of "the project of the enlightenment." In this way, however, I hope to call a pox on both their houses by showing how Oakeshott's critique of Rationalism in Politics applies both to the Liberals *and* the Communitarians through their promulgation of such *au courant* ideals as community, embedded conceptions of the self, and narrative unity of the self. This will confirm, what I only suggest here, that the debate between the Liberals and the Communitarians is inherently an exercise in "Rationalism in Politics."

Liberalism is not one thing, with an essential, stable and enduring identity. “Liberalism” and the varied conceptions of liberty that underwrite “Liberalism” should rather be understood as an assemblage of sympathies, predilections, philosophies, social policies, identifications, rights, practices, economies and traditions characteristic of the theory and practice of politics and ethics in the modern history of Western European states and their close relations during the last few centuries. Our political tradition has at times manifested itself in other rival and competing traditions such as fascism or communism. However important these may be, I am not directly concerned with them here.

Liberalism, with perhaps no single element identifying it, clearly has beginnings. Indeed, we can easily identify a time when Liberalism did not exist, though its origins may be difficult to pinpoint. Though it is not my aim to provide a history of Liberalism (such histories are legion and in the course of this dissertation we shall examine a good few in some detail) this is, however, still a good place to begin.

Antecedents to Liberalism are sometimes said to appear in ancient Greece and in Rome, (precursors to Liberalism can be seen in the Sophists, the Pyrrhonists and the Epicureans for example). Nevertheless, Liberalism as a recognisable political tradition and social practice is perhaps no older than the sixteenth century.⁷ Why recognisably Liberal theories of politics and intimations of Liberal practices should appear at this time is certainly open to question. But I think it can reasonably be gleaned that Liberal theories of politics arose to make sense of the new political situations and possibilities brought out about by, *inter alia*, the decline of belief in classical natural right, the discovery of the new world and the beginnings of trade in its goods, the need to secure the rights of the individual against that of newly emergent non-ecclesiastical and or tyrannical sovereigns, the dawn of enlightenment rationalism and the great questions concerning au-

⁷ Strauss, Leo. *Liberalism: Ancient and Modern* (Ithaca: Cornell University Press, 1968)

thority that dominated the age.⁸ Controversies over religion in the sixteenth and seventeenth centuries and the waning of the ancient feudal and medieval orders can also be considered historically relevant.

Although Liberalism is to be regarded, therefore, as an historically contingent and variable development in our modern history, having murky beginnings and no foreseeable end, there nonetheless exist features which may help us identify what we may understand as recognisably Liberal philosophies and practices.⁹ One such schema of family resemblance (and my choice here may be quite arbitrary as nothing much in this dissertation depends on this schema) is that offered by John Gray in his book, *Liberalism*.¹⁰ Liberalism, Gray suggests, has four principal features. It is above all else individualist, emphasising the freedom of the individual as a significant constraint against the power and right of the collective. It is usually, but not always, universalist, treating man as a species with inherent rights owed to him as a member of the species antecedent to the rights given to him by society. It is egalitarian, in a political, social, or economic sense and is, more often than not, meliorist, believing in the essential perfectibility and corrigibility of man and his social conditions.¹¹

With this no doubt imperfect schema, we can see that the works of thinkers as diverse as Locke, Kant, and Mill, as well as more contemporary theorists such as Rawls and the rest of the Communitarians including Rorty, and Taylor, despite their different emphases, all contain at least one of these key features. The Communitarian family of criticisms of Deontological Liberalism is, I would like

⁸ I am thinking here of the discussion of Classical Natural Right in Leo Strauss's *Natural Right and History*. (Chicago: University of Chicago Press, 1970)

⁹ An Aristotelian taxonomy in which we could readily identify and order Liberalism according to genera and species will not do here however. Instead, we must depend on "family resemblances." What I mean by family resemblance is the Wittgensteinian idea, though one essential feature may not be shared by all members of a family, i.e. a prominent nose, there are enough similarities between the family members to allow us to recognize them as members of the same family. For example, in the sets, abc, abd, adc, bcd, while no element occurs in all four members, all four members can be seen as bearing a "family resemblance" to each other.

¹⁰ Gray, John. *Liberalism* (Milton Keynes: Open University Press, 1986)

to make very clear, a Liberal one (with the possible exception of Alasdair MacIntyre's) and the variety of political theory they have focused their objections on is a particular and peculiar variety of Liberal political theory: what has become known, at least since Michael Sandel's *Liberalism and the Limits of Justice*, as "Deontological Liberalism." I shall address what precisely Sandel means by the term "Deontological Liberalism" in Chapter 5.

1 – 3 A Few Features of the Liberal & Communitarian Debate

However, I should also like to note that Liberalism, whether we consider it from the standpoint of theory or practice, has undergone a fundamental transformation over the last three centuries, especially in North America. Whereas the Liberalism of the classical Liberals of the 18th and 19th centuries, such as Mill, Locke, and so on, was principally concerned with the preservation of an individual's liberty in religion, economics, family life, and voluntary associations from the interference of the state, Liberal theory and practice have, in the twentieth century, become increasingly identified with the social policies and practices of the New Deal. So, while Rawls and his followers will often be seen to identify themselves as Liberals and their politics as examples of Liberalism, such identifications would seem very strange to a Mill or a Locke.¹² Still, the above outlined schema holds, insofar as these modern Liberalisms share significant features in common with the Liberalisms that preceded them such as individualism, universalism and egalitarianism.

Such a shift in language and politics is mirrored in the rise of Rationalism in Politics as the pre-eminent form of political discourse and practice in our soci-

¹¹ Gray, John. *Liberalism*, p.x

¹² The 20th century liberalism of the New Deal is differently oriented. Here the state has come to be increasingly used to serve economic and other ends that its forefathers would never have imagined. Laudable though these ideals may be, they are, however, modern ideals and not the ideals of the classical Liberals.

ety. I intend to show that insofar as we might identify Oakeshott with Liberalism, it is the Liberal tradition of the 18th and 19th centuries with which Oakeshott ought to be identified.

The issues that divide the Liberal-Communitarian debate (which has grown from the soil of both ancient and modern Liberalism) are regarded as having derived from differing ontological understandings of the agent. In general, the Liberal understanding of agency and society, in Charles Taylor's words, is sometimes said to be more "atomist," containing an "unembedded conception of the self," which advocates "the procedural republic" while that of Communitarianism is said to be more "holist" advocating an "Aristotelian politics of the good" whether it is the historicised Thomism of Alasdair MacIntyre or that of Taylor's more ambiguous "Ethics of Authenticity."

Contemporary Deontological Liberalism, it is said by the Communitarian critique, begins with an agent characterised as a rational chooser, antecedent to his "ends" and to his "society" and theorises normatively from this ahistorical, asocial, universalist and uninformed standpoint. As John Rawls writes in *A Theory of Justice*, "The self is prior to the ends which are affirmed by it; even a dominant end must be chosen from among numerous possibilities."¹³ Charles Taylor argues, however, that in order for Liberalism to assert "the primacy of rights," as the Liberalism of Rawls most certainly does, this manner of Liberalism must rely on the false philosophy of "atomism," a philosophy in which the individual is seen as fully constituted apart from society.¹⁴ Michael Sandel suggests that such a self as Rawls presupposes for the purposes of producing a normative theory of ethics and politics is, at best, incoherent; at worst, it is destructive.¹⁵

That said, Taylor only offers us Hobbes, Locke and Nozick as examples of the doctrine of "atomism." Nevertheless, Taylor argues that such a false understanding of the individual pervades contemporary social sciences and provides the

¹³ Rawls, John. *A Theory of Justice*, p.560

¹⁴ Taylor, Charles. Charles. "Atomism" in *Philosophy and the Human Sciences: Philosophical Papers 2* (Cambridge: Cambridge University Press, 1985)

¹⁵ Sandel, Michael. *Liberalism and the Limits of Justice*

(false) justification for the procedural republic. Furthermore, he regards the latter as destructive of the communities of which we are a part and contributes to the “flattening of our moral horizons” and other related “malaises” of modernity.

The Communitarians give a number of pejorative names to this understanding of agency such as the “unencumbered self” or “the individualist thesis.” Such an atomic agent, detached from society and history, is not only a phantom without utility but according to the Communitarians, a positively noxious spectre. Any normative conclusions, they argue, that might be derived from the concept of such a detached, ahistorical, asocial man would be specious and incongruous with what they consider to be a satisfactory understanding of human agency, identity, society, and history.

But is this “unencumbered self” the real issue between the Liberals and Communitarians? As Will Kymlicka notes:

If this really were the debate, then we would have to agree with the Communitarians, for “the social thesis” is clearly true. The view that we might exercise the capacity for self-determination outside of society is absurd. But Liberals like Rawls and Dworkin do not deny the social thesis. They recognise that individual autonomy cannot exist outside a social environment that provides meaningful choices and that supports the development of the capacity to choose amongst them.¹⁶

The Communitarians contend that, unlike the Liberals, they see the individual and society as related in a more interdependent and indivisible way. An agent’s constitutive ends, they say, cannot be regarded as contingent to their personhood but rather must be considered an integral component of undamaged selfhood.

Such a conception of agency, the Communitarians argue, neglects to take into account the development and supporting conditions necessary for the agent to make meaningful choices if the agent is to successfully “realise” him or herself. Thus, an adequate normative political theory must not only preserve but also seek to encourage the conditions for the maintenance of the good society and the

¹⁶ Kymlicka, Will. *Liberalism, Community and Culture* (Oxford: Clarendon, 1989) p.75

self-realisation of the agent by promoting a perfectionist or even Aristotelian “politics of the good.”¹⁷ Moreover, the Communitarians argue that Liberal theorising is fraught with fallacious universalising pretensions. These pretensions cause Liberal theorising to neglect the significance of other cultures, societies, and associations in an unconscious, arbitrary, callous, culturally specific and ahistoricist way.

The Communitarians adopt, they say, a more “hylomorphic” or “Hegelian” conception of man by rejecting the impossible “Cartesian project” of attempting “to distinguish the subject of experience from the object of experience.” Instead, they suggest that an adequate account of agency must see the agent as inseparably bound to the pre-existing constituent ends of the practices, relations and communal notions of the good of society – the *Sittlichkeit* – of which he or she is an inseparable part. As MacIntyre famously remarks: “What is good for me has to be the good for one who inhabits these roles.”¹⁸

Liberal critics of Communitarianism, however, suggest that the Communitarians, by regarding the individual in this way, unduly emphasise the concepts of society, tradition, and history, sacrificing the freedom, equality, and autonomy of the agent to perhaps *not* so “shared conceptions of the good.” They say that the Communitarians reduce the agent to a product of his social and historical context, making him a victim of the unfairness of existing contingent circumstances, thereby depriving him of the conceptual resources for correcting his often less than satisfactory condition.

Charles Taylor’s response to the Liberals is that they are using “an utterly facile moral psychology” and “a deeply wrong model of practical reasoning, one based on an illegitimate extrapolation from reasoning in natural science.”¹⁹ Taylor continues that the result of adopting this false model is the promotion of freedom as

¹⁷ This can run from the advocacy of mild forms of civic republicanism, as in Charles Taylor, or to more extreme forms as, for example, suggested in MacIntyre.

¹⁸ MacIntyre, Alasdair. *After Virtue* (London: Duckworth, 1993) p.205

a “...void in which nothing would be worth doing, nothing would deserve to count for anything.”²⁰

A more serious Communitarian accusation states that, though Liberalism goes some distance to protecting the right to form and maintain the sorts of associations that the Communitarians show such partiality towards, Liberalism itself is ultimately a self-devouring artefact. It is so in the sense that it inevitably corrodes the conditions necessary for maintaining the sorts of associations, traditions, and practices that constitute it. This includes not only the conditions of forming associations within a Liberal understanding of the state, but also the very conditions that go toward sustaining such a fragile regime in the first place. The failure to recognise that Liberalism must be informed by a cultural tradition in order to exist and that such an association itself is “a good” that must be pursued, leaves the conditions of its perpetuation vulnerable to the very arguments that were meant to justify and promote it. Unless Liberalism is itself understood to be “a good” then Communitarians maintain that it is in danger of causing its own demise.

It should be apparent by now that the Liberal-Communitarian debate is a very complex one. This dissertation will attempt to elaborate on the differences purportedly separating the two sides, whilst ultimately showing that there is much more common ground between the Liberals and the Communitarians than would at first appear.

The principal difficulty with the debate is that each side has overstepped the boundaries of what philosophy may legitimately do or say. The controversies of these debates are, for the most part, political and not philosophical, as a careful analysis of Oakeshott’s understanding of “Rationalism in Politics” should demonstrate. By abandoning the metaphysical foundations upon which Kant and

¹⁹ Taylor, Charles. Charles. *Sources of the Self: The Making of the Modern Identity* (Cambridge: Cambridge University Press, 1989) p.7

²⁰ Taylor, Charles. Charles. *Hegel and Modern Society* (Toronto: Cambridge University Press, 1979) p.159

Hegel founded their respective politics, I will argue that both the Liberals and the Communitarians have rendered their political theorising impotent.

I will contend that the ontological question, “how should we understand agency?” and the philosophical question, “what normative consequences follow from such an understanding?” are much less closely related than the debate assumes. For we often see the ontological question, “how should we understand agency?” being elided into the political question, “what kind of politics do we want?”

In order to fully understand this, we must stand back from the debate in order to gain a birds-eye view of the issues involved.²¹ A good place to start is with the taxonomy proffered by Richard Rorty. He divides the debate between today’s Liberals and Communitarians into three.²²

Table 1 – Rorty’s Taxonomy of Political Philosophy

The Kantians	The Hegelians	The Post-Modern, Bourgeois Liberals
The Early John Rawls, Ronald Dworkin and Robert Nozick;	Alasdair MacIntyre, Michael Sandel and Charles Taylor;	John Dewey, Michael Oakeshott, Richard Rorty and the later John Rawls.

²¹ Oakeshott, however, shows how we can combine a Communitarian account of the agent with a liberal account of the republic that seems immune to the liberal and Communitarian criticisms of each other’s theories. To understand how all this can be, it will first prove profitable to examine in some detail Kant and Hegel, the philosophers in which these rival dispositions in modern political philosophy are most closely related.

²² Rorty, Richard. *Philosophy and the Mirror of Nature* (Oxford: Blackwell, 1980), *Contingency, irony and solidarity* (Cambridge: Cambridge University Press, 1989) and “The Priority of Democracy to Philosophy” in *The Virginia Statute for Religious Freedom* (Cambridge: Cambridge University Press, 1988)

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In the first category, Rorty places those whom he considers to be (and whom we shall call) “Deontological Liberals”: the early Rawls, Dworkin, and Nozick. The Kantian Liberals, according to Rorty, are those philosophers who attempt to erect, upon the basis of “our uncontroversial beliefs about justice and impartiality” theories of justice that are designed, ultimately, to have universal application beyond the limits of the communities from which such beliefs and values are ultimately derived.

Within the second category of Rorty’s taxonomy, the Hegelians, Rorty includes those theorists whom he understands as the Hegelian or Aristotelian critics of Deontological Liberalism. Namely, those who criticise the Deontological Liberals for their pretensions to universality, neutrality, and for the partisan and metaphysically incoherent individualism that they believe lies at the heart of Deontological Liberalism. As members of this category, Rorty cites such people as Alasdair MacIntyre, Michael Sandel and Charles Taylor, all of whom I will refer to throughout the course of this dissertation.

In the third and final category, Rorty places those philosophers he regards as the defenders of Liberalism, who are nonetheless non-Kantian, historicist and non-realist. These include Dewey, Oakeshott himself and, most curiously, the later Rawls of *Political Liberalism*.²³ These defenders of Liberalism do not justify the Deontological, neo-Kantian Liberalism based on universal, ahistorical and metaphysical (all odious terms for Rorty and the Communitarians) arguments; rather, they try to articulate Liberalism as a particular, contingent, historical body of practices and understandings that they nonetheless consider worth preserving. They promote Liberalism, but with the understanding that such a body of practices cannot be philosophically justified as universally superior to any

²³ Rawls, John. *Political Liberalism* (New York: Columbia University Press, 1993)

other body of practices, as Kant perhaps imagined. Rorty identifies this variety of Liberalism with the sad appellation, “post-modern bourgeois Liberalism.”

With regard to Rorty’s taxonomy, a few preliminary comments should be made. Firstly, that Rorty should include the later Rawls, in his final category is curious insofar as Rawls’s work is most often understood as the paradigm of Deontological Liberalism and is therefore the frequent target of the Communitarian critics. Insofar as this is the case, I too have chosen to use Rawls as the paradigmatic Deontological Liberal. However, unlike the Communitarian critics (yet more in line with more recent Rawlsian scholarship), I will interpret Rawls as having much more in common with the Communitarians than they themselves maintain, and less in common with Kant in that Rawls is not so much a metaphysical realist as yet another practitioner of “bourgeois philosophy.”

This very simple taxonomy of Rorty’s, which I shall examine in much more detail in Chapter 9, is indeed a very good example of the confusions of advocacy, ontology and disposition that I contend pervade the present debate. Oakeshott, for one, is not correctly characterised as a “post-modern bourgeois Liberal.” Moreover, each thinker mentioned is a more subtle thinker than Rorty gives him credit for, each blurring in his work the categorical distinctions that Rorty has created, each less bound to his alleged epistemological foundations than Rorty believes.

A principal difference between Oakeshott and Rorty, for example, is that whereas Rorty simplifies something as complex as “the Liberalism of the rich north Atlantic democracies,” omitting entirely such important elements of any account of Liberalism as the rule of law, justice as fairness or impartiality, distributive justice, desert, the judiciary, political authority, rights and obligation, Oakeshott does not. As one commentator writes, Rorty “simply speaks globally about “Liberal democracy” without ever unpacking what it involves or doing justice to the enormous historical controversy about what Liberalism is or ought

to be.”²⁴ Moreover, while Rorty has consigned philosophy to the category of edifying literature, Oakeshott believes philosophy retains a function and a place in our lives that Rorty believes philosophy must ultimately renounce.

Indeed, Oakeshott’s account of civil association has much in it that is akin to the Liberal procedural republic. However, it is at the same time sensitive to the Communitarian criticism of the Liberal agent and represents only a single element that Oakeshott has singled out for special examination within a complex whole. For Oakeshott, the concept of civil association is not meant to be understood as a normative ideal, the normative pronouncement of political philosophy. Rather, the concept of civil association, as I shall try to make clear in this dissertation, is to be understood only as an “arrest” in our political experience. This ideal character of a form of association Oakeshott holds out for our particular examination, but he never argues by way of philosophy that we must embrace it as a normative ideal demanding realisation. For Oakeshott, it is enough simply to identify it.

The doctrine of civil association for Oakeshott is expressly not, in contradistinction to every other political philosophy we shall examine (with the possible exception of that of Hegel’s), meant to help “guide the overall direction of social change” as Rawls would have it. Nor is it to promulgate “a politics of the common good,” as the Communitarians would, though it has more affinity with the latter than the former. If there is a positive moral to be drawn from Oakeshott’s political and social writing – and I shall argue that there is – it is that we ought always to be wary of such exercises in Rationalism in Politics and understand them to be less the determinate outcome of sober philosophical reflection but rather the political pronouncements of the various actors involved in the Liberal-Communitarian debate. The contemporary debate in political philosophy is composed of purely political utterances — moves as it were in the game of politics.

²⁴ In Paul Franco’s *The Political Philosophy of Michael Oakeshott* (London: Yale University Press, 1990) p.233

It is true of course that nearly all the contemporary practitioners of political philosophy, including those surveyed in this dissertation such as John Rawls, Charles Taylor, Alasdair MacIntyre, with the exception perhaps of Richard Rorty, pay lip-service to the idea of normative political theory in this metaphysically and ethically non-realist era. How in this day and age could they not? But it is my contention that only in the political theorising of Michael Oakeshott is this task satisfactorily achieved, as normative political theory, in the way that the Liberals and Communitarians suppose it to be, is impossible in a world in which ethical realism no longer obtains. This does not of course make such political philosophy impossible; it only makes *normative* political philosophy in the way that the proponents of the Liberal-Communitarian debate conceive it impossible. I say this because Oakeshott shows us how a coeval development of realism in epistemology has, as its counterpart in politics, Rationalist practice. This fact, above all else, makes Michael Oakeshott unique in the Liberal-Communitarian debate and makes an Oakeshottian reading of this debate invaluable.²⁵

Oakeshott's insights therefore force upon us a radical reinterpretation of the contemporary debate. For example, we may no longer understand the practice of political philosophy to be a straightforwardly normative activity. In other words, we may no longer understand the practice of philosophy as capable of producing normative principles of justice of the Rawlsian kind — principles such that if we agree with the rationality of their deduction, it is then incumbent upon us to promote them as regulative ideals.

Following my Oakeshottian interpretation, all we may say of Rawls (and those like him) is that in his two principles of justice Rawls has very successfully captured important essences of our political tradition, namely a system of bourgeois freedoms, and a certain democratic conception of re-distributive justice. It is,

²⁵ This is not of course to say that political philosophy as such is no aid to the practice of politics, only that it may not result in principles of justice such as that of Rawls' difference principle. This radical — though I argue not so shocking interpretation — is a principal subject of my thesis.

however, in Oakeshott's understanding only an ideology, a particular, politicised abridgement of our political practice.²⁶

We must therefore understand the contemporary debate in political theory as, in Wittgenstein's words, an example of "bourgeois philosophy." These exemplars of contemporary political philosophy examined in this dissertation must therefore be seen as highly developed examples of ideological rhetoric, i.e. particular hypostatized abridgements of certain rationalist features of our common political culture that the promulgators of these philosophies wish to illegitimately promote as rationally required regulative ideals.

In Rawls's case, what is promoted is a certain ideal of American social democracy, with its ancestry in Roosevelt's New Deal; in the case of the Communitarians, it is an account of a time and a place that most probably never was. We should not perhaps be surprised that what these theorists have shown us is merely our own cultural reflection, for this is all that normative political philosophy, unsupported by universalist foundations, may do.²⁷

If all that I say is true (and I certainly do not expect such a view to remain unchallenged) it should direct us away from the derivation of norms of justice for the regulation of our society. Rather, it should direct us toward the inculcation of the Liberal education and traditions of which we are a part. We must turn therefore from the practices of Rationalism in Politics, which Oakeshott convincingly

²⁶ This is not to say that such a distillation of certain facets of the prevailing political sensibility is not itself important, only that it should be recognized for what it is, and not made to direct political practice in a way to which it is so poorly suited.

²⁷ If the rejoinder were made that my suggestion that the universe is one in which realism does not obtain is itself a metaphysical proposition, I have an easy counter. I have only suggested that normative political theory of the kind that Kant and Hegel represent is only possible in a world in which such realism is regarded as obtaining. I have not said that realism as such does not obtain. Nonetheless, the fact remains, that all the contemporary practitioners of the liberal Communitarian debate posit it as a given that their peculiar brand of liberal theorizing is non-realist theorizing. And as such, I contend, they have not faced up to the full consequences of what this entails for political philosophy in the way in which Oakeshott has.

argues are both ineffective, wrong-headed and destructive, to non-rationalist, though not, I should be very careful to point out, irrationalist, politics.²⁸ This is what Oakeshott understands as truly Rational Conduct. We should therefore look more to creating good citizens to carry on and protect “The Conversation of Mankind” through the practices of civility. This is opposed to the promulgation of the right over the good in an effort to achieve the so-called Liberal ideal of neutrality or community or other such *au courant* political ideals. Whether or not we are so far gone with Rationalism in our Politics that this is no longer feasible or possible, shall remain to be seen — perhaps the resources of political tradition and practice have been so overwhelmingly overwritten with Rationalist political practice that they are beyond recovery. With these important concerns of Oakeshott’s, and especially Oakeshott’s considerations on Liberal education, I shall conclude this dissertation.

These caveats considered, I shall closely examine Rorty’s (however flawed) *schema* for my dissertation. I do so both for the convenient taxonomy he offers, and because much of the debate understands itself to be so constituted around such divisions.

I shall therefore take up the political philosophies of Kant and Hegel in Chapters 4 and 5 respectively, in order that we may understand the ways in which the Liberal-Communitarian debate has to do with Kant and Hegel, and the ways in which it does not.

Before, however, taking up Kant and Hegel, I shall first set out Oakeshott’s idealist conception of philosophy in his work *Experience and its Modes*²⁹ in Chapter 2. Following this, in Chapter 3 I will commence a discussion of what Oakeshott understands as “Rationalism in Politics” and the Oakeshottian alternative of “Rational Conduct.”

²⁸ These I shall later detail when I come to describe what Oakeshott understands as Rational, though not Rationalist, Conduct in the following chapter.

²⁹ Oakeshott, Michael. *Experience and its Modes* (Cambridge: Cambridge University Press, 1933)

Following upon Chapters 4 and 5, which concern themselves with Kant and Hegel respectively, I shall examine the contemporary variant of Kant in John Rawls with an examination of *A Theory of Justice* in Chapter 6. I shall then close this chapter with some more thoughts upon Michael Oakeshott's understanding of "Rationalism in Politics" and its relation to Rawls, "the ideal character" of civil association, and their relation to the contemporary Liberal-Communitarian debate.³⁰

Afterwards, I shall examine the Communitarian critique of Deontological Liberalism, especially as it manifests itself in the writings of Alasdair MacIntyre and Charles Taylor. In Chapter 7, which shall concern itself with Alasdair MacIntyre, I shall examine MacIntyre's critique of Liberalism generally, and Deontological Liberalism especially. There, I shall suggest that "the emotivist self" which MacIntyre's critique centres upon, and which pervades the Communitarian debate, is nothing but a Communitarian chimera: lastly, I shall challenge the notion of MacIntyre's "emerging Thomistic conclusion."

Next, in Chapter 8, I shall examine Charles Taylor's analysis of contemporary Liberal thought and practice, and suggest that Taylor's "Ethics of Authenticity," as a possible solution, is similarly impractical and, moreover, incoherent. I shall confine my discussion of the post-modern bourgeois Liberals to the work of Richard Rorty in Chapter 9. In Chapter 9, I shall argue that while Rorty is sensitive to certain foundational features of Rationalism in Politics in the Liberal-Communitarian debate, he is less obviously sensitive to certain rationalist suppositions in his own theory. This is insofar as he is, like the rest, a normative theorist, even if he, unlike the rest, specifically disavows the giving of reasons for why we ought to embrace such norms.

In Chapter 10, I shall examine in detail the political philosophy of Michael Oakeshott, especially that of *On Human Conduct*, drawing upon my discussion

³⁰ I shall there suggest that Rawls' project overall must be seen as inherently a Rationalist project, with Rawls' second principle of justice, corresponding with what Oakeshott understands as an enterprise association, and in fundamental conflict with that of civil association.

of Chapters 3 and 4, and relating it to the results of the previous chapters. Chapter 11 shall concern itself with a summary of what we have henceforth examined, Oakeshott's ideal of Liberal education and the idea of Rational Conduct that Oakeshott suggests is our alternative. With this, I shall close.

With the help of Oakeshott's political theorising,³¹ I intend to demonstrate in the course of this dissertation concerning the Liberals, the Communitarians and Oakeshott, the following 10 points:

1. That in the debate between the Liberals and Communitarians, there are no "real" Kantians, or Hegelians. No Liberal or Communitarian is in fact prepared to employ the metaphysics upon which Kant and Hegel grounded their arguments: in Hegel's case, upon the conception of *Geist*, while for Kant, a supernal world of unchanging value;
2. That since no Liberal or Communitarian does actually employ the metaphysics of Kant or Hegel, their political philosophies may only be understood as clarifications and considerations of our common-sense intuitions concerning justice and the good. This makes such contemporary theorists as are surveyed in this dissertation – with the exception of Oakeshott who is not a normative theorist – above all else practitioners of what Wittgenstein called "bourgeois philosophy";
3. That political philosophy, at least of this non-realist kind, is not a normative activity, or at least, is not straightforwardly a normative activity in the way that the Liberals and the Communitarians regard it;
4. That the so-called "emotivist" conception of the self that the Communitarians criticise the Liberals of falsely maintaining is a Communitarian chimera;

³¹ Comprising in the main Oakeshott's critique of philosophy in *Experience and its Modes*, his critique of "Rationalism in Politics" in the collection of essays of the same name of 1949 (Indianapolis: Liberty Press, New and Expanded Edi-

5. That, following from (1) and (2), it is not important whether there is any connection between the conception of agency that one maintains, whether it be “embedded” or “atomist,” and the politics, whether it be the “politics of the right” or the “politics of the good” that one advocates. This is so because no one in this debate in fact (4) employs a purely atomist conception of the self;
6. That because of (1) and (2) there is really much more common ground between the Liberals and the Communitarian than either side is willing to recognise;
7. That, following from (1), (2), (3), (4), (5), and (6), the debate between the Liberals and the Communitarians has really much more to do with politics than it does with philosophy;
8. That (following 7) the politics of the Liberal-Communitarian debate is essentially, as Oakeshott says, an exercise in “Rationalism in Politics”;
9. That Oakeshott’s *On Human Conduct* both answers and explains the debate between the Liberals and the Communitarians. Moreover, *On Human Conduct* provides a unique model for how we ought to philosophise about politics in a non-normative way;
10. That in light of the preceding points, our only alternative is that of Rational Conduct.

My main proposal in this dissertation is that we learn from Oakeshott that political philosophy does not so much result in the self-conscious pursuit of rational ideals, such as those espoused in Rawls as the two principles of justice. It instead directs us towards an understanding of politics as “The Pursuit of Intimations” and political philosophy as but participation in one very peculiar strand of “The Conversation of Mankind.”

tion, 1962), and his positive “ideal character” of civil association in *On Human*

Chapter 2 – Michael Oakeshott & the Idea of Philosophy as Experience without Modification, Arrest or Presupposition

I am aware that in these days many readers will require no other evidence than this confession to condemn my view out of hand. For the abuse which it was formerly the lot of philosophy in general is now reserved for philosophical Idealism, which (it is the common opinion) is decadent, if not already dead. Its doctrines are held to comprise a mixture of fallacies and truisms, and “the intellectualism” in philosophy of which it is the chief representative is counted a spent force needing no other evidence of its falsity than its own decay. So far as I can ascertain, however, these opinions are founded upon no firmer basis than one of confused reasoning and irrelevant anecdote. Idealism is in these days dismissed, it seems, because it has presumed to raise difficulties and questioned postulates which it were wiser to have left hidden and undisputed. There was, indeed, a time when a kind of Idealism was the orthodoxy of philosophy, but this fortunately is no longer the case. A received philosophy is one already dead. And if by calling it decadent, the opponents of Idealism mean nothing more than it is out of fashion, its friends will ask nothing better than the dispassionate criticism which a philosophy without a reputation to be feared may reasonably expect. In these circumstances, then, what seems to be required is not so much an apology for Idealism as a restatement of its first principles, and in so far as my view is Idealistic (and how far it is, I do not know myself) this is what I have attempted.³²

2 – 0 Preface

This dissertation concerning Michael Oakeshott and the contemporary debate in political philosophy between the Liberals and the Communitarians pivots upon the argument that the radical disseveration that Oakeshott tirelessly argues for between the theory and practice of politics does obtain. While Oakeshott argues that philosophy may help straighten crookedness in thought and understanding concerning our conduct, he does not believe it may ever serve as a straightforward guide to our political conduct in the way I have suggested the contempo-

Conduct.

³² Oakeshott, Michael. *Experience and its Modes*, p.6-7

rary practitioners of the Liberal-Communitarian debate suppose.³³ What I mean is, political philosophy, according to Oakeshott, is incapable as such of producing regulative norms, which it is then incumbent upon us to follow because of the rationality of their derivation. (In this dissertation, we may consider Rawls's two principles of justice as a particularly relevant example.) Such normative conclusions and the methods of their derivation, Oakeshott believes, are the results of an *ignoratio elenchi*, or the error of irrelevance, an error that in the case of our political conduct leads us down the perilous path of "Rationalism in Politics." Such defective political conduct as Oakeshott suggests Rationalism in Politics is, which Oakeshott supposes underlies virtually all our politics today, is a legacy, according to him, of the failed project of the enlightenment to deduce, as Alasdair MacIntyre aptly describes it, "a tradition-independent justification of the Liberal, individualist viewpoint."³⁴

In order, however, to understand this most serious charge of Oakeshott's, we must first understand the theory of knowledge that leads Oakeshott to make it. It is, therefore, the task of this first chapter upon Oakeshott to exposit what Oakeshott understands of philosophy as experience without modification, arrest or presupposition. Later I will go on to show the significance to Oakeshott's political theory of what he considers the unbridgeable gulf between theory and practice that results from this understanding.

In the next chapter, I will examine what Oakeshott means by "Rationalism in Politics," and the consequences of such in our contemporary ethical life, as well as Oakeshott's positive alternative of Rational Conduct. In my penultimate chapter, I shall examine Oakeshott's *On Human Conduct* as an example of how political philosophy ought to be conducted.

³³ I have suggested this in Chapter 1, and shall produce evidence for this contention throughout this dissertation.

³⁴ The practice of Rationalism in Politics, according to Oakeshott, threatens us in two ways: first, it threatens our negative freedoms through the imposition of rationalist plans; and secondly, it threatens our positive freedoms by undermining the traditional political knowledge or cultural capital that a society needs to govern itself felicitously. In Oakeshott's terminology, the practices of Rationalism in Politics threaten the practices of Rational Politics.

In exploring Oakeshott's conception of philosophy in *Experience and its Modes* here, along with Oakeshott, I shall only mention three rival modes of experience: those of history, science, and practice. Putting to one side the modes of science and history, I shall leave discussion of the mode of practice to the following chapter. It is the mode of practice, however, dependant as it is upon Oakeshott's epistemology as a whole, which accounts for Oakeshott's ethical relativism, though it is a relativism, as I will try to show, far more self-critical than most.

Such "modes" are for Oakeshott self-contained ways of regarding the world, such that the ways, means and standards of judgement peculiar to one, may not be legitimately used in another. To confuse these modes, Oakeshott believes, is always, as I have already said, to fall into the error of irrelevance, or *ignoratio elenchi*.

The modal nature of Oakeshott's considerations upon philosophy, however, does not lead us into a simple-minded relativism, as some have suggested. Oakeshott believes it is still the task of philosophy – philosophy in this case understood as experience without arrest, modification or presupposition – to define the limits and ultimate postulates of each defective and abstract mode of experience, and to highlight the danger of the failure to observe these limits. Philosophy as such, for Oakeshott, though limited, maintains its distinctiveness as a unique, and in some ways superior, manner of knowing.

Where we are concerned, however, the first and last of the modes discussed in *Experience and its Modes* shall be of most importance. With regard to the first, that of history, it is Oakeshott's principal contention that history as such may never be used to direct political practice. According to Oakeshott, from history we may not draw principles of conduct, without such history ceasing to be history, and illegitimately becoming a kind of informing ideology.

How history is used in political theory, legitimately and otherwise, especially by such Communitarians as Charles Taylor and Alasdair MacIntyre, and even to an

extent Richard Rorty, we shall examine in the course of this dissertation in Chapters 6, 7, and 11 respectively. As I will try to show, though history is all that we have to guide our conduct in the present (as Oakeshott, MacIntyre and Taylor rightly show) it is still not suited for the uses toward which MacIntyre, Taylor and others are inclined to put it, since the contradictions inherent in its examination, as with the other modes, make it ultimately defective.

The mode of experience termed practice – that is, the mode of experience which comprises our agency, and the range of practices within which such agency is exercised – is perhaps the most important for this dissertation, and shall be examined in some detail in the next chapter. For it is the vexing question of agency (what it is; how it ought to be understood; and the practical consequences which are said to be the result of it), that occupies so much of the literature of the Liberal-Communitarian debate. And it is from Oakeshott's understanding of the mode of practice that his ethical non-universalism about values is derived.³⁵

Science, experience seen *sub species quantitatis*, and in terms of cause and effect, I shall have less to say about here. Of course, Oakeshott in *Experience and its Modes* devotes a whole part of the work to the mode of science. However, the mode of science has the least relevance to our endeavour. And it does not go too far to say that of all the sections of *Experience and its Modes* the one devoted to science has aged the least well.

Oakeshott does not suggest that these three modes are the only modes, since according to his thinking, as we shall see, experience may be arrested and examined for coherence at any point. He does, however, regard these three as particu-

³⁵ As I shall argue throughout this dissertation, in many respects, differences in the conception of agency between the Liberals and Communitarians are often more apparent than actual. Furthermore, I will show that the differences between Liberals and Communitarians in general are more political than philosophical, and that philosophy as such cannot wholly account for such differences.

larly significant to experience regarded as a whole, especially concerning their relation to our ethical and political practice.³⁶

Once I have the subject matter, limits, and characteristics of the modes of history and practice in place, I will then in later chapters employ these modes and Oakeshott's conception of philosophy in an effort to show how the contemporary debate in political philosophy is an unstable melange of rationalist and non-rationalist practice and theory. I will then reveal, using Oakeshott's own theorising, how the various theoretical practitioners of the Liberal-Communitarian debate exceed the limits of these inviolate modes and thereby demand more of philosophy (as a guide to our ethical conduct) than it has to offer.

2 – 1 Introduction to a World in which Metaphysics no Longer Obtains

It is a principal contention of this thesis that only in the political theorising of Michael Oakeshott do we come face to face with what the theory and practice of political philosophy must entail in a world in which neither metaphysics nor the possibility of metaphysics any longer obtains.³⁷ Neither Kant nor Hegel, nor for that matter Plato and Aristotle, can be said to have ever faced such a problem. For though the character and content of metaphysics was always controversial, a *belief* in at least the possibility of a realist metaphysic as the foundation necessary for ethical theorising was almost universally held. For Plato, ethical philosophy was at one with metaphysics; similarly, Aristotle's ethics is based on a very particular metaphysical biology. And while Kant himself believed in a

³⁶ Later, in the "Voice of Poetry in the Conversation of Mankind" (London: Bowes & Bowes, 1959) Oakeshott adds a further mode, that of poetry. This is seen to rather complicate the account of philosophy in *Experience and its Modes* at least in terms of the essays of *Rationalism in Politics*. Later still, when Oakeshott comprehensively restates his account of philosophy in *On Human Conduct*, the modes will seem to multiply innumerable into platforms of conditional understanding. These changes I do not think seriously mitigate Oakeshott's point that philosophy's purpose is always explanatory, and can never be employed as a method for deriving norms of conduct.

³⁷ Even in the case of Richard Rorty, that avowedly anti-realist philosopher, I argue there is a veiled realism in terms of the pragmatism with which his theory is underwritten.

noumenal world and our inherent capacity for self-directed autonomy, Hegel believed in the notion of *Geist* as the progressive self-actualisation of freedom in history. Though these varied theorists may have held different views of the ultimate character of reality, the fact remains that the intellectual edifices that such theorists erected were built upon such realist foundations or, in the case of Hegel, a universalist historicism.³⁸

With nearly a century of anti-realist criticism in metaphysics and near universal acceptance of anti-realist ethical epistemology about values in our contemporary ethical theorising, the *denouement* of the project of the enlightenment, normative political philosophy as an activity, I contend, is left devoid of what was once its most important resource.

2 – 2 Oakeshott & Experience & Its Modes

Experience and its Modes, published in 1933, is perhaps Oakeshott's most important work, and in it we may trace the roots of all his subsequent political theorising, from the early essays of *Rationalism in Politics*, to those of the later *On Human Conduct* and *On History*.³⁹ As Oakeshott wrote in *Experience and its Modes* (and we may take this idea as a constant of Oakeshott's intellectual career) there can be no such thing as a theory of knowledge without there also being a theory of being. It is just such a theory, both of knowing and being, then, that Oakeshott in *Experience and its Modes* and in all his works ever after, sets out to establish. So, not only does Oakeshott set out his idealist epistemology in *Experience and its Modes*, but he also sets out the groundwork for his critique of *Rationalism in Politics* in order to show us the consequences of such a faulty epistemology in our practical lives. He does so, furthermore, to highlight the perils of embodying what he considers to be the defective conception of knowledge that underlies much of our ethical conduct – one that illegitimately accords

³⁸ I will elaborate upon what I mean by the “quasi-realist foundations of Hegel” in my Chapter upon Hegel.

³⁹ Oakeshott, Michael. *On History and Other Essays*, (New Jersey: Barnes & Noble Books, 1983)

sovereignty to technique and diminishes the practical *knowing how* of the culturally and politically literate individual.

Oakeshott's contention that a theory of being is a necessary accompaniment to a theory of knowledge may indeed seem more continental than not. Regardless, I suggest that it is the attempt to provide a theory of knowledge without also providing a theory of being – to carry on the Enlightenment tradition of political theory and practice without subscribing to the realist ethical foundations upon which such an account is necessarily dependent – that has stymied the Liberal-Communitarian debate since its inception.

This hollow adherence to Enlightenment Rationalism (hollow because it is enlightenment rationalism without the realist metaphysics with which the Enlightenment was undergirded) I will suggest, has resulted in a situation in which according to Oakeshott, “almost all politics today have become Rationalist or near-Rationalist.” And the traditional forms of knowledge and practice, upon which Oakeshott contends successful political practice depends, have been increasingly degraded.⁴⁰

This is not quite, however, to suggest that what Oakeshott calls Rationalism in Politics is to be directly equated with the realist metaphysics that *Experience and its Modes* is concerned to refute, though they are intimately related; rather, the practices of Rationalism in Politics, of which I suggest the participants of the Liberal-Communitarian debate are alike culpable, are a coeval and related development of the Enlightenment's attempt at deducing, in Alasdair MacIntyre's definition, a tradition-independent justification of the Liberal, individual viewpoint.

As Oakeshott sees, perhaps more clearly than anyone, while the relation between realism *about* things and Rationalism in Politics, which is based upon realism *about* values, is not direct, it is certainly not accidental either. The view taken concerning the one has an effect on the view we take upon the other, if only in-

⁴⁰ Oakeshott, Michael. *Rationalism in Politics*, p.5

directly. I would suggest that a fundamental asymmetry has presently developed between the anti-realism of today's political philosophers, and the Rationalism in Politics inherent in their political philosophies. As Oakeshott so succinctly puts it in *Experience and its Modes*,

It is, however, one thing to renounce a doctrine [what I have suggested the Liberals and Communitarians have done] and another to rid oneself of its influence [what I suggest they have not.] The notion of reality as separate is so ingrained in our way of thinking that it is not easily thrown off. And our way of talking serves only to emphasise this vicious and negligent dualism.⁴¹

Relieving ourselves of the aforementioned “vicious and negligent dualism” both “about things” and “about values” can be understood as Oakeshott's central project, epistemologically and practically. This is not only the case in *Experience and its Modes* and the essays of *Rationalism in Politics*, but also in Oakeshott later work of *On Human Conduct* and in the final essays of *On History*.

Of course, aside from *Experience and its Modes*, Oakeshott wrote much, and on a great miscellany of subjects; still, *Experience and its Modes* is where Oakeshott's comprehensive views upon philosophy and the relationship between theory and practice are presented systematically, and it is where I shall begin.⁴² Indeed, much critical misinterpretation of Oakeshott (hostile and otherwise) can be understood to directly derive from a lack of acquaintance with this most seminal work.

It is, of course, not incumbent upon all those who criticise Oakeshott for the essays of *Rationalism in Politics* or *On Human Conduct* to read *Experience and its Modes*. My point is only that through a close reading of *Experience and its*

⁴¹ Oakeshott, Michael. *Experience and its Modes*, p.61. As I intend to show, there are actually two realist/non-realist dualisms with which we are here concerned, which though related are not identical and should not be confused. There is the dualism between realism and non-realism concerning “things.” I will examine this dualism, which is in the main the subject of Oakeshott's *Experience and its Mode's* in this chapter. In addition, there is the dualism between realism and non-realism concerning values; this I will tackle secondly when I come to discuss the mode of practice in the next chapter. The mode is of most importance as far as this dissertation is concerned.

⁴² Not excluding how to pick a winner at the Derby!

Modes we may come to a better understanding of Oakeshott. A thorough exegesis of *Experience and its Modes* is an essential element of this dissertation, and will show (among other things) that the essays of *Rationalism in Politics* are not simply the outpourings of a conservative ideologue; rather, they are the considered practical results of an entire and sustained (both metaphysically and ethically) epistemological world-view. If the conclusions derived are in the main more conservative than radical, more Communitarian than Liberal, then so be it.

2 – 3 Idealism, British and Otherwise

It should first of all be remarked that the term “Idealism” here means something very different from what we often mean by idealism in matters of politics and ethics. Instead of a high-minded and passionate pursuit of high ideals or principles such as truth, justice and equality in our moral and political dealings with others (though it is not mutually exclusive of these), here “Idealism” is a philosophical position. But before outlining this position, it may prove useful to take a step backward and say something on the subject of philosophy in general.

Philosophy, by its very nature and subject matter, always presupposes a background in thought. And the unique and seemingly near hermetic conception of philosophy that Oakeshott first presents in *Experience and its Modes* is no exception. Such a background in thought is always twofold. In the far background, there is that tradition of philosophy that any philosopher must necessarily take as their point of departure. And in the foreground, there is always that view or family of views that have gained such great currency, that the philosopher is motivated to both understand and correct them in their own theorising.

The importance of such a background to different thinkers varies. The *oeuvres* of Hegel and Aristotle would seem to imply the whole of the preceding history of philosophy as a necessary precondition to their own theorising. In Plato, by contrast, philosophy at times would seem independent of tradition. Nevertheless, philosophy out of nothing is itself inconceivable. And Plato through Socrates could not have expounded the doctrine of forms without his sophistic predeces-

sors' denial of such a supernal reality underlying and informing the world of appearances. While Oakeshott may be very sparing with the credit that he gives to those whose footsteps have preceded his, his "footprints" can in outline, though perhaps not in great detail, be readily discerned.⁴³

The background of Oakeshott's thought, as is well known, is very much that of Philosophical Idealism, both in its continental form, as say found in Hegel's *Phenomenology*, but also in the form of the more sceptical British tradition of Idealism, such as Bradley's *Appearance and Reality*.⁴⁴ Oakeshott, in a rare expression of indebtedness, writes of those two works as the ones he has learnt most from.⁴⁵ It is also commonly suggested that Oakeshott, more close to home, is also greatly indebted to such British Idealists as Green, Bosanquet, R. G. Collingwood, McTaggart and Pritchard. This is certainly true, but it is also the case that Oakeshott finds influence in Dilthey, and Croce, and Oakeshott often remarks on how much he has been inspired by such sceptics as Hume and Montaigne. Later still in *On Human Conduct*, we may see the influence of Wittgenstein and Winch upon Oakeshott's work.

The foreground of thought that Oakeshott is motivated to write against is that of the renaissance in epistemology led by those such as Moore, Russell and Wittgenstein at Cambridge, and later that of Ayer and Austen at Oxford, and their rejection of Idealism as a credible description of the world. That the philosophical labours of Russell, Moore, Wittgenstein, Ayer, Austen and Whitehead in the earlier part of this century may have marginalized philosophical Idealism from its near hegemony in the late nineteenth century British academy should not, however, wholly exclude it from our present consideration. For, as I will try to show with the help of Oakeshott, Idealism as a way of accurately describing our knowledge of the external world still has a lot to commend it. Such views as

⁴³ As Oakeshott writes in the preface of *On Human Conduct*, "And when I look back upon the path my footprints make in the snow I wish that it might have been less rambling." *On Human Conduct*, preface, viii

⁴⁴ Hegel, G. W. F. *Phenomenology of Spirit*, Trans. by A. V. Miller (Oxford: Oxford University Press, 1977) Bradley, *Appearance and Reality* (Oxford: Oxford University Press, 1893)

Oakeshott expounds have increasingly gained currency, especially as Russellian realism and its variants have fallen out of favour.

For what is perhaps most modern about Oakeshott's idealism, and most distinguishes Oakeshott from his contemporaries in political philosophy and his predecessors in idealism is not his thoroughgoing rejection of any form of realism in his theorising, since in the case of the Liberals and the Communitarians such rejection of ethical realism is part and parcel of modern ethical theorising; rather, it is Oakeshott's realisation of the consequences of such anti-foundationalism for our ethical practice, and his identification of the related perils of "Rationalism in Politics"⁴⁶ that makes his work unique and provides us a fresh perspective on both the Liberal-Communitarian debate and idealist philosophy in general.

⁴⁵ Oakeshott, Michael. *Experience and its Modes*, p.6

⁴⁶ This may all bring to mind the avowedly similar project of Richard Rorty's, a project that I shall examine in some detail in Chapter 9. For Rorty in *Philosophy and the Mirror of Nature* sought to wrest from us the idea of mind as a glassy essence in which reality was, albeit imperfectly, reflected, and replace it with a notion of mind as in some sense being all that there is. He then attempted to show us what the ethical consequences of such a radical revision of Western Philosophy meant for our moral and political practice in *Contingency, irony and solidarity*. Oakeshott, we shall see, pursues substantially the same position in *Experience and its Modes* and the essays of *Rationalism in Politics*. Indeed, the similarity between Oakeshott and Rorty in matters of epistemology is in places remarkable. Where they differ is that Rorty and Oakeshott take the consequences of such a world-view very differently. As one commentator has pithily noted of Rorty's project: "Rorty simply speaks globally about 'liberal democracy' without ever unpacking what it involves or doing justice to the enormous historical controversy about what liberalism is or ought to be." (Bernstein, Richard. In Franco, p.233) As I will try to show, this is not Rorty's principal error – it is Rorty's conjoinment of this oversight with his utopian politics. In chapter 9 I shall make these differences clear, drawing a clear line between Oakeshott and Rorty. Broadly, however, it can be said that Oakeshott's believed such an epistemology leads us to embrace a sceptical conservatism in matters of political practice, with philosophy maintaining an inviolate autonomy over practice. Rorty, by contrast, finds instead in his epistemology license to support a radical, liberal utopianism. He does this by drawing upon the disputable resources of American pragmatism for the sake of making a better world and better citizens of us according to Rorty's own contingent values and beliefs. Rorty, effectively, by reducing philosophy, and especially political philosophy, to the role of "edifying literature" nullifies philosophy, making it one with narrative fiction.

2 – 4 Oakeshott & Idealism

Idealism (the theory, not the disposition) is the view that there cannot be anything said to exist other than that which is thought, that reality is fundamentally mental, that the universe is composed of a singular related whole, and that the proper subject matter of philosophy is experience without arrest or presupposition. Furthermore, Idealism maintains that the appearance of the world as consisting of a finite plurality of separate and discrete parts is contradictory and deeply misleading.

Philosophers such as Hegel developed idealism as a way of overcoming and surpassing what they saw as the necessarily fruitless debates in philosophy between the Rationalists and Empiricists. While the Rationalists hypothesised a realist world lying behind the vagaries of experience, the Empiricists, by contrast, denied that we could have knowledge of anything other than what was immediately apparent to the senses.⁴⁷ Empiricism, as a theory of knowledge, was thought by the Rationalists to be incapable as such of accounting for all that required explanation.

Idealists, of course, also held that Empiricism was a faulty doctrine, but what distinguished Idealism from Rationalism was its rejection of an external reality underlying the world of appearances and its correlative rejection of correspondence theories of truth for a coherence theory of truth, which holds that the co-

⁴⁷ A taste of this perhaps over-discussed debate, which is concerned with the political philosophies of Kant and Hegel, I shall grant in Chapters 4 and 5. This is not, of course, an argument. In addition, the following is not, I should be very careful to make clear, an essay upon epistemology. So while this is certainly the place to present Oakeshott's arguments concerning idealism, it is not, however, the place to make a comprehensive statement of twentieth century anti-realism, particularly because all the practitioners in the debate do claim themselves to be anti-realists in matters of ethics. This fact only, in my opinion, crucially distinguishes them from Kant and Hegel – the models that I have used to characterise the twin dispositions in ethical theorising, which I suggest best explain the Liberal-Communitarian debate. They both in their differing ways are at bottom ethical realists. Kant subscribes for the purposes of founding his ethical theorising upon a supernal world of unchanging value. Hegel, by contrast, depends for his theory of the state upon the notion of objective world spirit.

herence of a proposition with the rest of experience is the ultimate test of the veracity of that proposition. In Idealism, in contrast to Realism, the veracity of a proposition depended on the satisfactoriness of that proposition to the whole of experience regarded from a single, unified standpoint.

Clearly, Idealism in this form is born out of a kind of rationalism, insofar as what is real must be uncovered from how experience manifests itself. However, as we shall see, Oakeshott divests himself of this vestige of Rationalism in his own theorising by rejecting “the absolute,” a rejection presaged in *Experience and its Modes*, and made in ever stronger terms throughout Oakeshott’s career. By “absolute,” I mean a firm and absolute point from which the veracity of experience as a whole may be judged.

Idealism, on first view, may seem deeply counterintuitive, contrasting as it does with the way in which we generally understand the world. Certainly, it would seem that the world must be composed of entities other than the mental, and that the world is essentially plural. Such a world-view as was held by Berkeley, who understood the world to be composed of a community of minds and their ideas, with God’s mind being the infinite cause of most, would certainly seem superseded. Yet, I submit, these are not knockdown arguments, and we should not on their basis reject the whole of Idealism.

Oakeshott, in *Experience and its Modes*, Rorty in *Philosophy and the Mirror of Nature*, Wittgenstein in the *Philosophical Investigations*, and Quine in *Word and Object* among others, make, I would suggest, sound and convincing arguments for Idealism.⁴⁸ These theorists argue convincingly that we would be mistaken to ascribe existence to anything other than that which has been thought, and that we are misled if we believe in correspondence theories of truth and the reality of discrete “facts” and “propositions.” This is not to say that these things do not exist, only that when we consider them, we are considering them from the standpoint of the mental. Idealism in fact accommodates us to this world, devoid

⁴⁸ Wittgenstein, Ludwig. *Philosophical Investigations* translated by Anscombe, G. E. M. (Oxford: Blackwell, 1953) Quine, Willard V. O. *Word and Object*

of a supernal world of universals that so many have thought must underlie it. For, as soon was pointed out, one could remove God from Berkeley's formulation entirely – as was performed by T. H. Green and F. H. Bradley, themselves following the innovations of Hegel – while yet preserving the integrity of the whole.

However, philosophical idealism, at least as Oakeshott conceives it, is not simply a re-description in other terms of the same reality with which we are already acquainted, or merely the re-deployment in another vernacular of a long forgotten (and perhaps justly) buried theory. We must not underestimate the important consequences of adopting such a theory, which offers a better account of how to understand the world and our place in it, especially a theory as sceptically deployed and metaphysically parsimonious, both about things and about values, as Oakeshott's. It is my contention, however, that the Liberal-Communitarian debate has done just this.

Oakeshott's theory, because of its unstinting scepticism, leaves no room for much-venerated Idealist conceptions such as "the absolute," or "objective world spirit" as employed by some of Oakeshott's predecessors in Idealism such as Green, Hegel or Bradley. Oakeshott's Idealism, instead, banishes from view all those stable and inviolate entities such as intuitions, facts, or judgements that had formerly been used as the foundations of the self or society upon which universal, ahistorical blueprints for society were justified, but which have universally escaped incontrovertible justification.⁴⁹

Oakeshott's conception of experience, however, is one where each new incorporation bears its imprint on the whole, and the whole gives sense to the incorporation, with no element ever achieving complete stability or certainty in the face of any new experience until a situation of perfect knowledge has been achieved. This achievement, however, is a practical if not theoretical impossibility, which goes some way in explaining Oakeshott's banishment of the idea of the absolute.

(Cambridge: Massachusetts Institute of Technology, 1960)

⁴⁹ Oakeshott, Michael. *Experience and its Modes*, p.9

For Oakeshott, who understands philosophy as experience without arrest, modification or presupposition, philosophy must always confine itself to the exploration of the local and contingent. In the case of metaphysics, this concerns things; in ethics, values.

So when we come to examine Oakeshott's understanding of the mode of practice, we shall see that ethical philosophy so understood may never produce universal, ahistorical criteria with which we may regulate our polities: understanding is always historical, and as such is always less than universal.

This is, on the face of it, an exceedingly radical position – not the contention that metaphysical realism about things does not obtain, which we shall also examine in this chapter – rather, the related suggestion that *ethical realism about values* does not obtain, which we shall examine in the next.

While those theorists whom I shall subsequently examine agree that realism about values does not obtain – or rather their arguments do not depend upon realism about values obtaining – they yet persist in setting out rules for ethical behaviour, which can only hold together on a foundation of realism. Without such realism about values, arguments about how we ought to conduct ourselves, as exemplified by the members of the Liberal-Communitarian debate, shift from philosophy to politics – politics based on a faulty Rationalism, which render them either ineffectual or deleterious.

2 – 5 The Subject Matter of Philosophy – Experience without Arrest, Modification or Presupposition

This passage from *Experience and Its Modes* defines Oakeshott's understanding of the mode of experience, emphasizing the union of subject and object at its core:

“Experience” stands for the concrete whole, which analysis divides into “experiencing” and “what is experienced.” Experiencing and

what is experienced are, taken separately, meaningless abstractions, they cannot, in fact, be separated.⁵⁰

Moreover, according to Oakeshott,

There is no sensation unmodified by apperception; for everything in sensation is presented, not in utter isolation, but as part of a system of experience, as part of ourselves. And separated from this system it loses its character as experience. In short, if we take immediacy seriously, nothing in experience can be said to be immediate; for immediacy and experience are mutually exclusive. Judgement and experience are inseparable. Wherever there is judgement there is inference, and immediacy has given place to mediation.⁵¹

The statement that there may be no perception without there also being judgement, no experience without there also being mediation, has been both affirmed and rejected. This was, however, not always so, and is only so today after the great change in the temper of philosophy that characterises twentieth century philosophy, of which such important writings as W. V. O. Quine's "Two Dogmas of Empiricism," Wittgenstein's *Philosophical Investigations* and Richard Rorty's *Philosophy and the Mirror of Nature* are important examples.⁵² Today, once again, it is generally accepted that there may be sensation without judgement, and experience without mediation. So we have, in effect, come full circle.

When Oakeshott published these words in 1933, theories of knowledge that maintained that sensation could be divorced from judgement, that facts and propositions were inviolate, stable, and unchanging, and that realism obtained, had reached their apogee in the Anglo-American academy. So it was not quite the whole story when I suggested that the background of Oakeshott's thinking was British and German Idealism. By the time of the publication of *Experience and its Modes*, Idealism had been overtaken by the burgeoning Anglo-American Analytic philosophy inaugurated by Russell and Moore's rejection of idealism in the first quarter of this century. And it is against *this* backdrop that Oakeshott wrote.

⁵⁰ Oakeshott, Michael. *Experience and its Modes*, p.9

⁵¹ Oakeshott, Michael. *Experience and its Modes*, p.17

⁵² My point is not that there is nothing in realism: only that the Liberal-Communitarian debate most avowedly is a non-realist debate. Realism as a theory still has zealous adherents whose defences are not so easily dispensed with.

2 – 6 Russell & the Philosophy of Logical Atomism

There are perhaps at least two reasons that can be proffered against singling out Russell's theory of logical atomism as *the* theory that Oakeshott was writing against: first, it would be historically inaccurate (though in my defence it must be pointed out that Russell's influence has been enormous); and second, families of theories, rather than single theories represented by particular theorists, are what tend to be challenged by subsequent thinkers.

Moreover, Russell himself, at least in the phenomenological account of experience presented in *Our Experience of the External World*, saw himself as arguing *against* realism. He did so by adopting a radical scepticism that sought to consign all that was not either the stuff of existential logic or directly perceived to the twin realms of either logical fictions or nonsense.

But Russell, for most of his career anyway, subscribed to one form of realism or another, asserting in *The Philosophy of Mathematics* that he believed in “numbers, the Homeric gods, relations, chimeras and four-dimensional spaces” as being, in part anyhow, ultimate constituents of the universe. Russell was of course later to reduce the population of this overcrowded metaphysical *menagerie* through judicious employment of Occam's razor.

Russell's theory serves as a useful example because it is predicated on a distinction to be found in experience between sense and judgement (a distinction that Oakeshott contends does not and cannot obtain in experience). It is also *essentially* pluralist (insofar as it is predicated upon a conception of discrete and isolated facts), and relies on a correspondence theory of truth (between existential “facts” on the one hand, and mental “propositions” about the world upon the other).

In many respects though, it is not simply the theory of Russell's logical atomism that I wish to make clear, in an effort to give us a better account of *Experience and its Modes*. I also want to make clear that the Anglo-American disposition in

philosophising that came out of the early part of the twentieth-century's political thought and is still very much with us, if perhaps not in its subscription to realism "about things," then in its subscription to the practices of Rationalism of Politics – practices which presuppose the sovereignty of technique of which ethical realism or quasi-ethical realism, Oakeshott contends, is the coeval counterpart. I wish to make clear, then, this asymmetry between philosophical epistemology and practical disposition, which Russell on the one hand preserves in his supposition that pure philosophy is separate from ethics, and on the other hand ignores in his populist writings.

For as will be noted, Oakeshott does not simply present us with a rival epistemology that he takes to offer us a truer account of reality, but he also shows us the implications of such an account. As I will try to show, such a distinction as Russell makes and other distinctions like Russell's provide the foundation upon which normative theorising is built; this is so because the relation between our epistemology and our theory of practical conduct, if not absolutely direct, is not wholly accidental either. And if we take it that such realism *about things* does not obtain metaphysically, this also suggests that those practices which accord sovereignty to technique are similarly suspect, because such "Rationalism in Politics" is most often predicated upon a realism or quasi-realism *about values*.⁵³

But again, it is not my point that no realism as such obtains, or that realism is no longer regarded as obtaining: it is that theorists who theorise normatively disavow such realism in their own theorising, yet continue in the practices of Rationalism in Politics. As I will try to show, today's practitioner of Rationalism in Politics wrongly seeks in his social and political writings and practice to reform the world according to a universalist ethics predicated upon ethical realism or quasi-ethical realism. And so develops a once and for all ahistoricist blueprint for the good society and the good person with which such a society is underwritten. The irony in Russell's case, however, is that both his and Oakeshott's projects spring from a similarly deep and abiding scepticism. Both also result in the

same view of the place and role of pure philosophy as being interpretation and clarification of the world, rather than the determination of normative values.

2 – 7 What There Is, for Russell That Is

In his wonderfully lucid prose, Bertrand Russell in his lecture series, “The Philosophy of Logical Atomism” gives us a very powerful account of what there is, and how we should go about finding it, combined with a sermon setting out the end and purpose of philosophy.⁵⁴ As does Wittgenstein, Russell (and Oakeshott too), here provides us not so much with a theory, as a methodology by which to philosophise.

Russell writes that since the ultimate goal of philosophy is to give birth to new sciences, and then to gracefully release these new sciences to the scientists, philosophy should principally concern itself with empirical analysis and not with the postulation of unwarranted metaphysical entities.

Russell’s logical atomism (not to be confused with logical positivism, though they do share similar practical sensibilities) proposes that it is possible to distinguish in experience between the raw impressions that impugn themselves upon the senses, and the judgements we make about them.

By way of such a distinction, Russell believed a logical world could be built, explaining and sorting all the miscellany of human experience into the objective and the subjective. Rebuilding knowledge so, Russell believed he could finally lay to one side subjects such as religion and aesthetics as a kind of nonsense or extraneous excursion of mind, and by so doing place knowledge upon firm and scientific footings. This grounding of knowledge in science would, he thought,

⁵³ This we shall examine in the following chapter.

⁵⁴ Russell, Bertrand, “Excursus Into Metaphysics: What There Is” in the *Contemporary Analytic and Linguistic Philosophies*, ed. E. D. Klemke (Buffalo: Prometheus Books, 1983), pp.223-232. Lecture VIII of the series “The Philosophy of Logical Atomism.”

rationalise our social and political practice so as to make our world a better and less superstitious place.

The facts or basic building blocks of experience, Russell calls “sensibilia,” a sensible being the fundamental base unit of sensation unalloyed with the subjective judgement that we impose upon experience. “Green patch there,” “loud noise now” are the famous two examples, while “this is good” is certainly not an example, admixed as it is with evaluative judgement. The former we can take to be objective, according to Russell, the latter not. From the contiguous series of such sensibilia, sensibilia being understood as real, one infers certain “logical fictions.” We infer such fictions by combining the truths of logic with the facts of perception so as to allow us to better understand and move within the world, for sensibilia on their own would leave the world a less than intelligible.

As Russell puts it, a logical fiction is an identity consisting of “a system of correlated particulars, hung on one to another by relations of similarity and continuous change and so on.” From a series of sensations of green patches there – sometimes small, sometimes large – one soon infers the tree on the top of that rise, even though nowhere has that tree ever been directly apprehended.

According to Russell, we would be wrong to ascribe absolute existence to the tree by believing that we had had direct impressions of it. That would be epistemologically too ambitious as we do not have first hand acquaintance with the tree, only impressions that lead us to the inference. I may infer such a tree to exist, and there can be said to be a kind of realism here: the sensibilia, sense impressions denuded of judgement, are real. But my supposition that there is such a tree existing can only be a logical fiction, though this in itself shall constitute a fact. And as a fact, it participates in being as a particular exemplar of the universal. The same shall go for the chair that I am now sitting upon: all that I may say of it is that I infer it to exist from the series of connected sensations produced by that chair. Such a logical fiction extends even to the self, which for Russell, along with Hume, simply is the “I” inferred to exist from the sum total of all our experiences of the personal.

Now I have not the time, nor the place to recount in their entirety the intellectual edifices that Russell builds, nor to show all the steps of his argument. The importance of this digression, however, has been only to show the strength of views at the time of *Experience and its Modes* that understood judgement to be separate from sensation, the world to be plural, and that posited a world of facts, unalloyed by judgement. Oakeshott's work, then, is set against a background in which a kind of neutral objectivism, as well as a correspondence theory of truth, have been established.

Those who followed in Russell's footsteps (though not quite Russell himself, for the relation between Russell's pure philosophy and his politics is a very complicated one) promoted the notion that philosophy could direct practical activity through the issuance of normative rules of conduct. But the kind of realism that underlay these rules became, in their absence, part and parcel of the sovereignty of technique that has come to characterise the practices of Rationalism in Politics. For it is a central contention of this thesis, that though such philosophy may have been set to one side, the legacy of such philosophy is still very much with us.

2 – 8 Philosophy, Oakeshott & The Modes in Comparison

Philosophy for Oakeshott is an activity or method that has no terminus or end other than that of understanding and explanation.⁵⁵ It is, in Oakeshott's terminology, a self-moved and self-complete activity that, as Oakeshott will show in his later works (though all the seeds of that later work have been sown here) may never supply normative imperatives of the kind that the Liberals and Com-

⁵⁵ *Experience and its Modes*, by contrast, according to Oakeshott in the opening pages of the work, is to be the examination of a singular theme, that is, the idea of philosophy as experience without arrest, modification or presupposition. Whereas Russell's logical atomism was as its name implies a system for interpreting empirical experience predicated upon "logical atoms," that is, discrete and certain constituents of the universe, Oakeshott's philosophy begins at the farthest remove. Here, rather than with a plurality of determinate atoms, it begins with an undifferentiated *one*. Whereas truth for Russell is a function of correspondence, for Oakeshott it is a matter of coherence.

munitarians demand. It is self-moved in the sense that philosophy as an activity is its own invitation; self-complete in the sense that philosophy need have no purpose or object other than itself. And as Oakeshott shall show, the activity of philosophy may begin with the observations of common sense (in line with much, if not all, of the tenor of twentieth-century philosophy) but these are only points of departure to be superseded. Oakeshott is very keen to make clear that philosophy as an activity necessarily destroys or transforms irretrievably the material with which it begins. Rather than leaving things as they are, as in Wittgenstein's famous dictum, philosophising is for Oakeshott fundamentally a transforming exercise, irrevocably transforming the objects under its gaze. As Oakeshott writes in *On Human Conduct*,

Philosophical reflection is recognised here as the adventure of one who seeks to understand in other terms what he already understands and in which the understanding sought (itself unavoidably conditional) is a disclosure of the conditions enjoyed and not a substitute for it.

The task of Philosophy is for Oakeshott to provide a map of the terrain of human activity from the point of view of the whole. And as “the perpetual re-establishment of coherence” in experience, it is, as Oakeshott understands it, an activity that only ceases with death. As Oakeshott puts it:

The unity of experience, we must conclude, is neither a unity which revolves around some fixed point, nor one derived from conformity to some original datum, nor one which involves mere abstractions, whether these be essences or common elements. It is a unity congenial to a world or system in which every element is indispensable, in which no one is more important than any other and none is immune from change and rearrangement.⁵⁶

2 – 9 Experience & its Modes

“Experience from a particular point of view” could serve as a subtitle for *Experience and its Modes*. For Oakeshott in *Experience and its Modes* is not simply concerned with what might be called pure philosophy as an excursion, say, into speculative metaphysics – he is also concerned with certain modes or ar-

⁵⁶ Oakeshott, Michael. *Experience and its Modes*, p.33

rests in the manifold of experience made along the way that I have previously enumerated.⁵⁷

A mode of experience, for Oakeshott, therefore, is an arrest, or backwater in experience taken as a whole that provides a settled outlook from which to judge and organise experience into intelligible and particular discourses such as those of history, science or practice. A mode is therefore a kind of halfway house toward the establishment of a complete, whole and stable coherent world of all experience. And it is a particular world of experience seen from an arrest in the attempt to make experience fully coherent; its elements are continuously modified and related by all the elements that compose it. So just as all modes of experience are in effect worlds of experience, they are different worlds. Even so, they are similarly defective insofar as they are arrests, abstractions from experience taken as a whole, unstable. Yet as modes they nonetheless comprehend the whole of experience, albeit imperfectly.

A corollary for Oakeshott is that each mode of experience has the quality of autonomy from all other modes of experience, even though they do incorporate the concrete whole of experience. Each mode is separate, independent and distinct and contains its own criteria of truthfulness that may not be applied to another mode of experience without slipping into falsehood. As Oakeshott writes:

It will not be necessary for me to consider in detail the relationship of the world of practical experience with the two other worlds of abstract ideas the characters of which I have discussed – the world of history and science. I have shown, in principle, that all abstract worlds of experience are wholly independent of one another. Between them there can be no passage of argument whatever without the grossest fallacy. What is true for one of these worlds can be neither true nor false for another; it is merely irrelevant. To carry a practical attitude into the world of science or history, or to carry a scientific or an historical attitude into the world of practice, must, in

⁵⁷ These modes of experience are according to Franco what is most distinctive about Oakeshott's conception of philosophy, and what makes Oakeshott's philosophy so peculiarly relevant to our contemporary condition. I suggest, rather, that what makes Oakeshott's philosophy so important is the degree to which he not only theorises his account, but draws out the implications of such an account for our practical lives.

every case, turn what is significant into non-sense, turn what is valuable into something worthless by dragging it into the wrong market: and this, I take it, is the essential character of *ignoratio elenchi*.⁵⁸

In *Experience and its Modes* Oakeshott goes to great lengths to explicate three modes of experience: science, history and practice. These are not the only modes. Oakeshott suggests there may be many more – in *On Human Conduct*, “platforms of conditional understanding” multiply innumerable. Still, these three are forms of experience seen from particular standpoints that Oakeshott considers especially relevant for examining the question of how we ought to live, and reconciling a theory of being with a theory of knowledge. This reconciliation serves him later in the analysis of the difference between rationalist and non-rationalist politics.

2 – 10 Conclusion

So we conclude this introductory chapter on the anti-foundationalist philosophy of Michael Oakeshott. In the preceding discussion I have deliberately tried to stay clear of the practical implications of the idealist metaphysic of *Experience and its Modes*, and have avoided going too deeply into Oakeshott’s metaphysics. The latter I leave to one side as this is not an essay in epistemology or metaphysical realism about things. The former I leave for the following chapter on Rationalism in Politics, save to argue that Oakeshott’s critique of Rationalism in Politics is born out of his idealist metaphysic and is fully consistent with it. I have further gone on to suggest that this feature of Oakeshott is peculiar to him. Other contemporary practitioners have not been so consistent, and have failed to fully come to terms with the consequences of their professed anti-realism insofar as they are still engaged in the practices of Rationalism in Politics. My suggestion has been, and will continue to be, that the proponents of the Liberal-Communitarian debate have gone too far by overreaching what philosophy without realist foundations is capable of in terms of the production of normative prescriptions. For while as I will try to show in the following chapters philoso-

⁵⁸ Oakeshott, Michael. *Experience and its Modes*, p.311

phy may explain, clarify and bring understanding to our social and political theory and practice, it may not direct practice.⁵⁹ Rather than concluding with my words, I here turn to those words with which Oakeshott concludes *Experience and its Modes*:

There is perhaps something decadent, something even depraved, in an attempt to achieve a completely coherent world of experience; for such a pursuit requires us to renounce for the time being everything which can be called good or evil, everything that can be valued or rejected as valueless. And no matter how far we go with it, we shall easily forget the sweet delight, which lies in the empty kisses of abstraction. Indeed, the attempt to find what is completely satisfactory in experience is so difficult and dubious an undertaking, leading us so far aside from the ways of ordinary thought, that those may be pardoned who prefer the embraces of abstraction. For, if these but give little satisfaction, and give what little not for long, it is at least a tangible and certain satisfaction while it lasts and should not be despised.⁶⁰

⁵⁹ Now it has sometimes been pointed out that in Oakeshott's later writings he does not enforce the opaqueness of the modes to each other, and that, strictly speaking, such incommensurability between the modes is hard to maintain. How can someone at once be a historian, later a Philosopher, and, lastly, a scientist with no possible communication between the various modes such that something learned while engaged in one mode may not be used in another? I am not sure to what degree this is a devastating objection. For it seems clear that a man may speak many languages, engage in many differing practices, knowing the limits of each, being that same man. However, that said, experience of one mode aids understanding of the others.

⁶⁰ Oakeshott, Michael. *Experience and its Modes*, p.356

Chapter 3 – Oakeshott, the Self of the Mode of Practice, the Idea of Rationalism in Politics & the Alternative of Rational Conduct

When we meane to build,
We first survey the Plot, then draw the Modell,
And we see the figure of the house,
Then must we rate the cost of the Ereccion,
Which if we finde out-weighes Ability,
What we do then, but draw a-new the Modell
In fewer offices? Or at leas, desist
To builde at all? Much more, in this great worke,
(Which is (almoft) to plucke a Kingdome downe,
And set another up) should we survey
The polit of Situation and the modell;
Consent upon a sure Foundation:
Question Surveyors, know our own estate,
How able such a Worke to undergo,
To weigh against his Offposite? Or else;
We fortifie in Paper and in Figures,
Using the names of men, instead of men:
Like one, that draws the Modell or a house
Beyond his power to builde it; Who (halfe through)
Gives o're and leaves his part-created Cost
A naked subject to the Weeping Clouds,
And waste, for churlish Winter's tyranny.
– Lord Bardolphe's Speech, Henry IV, Part 2, I, iii, 58

3 – 0 Preface to the Idea of Oakeshott & Rationalism in Politics

In the last chapter, I detailed Oakeshott's exploration of the idea of philosophy as experience without arrest, modification, or presupposition and the conception of mind that underlay it. I did not, however, discuss in depth the three modes or arrests in the manifold of experience as a whole that hold Oakeshott's special attention there: the modes of history, science and practice.

Science, I shall lay to one side as not particularly relevant to our endeavour. The mode of history I shall take up a little later. In this chapter, I shall first examine the mode of practice, and the conception of the self that lies at the heart of it, for Oakeshott's critique of Rationalism in Politics is built upon the mode of practice and the conception of the self with which it is underwritten.

Following upon this discussion, I will outline Oakeshott's critique of Rationalism in Politics and the related morality of the self-conscious pursuit of ideals. I will then show the deleterious consequences of Rationalism in Politics and the morality of the self-conscious pursuit of ideals in our contemporary ethical practice. Lastly, I will outline Oakeshott's understanding of Rational Conduct and the morality of habit and custom, proposing them as a salve for our current condition.

3 – 1 Introduction to the Idea of Rationalism in Politics

“Rationalism in Politics” is the blanket term that Oakeshott gives to what he considers to be the most remarkable feature of our contemporary political practice, a development which Oakeshott suggests is coeval with the failed project of the enlightenment to deduce a tradition-independent justification of the Liberal, individualist viewpoint.

The deduction of such a tradition-independent justification of the Liberal, individualist viewpoint has failed us, according to Oakeshott, in two related ways. It has failed insofar as it has not proven possible to discover a realist, objective world of values having a superior scope compared with the values of particular local communities; and it has failed insofar as the instrumental mind hypothesised to make good this lack, a mind in principle capable of independence from the values, traditions and practices of which it is composed, has similarly been shown not to obtain. Despite these failures, Oakeshott portentously intones, nearly all our politics have become “rationalist” or “near rationalist” and the morality of the self-conscious pursuit of ideals has prevailed over the morality of custom and habit. I do not mean to dispute this characterisation.⁶¹ But I would like to point out that what underlies Rationalism in Politics, and the failure of the project of the Enlightenment to deduce a tradition-independent justification

⁶¹ It remains, however, to be seen how far we may relieve ourselves of such a condition; still, the realisation that we are in such a situation is a first step toward its amelioration.

of the Liberal, individualist viewpoint, is the emotivist or instrumental self that Oakeshott, MacIntyre and Taylor are so concerned to reject.

3 – 2 Introduction to Oakeshott’s Understanding of Rationalism in Politics

“Rationalism,” as it is generally understood, is the view that all practical activity ought to be guided by reason. And the bearer of such reason, for Oakeshott, in Enlightenment Rationalism, is the instrumental mind or what Alasdair MacIntyre terms the emotivist self, and Taylor the unembedded self.⁶² Unlike MacIntyre, Taylor and Richard Rorty, Oakeshott does not suggest that Rawls has employed such a self. The conception of instrumental reason, which underlies such rationalism, has at its centre, according to these theorists, a vision of the mind as a neutral instrument, operative and in principle self-complete, ultimately independent of the materials, values and practices with which it is engaged. Such a view of mind was invented as a way of creating or discovering values independent of any particular tradition, in the interest of establishing norms upon which we might base a rational society. Of course, this view of mind is directly counter to the conception of mind that Oakeshott presents in *Experience and its Modes*. There, he argues that mind is inseparable from the objects of its contemplation (whether these be of values or things) and that the idea of mind as a neutral instrument presupposed by instrumental reason and exemplified, for example, by Descartes’ *Cogito* was and is a conceptual impossibility.

This understanding of Rationalism, which suggests that all activity ought to be guided by instrumental reason, and that the mind is a neutral instrument, has contemporaneously spawned, according to Oakeshott, a mistaken conception of the knowledge that undergirds practice. It has illegitimately, according to Oakeshott, accorded sovereignty to technique – the type of knowledge that may be formulated and written within the pages of a book, as opposed to the unwritten knowledge that is passed on from master to apprentice. And in so doing, it has not taken sufficient account of the practical “knowing how” that, Oakeshott tire-

lessly argues, is an essential component of our successful theory and practice. The relation between this mistaken account of mind and this distorted conception of practice is complex and indirect, though the rise of both has been more or less coeval.

Alongside the rise of this mistaken account of knowledge, indeed whose origins greatly precede it and may be considered a precursor to it, has been the rise and prevalence of a morality of the self-conscious pursuit of ideals over the morality of custom and habit.

Regardless of the tangled relations between these various strands of our political and ethical culture, this emphasis of ideals over customs, according to Oakeshott, has had the effect of threatening the hard-won panoply of freedoms with which Oakeshott and we associate the modern civil condition; it has also had the effect of undermining the traditions of “knowing-how” and the morality of custom and habit whence such freedoms ultimately originated.

It is, therefore, Oakeshott’s contention that in order to rejuvenate our political practices and ethics we must forswear such rationalist practice and self-conscious morality for what Oakeshott understands as truly rational conduct, underwritten by the morality of custom and habit, which Oakeshott understands as “The Pursuit of Intimations.”

That said, this misconception concerning knowledge and self, the rise of self-conscious morality over that of custom and habit, manifests itself in our political and ethical practice not only in the attempt to divine a permanent blueprint for the good society and the good person: it also manifests itself as the attempt to impose this blueprint on society. In Godwin’s words (whom Oakeshott notes most Rationalists would disagree with, though Oakeshott suggests they would have little reason for doing so) the ultimate view of the rationalist states that,

⁶²Taylor’s unembedded self and MacIntyre’s emotivist self will be examined in detail in subsequent chapters, chapters 8 and 9 respectively.

There must in the nature of things be one best form of government which all intellects sufficiently aroused from the slumber of savage ignorance will be irresistibly incited to approve.⁶³

But Rationalism in Politics in Oakeshott's view is more than this. It is the politics of "the felt need," and the marshalling of instrumental reason to solve the unending crises of the moment: it is the politics of "uniformity" and "perfection." And it is above all else the politics of the self-contained ideology – the self-contained ideology presumed independent of the contingent tradition of behaviour to which, Oakeshott notes, it can only be the spectral abridgement.⁶⁴

3 – 3 Oakeshott & The Idea of Philosophy as Experience without Arrest, Modification or Presupposition Revisited

In *Experience and its Modes*, as I discussed in the last chapter, Oakeshott set out to explore a single theme: the theme of experience without arrest, modification, or presupposition.⁶⁵ The exploration of this single theme provides the groundwork, if we may call it that, for Oakeshott's anti or non-foundationalist conception of political philosophy and the morality of custom and habit. This is the

⁶³ Oakeshott, Michael. "Rationalism in Politics" in *Rationalism in Politics*, p.10

⁶⁴ There are, of course, other versions of rationalism, such as the Rationalism of politics of collectivism. This dissertation concentrates upon the liberal, individualist form, but that said, Oakeshott's critique of Rationalism in Politics is not limited to the Rationalism of Liberal, Individualist politics.

⁶⁵ As Oakeshott's sceptical idealist conception of philosophy and the mode of practice has been taken up in greater detail in the preceding chapter, my discussion of these topics in this Chapter shall be brief. I do wish to connect such exegesis with what we have previously covered, to show the continuity and consistency of Oakeshott's idealist conception of philosophy with his political philosophy and critique of Rationalism in Politics. This is to go against those critics who have suggested a fundamental disjunction between the two. The effect of such a point is to suggest that the essays of *Rationalism in Politics* are more political than philosophical. They are thus presumably more easily dispensed with as the outpourings of a conservative ideologue concerned to meddle in our political practice. I argue against this by arguing the essays of *Rationalism in Politics* are, indeed, a logical extension of Oakeshott's idealist ruminations in *Experience and its Modes*, though not without changes. They should be considered firstly in terms of their philosophic import, and only secondly for their political implications. I also hope to show that even so, in Oakeshott, there is no necessary contradiction between his arguments against normative political philosophy and his participation in the practice of politics.

foundation upon which Oakeshott later builds his critique of Rationalism in *Politics* in the essays of the same name and his “ideal character” of civil association found in *On Human Conduct*. These latter works we may understand as the drawing out of the practical and political implications of the single theme that occupied Oakeshott in *Experience and its Modes*.

The principal concern of this exploration of philosophy in *Experience and its Modes* is, of course, to reject realism (of values and of things) as a valid or true understanding of the ultimate constituents of our world of experience, and, as well, to understand what it is to live in such a world without a notion of realism attached to things or values. Coupled with this is the aim of rejecting a certain related conception of mind as a neutral and disembodied instrument in principle capable of complete independence of the values that, Oakeshott argues, it is inexorably bound with. However, Oakeshott also seeks to embody a conception of self independent of material causation.

3 – 4 The Modes of Experience, Again

In exploring the theme of philosophy as experience without arrest, modification or presupposition, Oakeshott is concerned to examine three “arrests” or “modes” of experience: those of history, science, and practice. Each mode (the expression Oakeshott takes from Bradley by way of Spinoza) is an “arrest” in the process of achieving complete and coherent experience (a practical if not logical impossibility) that results in a settled and determinate outlook. The mode of experience that under girds Oakeshott’s understanding of the deleterious practices of Rationalism in *Politics* is that of practice, underwritten as it is by Oakeshott’s conception of the embedded, practical self.

3 – 5 Oakeshott’s Conception of the Self

Oakeshott’s mode of practice is predicated upon a very particular conception of the self, a conception of the self that presupposes a world of separate and dis-

crete selves. And unlike other conceptions of the self such as, say, hypothesised by Kant and even one interpretation of the early Rawls, Oakeshott's conception of the self rejects outright the notion of the self as in principle or practice capable of complete disengagement with the principles and practices that constitute it. Oakeshott's self is of course an engaged or embedded self – insofar as it is for Oakeshott, as it is also for Taylor and MacIntyre, incoherent to think of such a self as anterior or separate to the values, practices and history that compose self but which are not identical to it. As such, it is a self nonetheless always capable of self-reflection and self-determination, and is not a self so radically engaged as to be without any degree or degrees of freedom.

For Oakeshott,

Freedom [then]... is a practical idea, an idea which has relevance in the world of practical activity and nowhere else... Freedom and necessity are conditions of the mind which has achieved (or failed to achieve) practical truth. They are conditions of the practical self... The only truth that makes a man free is practical truth, the possession of a coherent world of practical ideas. Indeed, practical truth and freedom seem to me inseparable; where the one is, the other will be found also.⁶⁶

Oakeshott's point here is that the idea of freedom in the absence of the practical conditions of a coherent world of truth and a world of interlocking moral practices (as, say, in the civil condition), in which agency may be freely exercised, is incoherent at best, deeply misleading at worst.

This may not seem a particularly shattering proposition; however, if we couple this with Oakeshott's anti-realism, both of things and of values, and with Oakeshott's understanding of the correct relation between theory and practice, we begin to see the depth and breadth of his theory and its implications. And, in examining his views on the importance of the morality of custom and habit, and the deficiencies of the morality of the self-conscious pursuit of ideals, we begin to see the uniqueness of Oakeshott's relativism, and the import of his belief that philosophy may never direct practice.

⁶⁶ Oakeshott, Michael. *Experience and its Modes*, p.268n

3 – 6 The Self & The Mode of Practice

The mode of practice is for Oakeshott the world of experience considered *sub specie voluntatis* or from the standpoint of will. And the first notion concerning the mode of practice and of the self that Oakeshott would dissuade us of is the view that thought and actions are on their own separate and distinct entities.

“‘What happens’ in practical life” Oakeshott has it, “is not the material of thought, it belongs itself to the world of thought; ‘action’ is not the product of thought, it belongs itself to the world of thought.”⁶⁷ The converse is also true: theory is derived from and indeed derivative of practice.

That said, however, the mode of practice presupposes for Oakeshott, unlike the other modes which are singular, two separate and ultimately irreconcilable worlds, both “the world as it is,” and “the world as it ought to be.”⁶⁸ And in this disagreement between “what is” and “what ought to be” is where agency, morally speaking, finds its home.

Agency is ultimately, for Oakeshott then, the recognition of perceived dissatisfactions in the world and the agent’s attempt to reconcile the world “as it is” with the world as “it ought to be,” in an effort to make that agent’s world of practical experience an ever more coherent world. In this discrepancy between “what is” and “what *ought* to be” value enters. As Oakeshott writes,

Valuation, then, is thinking; and it is subject to the criterion common to all forms of judgement and all worlds of ideas. The criterion by means of which we distinguish what is valuable among the things we take to be valuable, the criterion by which we determine the truth or falsehood of our judgements of value, is not correspondence with some external standard, but the coherence of the world of value itself. The reason why anything is taken to be valuable is because it appears to make our world of values coherent; and the reason why anything is valuable is because the coherence of the world of value depends on its acceptance.⁶⁹

⁶⁷ Oakeshott, Michael. *Experience and its Modes*, p.251

⁶⁸ Oakeshott, Michael. *Experience and its Modes*, p.256

⁶⁹ Oakeshott, Michael. *Experience and its Modes*, p.278

As such, for Oakeshott, the world of practice is not simply that of mere thoughts or mere actions, but also that of the values and judgements that we impress upon and derive from the world: “The world of practical experience is a world of judgements, not of mere actions, volitions, feelings, intuitions, instincts or opinions.”⁷⁰ Every judgement, indeed, is itself an assertion of reality. For Oakeshott, the mode of practical experience is an unstable and ongoing enterprise. He writes,

The resolution of the discrepancy which practice undertakes can never finally be accomplished. No sooner is it realised at one point in the world of experience, then a new discord springs up elsewhere, demanding a new resolution, a fresh qualification of “what is here and now” by “what ought to be.”⁷¹

The standard of truth, then, in the mode of practice is the degree of coherence of practical experience taken as a whole: “Practical truth is the coherence of this world of practical experience.”

This has for Oakeshott a number of important implications. For one thing, such a view rules out a pure, universal objective realism about values, by which I mean a realm of values anterior or superior to any community that may or may not embody some or all of them. What is valuable is so for Oakeshott because of its relation to and coherence with our world of practical experience, and not because it conforms to any external or inviolate standard of that which is good and right.

However, this is not to say that the agent is independent of values or is capable of creating values *ex nihilo*. There is no solipsism here. Neither is the agent some Nietzschean author of all values, nor is an Oakeshottian agent completely bound to a pre-existing set of values over which he has little or no influence; rather, Oakeshott’s agent always lives within a horizon of values, derived from the practices and values of the society that he lives within, always maintaining

⁷⁰ Oakeshott, Michael. *Experience and its Modes*, p.256

⁷¹ Oakeshott, Michael. *Experience and its Modes*, p.291

the freedom to reflect upon them and act to change them so as to make his world, for himself, an ever more coherent world. As Oakeshott puts it,

If anything were a matter of *mere* opinion there could be no difference of opinion. It belongs to the character of a mere opinion that it can never be contradicted: in the region of mere opinions, what one asserts the other never denies.⁷²

So while there is no external subjective realm of good and right as a standard for our actions, there is yet a world of values superior to the agent in which an agent exercises his agency. In other words, there is an objective system of values and mores within which an agent operates, specific however to the community of agents in which the individual lives, but not superior, external or universal to the community. As Franco writes of Oakeshott's mode of practical experience:

For Oakeshott, then, practical life does not consist of isolated "actions, volitions, feelings, intuitions, instincts or opinions"; it is a world of experience. Nothing in it is simply given, immediate, brute, irrational, or unconditional. Every action, intuition, and opinion belongs to a world of meaning and is what it is by virtue of having a place in that world. None escapes the criterion of experience; each must be judged in terms of its contribution to the coherence of the world of practical ideas. *Oakeshott's view of practical experience has nothing to do with any sort of simple-minded relativism.*⁷³

3 – 7 The Morality of the Self-Conscious Pursuit of Ideals & the Morality of Custom & Habit

We now come to what Oakeshott understands as morality. Morality for Oakeshott in *Experience and its Modes* is the conscious and unconscious engagement in the coherent and interlocking social practices of the community of which one is a part.

As I have already suggested, Oakeshott understands Western Europe to have hosted two rival versions of morality: the morality of custom and habit, and the morality of the self-conscious pursuit of ideals. However, they have not always existed on an equal footing, with the morality of the self-conscious pursuit of

⁷² Oakeshott, Michael. *Experience and its Modes*, p.254

⁷³ Franco, Paul. *The Political Philosophy of Michael Oakeshott* p.59 emphasis mine.

ideals gradually gaining ascendancy over the morality of habit and custom in the years since the rise of Christianity and the downfall of Imperial Rome. Oakeshott suggests the self-conscious morality bequeathed to us by our Roman-Greco and Christian inheritance created a rich soil in which the practices of Rationalism in Politics might more easily flourish. He writes:

The morality of these (early Christian) communities was a custom of behaviour appropriate to the character of faith... It was a way of living distinguished in its time and place by the absence of a formulated moral ideal... But over these earlier years, in the first of the two centuries, came a great change. The habit of moral behaviour was converted into the self-conscious pursuit of formulated moral ideals... A Christian morality in the form of a way of life did not, of course, perish, and it has never completely disappeared. But from this time in the history of Christendom a Christian habit of moral behaviour (which had sprung from the circumstances of Christian life) was swamped by a Christian moral ideology.⁷⁴

Now it is important to understand that though these two moralities are in some way in competition, they are not mutually exclusive. Indeed, the morality of the self-conscious pursuit of ideals would be incoherent without the morality of custom upon which it is founded. However, there are of course important differences between the two that we must examine.

The morality of custom and habit is the earlier form of morality that we are perhaps best acquainted with from the ethical writings of Aristotle. Therein, Aristotle argues for an account of morality understood as the inculcation of the virtues and habits of the well-educated, magnanimous man or *Phronimos*. Virtue here is a matter of acting in the right way, to the right situation, and to the right degree, and is more a matter of reflexive habit than it is the conscious employment of particular, moral ideals, as has become much more prevalent in the modern era.

By contrast, the morality of the self-conscious pursuit of ideals is a very much newer innovation, coextensive with the rise of Christianity and characterised by a morality much more obviously reflective, self-conscious, and oriented around

⁷⁴ Oakeshott, Michael. *Rationalism in Politics*, p.483

particularly modern ideals such as justice, freedom, equality, distributive justice and so forth.

3 – 8 The Defect of the Mode of Practical Experience

As with all other modes of experience, the mode of practice itself is radically defective and may not trespass upon the other modes without slipping into *ignoratio elenchi* or the error of irrelevance. As Oakeshott writes, “science, history, and practice, as such cannot collide; they are merely irrelevant to one another.”⁷⁵ What is resolved in practical experience, according to Oakeshott, always creates new incoherences to be resolved:

Practice, we have seen, is the alteration of practical experience. And practical experience is a determinate world of ideas never in practice to be wholly transformed... the resolution of the discrepancy which practice undertakes can never finally be accomplished. No sooner is it realised at one point in the world of experience, then a new discord springs up elsewhere, demanding a new resolution, a fresh qualification of “what is here and now” by “what ought to be.”⁷⁶

The ultimate defectiveness of each and every mode of experience disallows the results and theorems of any particular mode of experiencing from being used in another, different mode of experience; this entails that the results of science, or the conclusions to history, may not be dragged into the mode of practice to direct our conduct.

Philosophy is itself, as Oakeshott is very keen to make clear, an escape from practical life – a holiday excursion, as it were. But a holiday excursion in which the souvenirs brought back may not be employed at home in practice.

In terms of the relation between theory and practice, philosophy and politics, Oakeshott is with Plato, when he reiterates that for us what is farthest from our needs is that philosophers should wish to be kings, or that kings should endeavour to be philosophers. With Hegel, and against Marx, Oakeshott believes the

⁷⁵ Oakeshott, Michael. *Experience and its Modes*, P.316

purpose of philosophy is not to change the world, but to interpret it. To change the world through the employment of philosophy is to become “that most deplorable creature,” the Rationalist in Politics.

3 – 9 Reiterating the Self & the Mode of Experience of Practice

To recount, Oakeshott in *Experience and its Modes*, in delineating the mode of practice and the conception of the self which underwrites it, aims to establish the following points:

1. That the self of practice presupposes a world of separate and discrete selves.
2. That the self of practice is composed of the values and norms in which it is engaged, but is not identical to such values, as it is always in principle, and in practice, capable of reflection and action upon such values.
3. That the idea of freedom is an idea of practical experience.
4. That practical activity is itself a form of experience and therefore “a world of ideas.”
5. That thought and action are one.
6. That the mode of practice, unlike the other modes, presupposes two worlds, the world “as it is,” and the world, “as it ought to be.”
7. That in the discrepancy between “what is,” and “what ought to be,” the realm of value enters.
8. That which is valuable is that which makes the world of practical experience a more coherent world of experience.

⁷⁶ Oakeshott, Michael. *Experience and its Modes*, p.288 & p.291

9. That the realm of value, owing to the above, is not anterior or superior to the world of practice.
10. That such a world of ideas as practice is, however, abstract and defective from the point of view of the whole.
11. That the standard of truth in the mode of practice, as with every mode, is the coherence of this mode of experience as a whole.
12. That the defect of the mode of practical experience lies in the impossibility of the mode of practice finally achieving complete coherence between “what is” and “what ought to be.”
13. That such a world or set of ideas, because it is defective, cannot directly relate with other forms of experience; in other words, that the criteria of truthfulness of the mode of practice may not be legitimately used to determine truthfulness in any other mode.
14. And that, finally, from the standpoint of the whole, such a world of ideas must ultimately be rejected as a complete and autonomous world of ideas.

Oakeshott maintains such views not only because they cohere with his idealist conception of philosophy, but also because he considers will to be a part of intellect or intelligence, and not some anterior or separate faculty of agency, such as perhaps Kant or even the early Rawls supposed. Oakeshott's point is that mind is inseparable from the objects of its engagements, and that it is a fallacy to consider it in abstraction from them, as we shall see when we come to discuss Kant's *noumenal* world or “the original position” that lies at the centre of Rawls's *A Theory of Justice*. Similarly, it is a fallacy to believe that underlying the world of appearance is a supernal realm of universal values superior to the values of any particular community.

Again, as with the other modes, the mode of practice is defective and abstract; however, its principal defect lies not in its being incomplete, though it is that too, but in its inherent indeterminacy. The mode of practice is defective because it always presupposes a deficiency to be rectified and presumes that in the subsequent rectification “what was” changes to “what ought to be.” Here, however, complete satisfaction may never be had, as in Hobbes, since new dissatisfactions will always make themselves known and demand correction. There is for Oakeshott, therefore, except for “the empty kisses” of philosophical abstraction, no way to get outside of practice, aside from death. Philosophy is, indeed, a kind of death.⁷⁷

3 – 10 What is Rationalism in Politics? Does it result from the Realism of Values & of Things Related Previously? No. But it is not Unrelated Either.

Now that we have Oakeshott’s idealist conception of philosophy in place, and at least a smattering of the role of the mode of practice and the function of the self within it, we may begin to discuss Oakeshott’s critique of the practices of Rationalism in Politics. For it is this work which has gained Oakeshott his most fervent admirers, as well as his staunchest critics. Let us then turn to this critique, as it is important that we understand what Oakeshott does and does not mean by it.

The practices identified and characterised in *Rationalism in Politics*, as I have already stated, are the coeval development of a certain manner or style of politics based on a certain conception of foundationalist philosophy and/or the conception of the instrumental mind that arose to replace it. What I am suggesting is, with the decline of belief in a realist world of values as say held by the ancient Greeks, the belief in the instrumental mind arose to compensate for this universalist shortcoming. It is these conceptions of both mind *and* values, things *and the* world that Oakeshott takes such pains to argue against in *Experience*

⁷⁷ Oakeshott, Michael. *Experience and its Modes*, p.257

and its Modes: that is, realist or foundationalist conceptions of knowledge or practice of any kind, and/or the mind as a neutral instrument.

The practices of Rationalism in Politics, however, are not as they might initially seem the direct result of the employment of a mistaken epistemology in political philosophy, such as the foundationalist ones we considered in the last chapters; nor are they the direct result of the instrumental conception of mind also discussed.

The “hidden spring” (Oakeshott’s term) of Rationalism in Politics can, however, be seen to be associated with, though not the direct result of, the two doctrines of knowledge and the two conceptions of the self presented in *Experience and its Modes*. There is a relation, though the connections may be difficult to untangle, between the idealist account of epistemology therein presented as the true account and the misconceived metaphysical realism and/or instrumental mind that Oakeshott’s idealism and embedded conception of mind is so set against.

The theories that underlie the misbegotten practice of rationalism are for Oakeshott the same theories that he argued so vehemently and carefully against in *Experience and its Modes*. These include all those realist or near-realist theories concerning things, running the gamut from Plato’s theory of ideal forms, Russell’s Logical Atomism, Logical Positivism, Cartesian Rationalism and so forth. They also include the conception of the neutral or instrumental self, the self in principle capable of abstractions from the materials, values and practices of which it is composed. It also includes those theories claiming realism about values, such as G. E. Moore’s indefinable, non-natural, though identifiable sense of the good.

Rationalism is the view, above all, that our practical conduct must be guided by reason. And the form that such Rationalism takes is that of maxims, rules and techniques that we may apply.

According to Oakeshott, for every activity, for every practice or set of practices that one may engage in – from thatching a roof, to ruling a modern state – there are two sorts of knowledge that one may draw upon, though there is no strict division between them. There is technical knowledge or knowledge of technique, that is, knowledge that can be precisely formulated in rules and transmitted in books. Secondly, there is practical knowledge, that is the knowledge or experience of “knowing-how” that has to be passed on through demonstration, and is not susceptible of precise, written formulation. This “knowing-how,” whether we understand it as connoisseurship, artistry, or judgement, is not easily transmitted through books or other non-apprentice-like means: it exists only in use, and is passed on through one-on-one demonstration and practice. The normal manner of its expression is in custom, habit or practice, and the normal manner of its transmission is through the apprenticeship of a student to a master. It is what Aristotle meant by *phronesis*. Oakeshott explains the distinction between these forms of knowledge thusly:

Technical knowledge can be learned from a book; it can be learned in a correspondence course. Moreover, much of it can be learned by heart, repeated by rote and applied mechanically: the logic of a syllogism is a technique of this kind. Technical knowledge, in short, can be both taught and learned in the simplest meanings of these words. On the other hand, practical knowledge can neither be taught nor learned, but only imparted and acquired. It exists only in practice and the only way to acquire it is by apprentice to a master – not because the master can teach it (he cannot), but because it can only be acquired by continuous contact with one who is perpetually practicing.⁷⁸

Whereas technical knowledge is necessarily defective, abstract and less than the whole, practical knowledge is incapable of being articulated in the form of written rules. Oakeshott’s point here is that every manner of expertise is composed of these two kinds of knowledge, with technical knowledge, however, being but the shadow of the practical knowledge from whence it is derived. And this is where the Rationalist’s preference of reason over experience translates into his preference for technique over practical knowing-how. Oakeshott terms this the “sovereignty of technique.” He writes,

⁷⁸ Oakeshott, Michael. *Rationalism in Politics*, p.15

Now, as I understand it, Rationalism is the assertion that what I have called practical knowledge is not knowledge at all, the assertion that properly speaking, there is no knowledge which is not technical knowledge.⁷⁹

Though Oakeshott's suggestion concerning how we ought to understand knowledge may seem a modest one, Oakeshott's point is really much wider, for it suggests that such statements of principles as say, the United States Constitution, are really only shadows of the traditions and practices from whence they have been derived and that as such their widespread application is likely to be ineffectual, if not deleterious.

Examples of Rationalism in Politics may be seen in those ill-fated attempts to plant and foster western institutions in parts of the world where the natural conditions necessary to nurture such institutions are lacking. The relative success of such post-communist countries such as Slovenia and Hungary, as compared to the much more primitive and less successful Albania, readily come to mind. In the case of Slovenia and Hungary, these countries were already deeply imbued with the practices and conditions of successful western institutions and practices through their pre-war participation in the Austro-Hungarian Empire. Even a half-century of living under radically different political institutions and practices did not completely stifle them. For Albania, by contrast, no such pre-existing institutions exist, living as it did prior to the first world war as a *Pashalik* of the Ottoman Empire, and as it did after the war effectively and completely isolated from the rest of the world by Zog and later Hohxa.

In these examples, and many others, this assertion of Rationalism denigrates and devalues the practical knowledge from which technical knowledge must ultimately derive. For Oakeshott, technical knowledge is in truth the inferior variety, a pale echo of the practical knowledge upon which Rational Conduct necessarily depends. In the political realm, however, traditional political practices or *nous*, which are necessary, Oakeshott contends, for our successful governance, have been largely supplanted by the deleterious practices of Rationalism in Politics.

⁷⁹ Oakeshott, Michael. *Rationalism in Politics*, p.15

This is not to say that such abridgements of practice as say defined in the rights of man or the Constitution of the United States of America do not have their place; Oakeshott is careful to add that they may aid in the clarification and evaluation of the principles that may be understood as underwriting our traditions and practices. His aim is to suggest that their place be recognised correctly, and that like the fable of the cart and horse, the cart not be put before the horse or the principles made to direct the practices from which they are derived.

3 – 11 Rationalism in the Field of Politics

As Oakeshott has famously written, “Rationalism has ceased to be merely one style of politics and has become the stylistic criterion of all respectable politics.”⁸⁰ But what is this stylistic criterion? Before we answer this, we should differentiate between what we might understand as Rationalism in Politics on the micro, macro and global scales. On the micro-scale, we may have the example of someone trying to build a guitar through reading various treaties on the arts of the luthier. Even with the best materials, and the best books, he is unlikely to produce an instrument worthy of the art. Much better would he be to apprentice himself to an accomplished and experienced luthier and learn first-hand how guitars are constructed. This is, of course, a minor example. On the macro scale, we may have the example of a politician or a director of a large corporation. No matter how much acquaintance he may have with political philosophy or the books of business management, nothing will prepare him for office other than the practical experience of holding such an office. On the global scale, we have the idea of the UN, of a cosmopolitan Liberal utopianism, and so forth.

Examples of such Rationalism in our Politics abound and at this juncture we may be better served through example rather than definition. In the essay of *Rationalism in Politics*, among others, Oakeshott cites these:

The notion of founding a society, whether of individuals or of States, upon a Declaration of the Rights of Man is a creature of the rationalist brain, so also are “rational” or racial self-determination

⁸⁰ Oakeshott, Michael. *Rationalism in Politics*, p.21

when elevated into universal principles. The project of the so-called Re-Union of the Christian Churches, of open diplomacy, or a single tax, of a civil service whose members “have no qualifications other than their personal abilities” of a self-consciously planned society, the Beveridge Report, the Education Act of 1944, Federalism, Nationalism, Votes for Women, the Catering Wages Act, the destruction of the Austro-Hungarian Empire, the World State (of H. G. Wells or anyone else), and the revival of Gaelic as the official language of Eire, are alike the progeny of Rationalism.⁸¹

We could easily add to this many more: The founding of the European Community and its current concern with the successful establishment of European Monetary Union, the Millennium Dome at Greenwich, bilingualism in Canada, British constitutional reform and so on. The list is (practically) never ending, for as Oakeshott points out, the necessary failure of a rationalist project in politics merely creates “the felt need” for another rationalist project to take its place and correct its defects.⁸²

These examples are all products of the Rationalist mind, a concept which accords sovereignty to technique and devalues practical knowledge. This is not, however, to disparage every project in which laws have been codified and applied as without use or warrant and as examples of rationalism in politics; for many such projects, such as the rights of women, have indeed been effective and continue to be so. But such examples are special insofar as they are the codification of intimations already inherent in our traditions. As such, their codification can be viewed as a response to customs and habits already present or developing within society, and therefore as an attempt to make more coherent our pre-existing practices. As ever, the standard of conduct and the arbiter of what is of value and what is not, what is good and what is right, is that of the coherence of our practice as a whole. A legislator or ruler who is acquainted with and acculturated in the practices, traditions and intimations of the society that he is to direct and manage is, therefore, always the pre-condition for a society’s successful governance.

⁸¹ Oakeshott, Michael. *Rationalism in Politics*, p.11

⁸² Oakeshott, Michael. *Rationalism in Politics*, p.16

As to the success of certain projects of the rationalist mind, the parallel examples of the relative successes and problems of the French and American constitutions also come to mind. The American constitutions succeeded mainly because they were conceived and implemented in a sparsely populated country largely populated by English speakers. Moreover, America was an English speaking society whose aims, aspirations, traditions and practices were not unlike those of England, whence the rights, privileges, and duties outlined in the constitutions ultimately derived. It is no coincidence that Locke's *Two Treatises* should have had such enduring resonance and application in North America. Compare this with the example of France, a country very different from England, and one in which the principles of the first republic caused much anomie and strife.

The danger with Rationalism in Politics, according to Oakeshott, is that as an abridgement of an existing social practice, when it is enforced on a society or place where it is either inappropriate or the supporting conditions for its necessary fruitful exercise do not exist, it is in itself insufficient.

What might be termed the general theory of Rationalism in Politics is thus composed of the following:

By way of technique, the formulation of an inappropriate ideology or blueprint for society (i.e. "the end"). Inappropriate insofar as not derived from the traditions and practices of the society but from either another society, or through the self-conscious pursuit of a rarefied and empty ideal.

The formulation of the technical means for bringing about such an eventuality (i.e. "the means").

The rationalist imposition of such "means" upon society for bringing about such a desired "end," where the supporting conditions do not exist.

In short, the character of the rationalist is that of the planner. The plan is based on an ideology – a comprehensive, self-legitimizing programme of action.

Oakeshott's point is *both* that such plans more often than not are a threat to freedom, and that such plans are *inherently* misconceived. Rationalist rules, by supposedly relying on knowledge separate from the practices that they are to govern, never fully comprehend such practices, and therefore undermine them.

Perhaps my examples have not been completely convincing. Perhaps what I have said has the character of a tautology or is so simple and well known as not to merit comment. But that may have to do with our greater sensitivity to such matters today. It is, I think, still illuminating to look at the Liberal-Communitarian debate with this critique of rationalism in politics in mind. For I wish to argue that we should re-appraise the political philosophy of the Liberal-Communitarian debate in light of Oakeshott's arguments concerning the irrelevance or inapplicability of philosophy to our politics.

Through the lenses of rationalism in politics, the mode of practice, and Oakeshott's conception of the self, we must see the participants of the Liberal-Communitarian debate (and indeed, participants in any other debate of normative politics) as political actors and their philosophies as inherently political – political insofar as they attempt to change the rules governing the associations that we live within.

3 – 12 The Origins of Rationalism in Politics

The precise origins of Rationalism in Politics may be difficult to determine. Oakeshott contends,

The appearance of a new intellectual character is like the appearance of a new architectural style; it emerges almost imperceptibly, under the great pressure of a variety of influences, and it is a misdirection of inquiry to seek its origins.⁸³

It is clear from this passage that Oakeshott would dissuade us from a search for exact origins; yet according to Oakeshott, the practices of Rationalism in Politics have their rough origins in the seventeenth century. Intimations of the mo-

⁸³ Oakeshott, Michael. *Rationalism in Politics*, p.17

rality with which the practices of Rationalism are underwritten, the moral counterpart of the political practices of Rationalism in Politics, can, however, be found much earlier in the Greco-Roman and Early Christian cultures from which, as I have already suggested, our morality takes its bearings.

Though Oakeshott would deem it a misdirection of our inquiry to cite the first rationalist, we may nevertheless find early examples, or name what we might after the famous French inspector term “the usual suspects.”

Hints of Rationalism in Politics appear early on in Bacon and Descartes. Bacon’s doctrine in the *Novum Organon* is, Oakeshott, summarises, the sovereignty of technique. And the purpose of Descartes’ meditations is, of course, to find the certain and indubitable knowledge that he supposes is the necessary *prolegomena* to the development of human knowledge.⁸⁴ But while the origins of Rationalism in Politics may be murky, rationalism has, nonetheless, made its presence known in all forms of inquiry. And though it has not gone unchallenged, it is, according to Oakeshott, in the field of politics where its influence has been the greatest, and its effects the most grievous.

3 – 13 Rationalism & the Self-Conscious Pursuit of Ideals

With the politics of Rationalism also came a morality. Indeed, the morality that Oakeshott terms the self-conscious pursuit of ideals preceded the politics of rationalism and helped pave the way for their present dominance. The origins of the self-conscious pursuit of ideals, which are still with us today, lie in the Christian morality that arose from the collapse of the Roman Empire. As we shall see, the self-conscious pursuit of ideals becomes very much a part of the Liberal-Communitarian debate. The morality of the self-conscious pursuit of ideals is to be contrasted with the morality of custom – the morality of habit and behaviour. Oakeshott’s preference for the latter over the former is, of course, clear. Now, like the distinction between the sovereignty of technique and practi-

⁸⁴ However, Oakeshott is careful not to paint either Bacon or Descartes with the tar of rationalism.

cal knowing-how, it is not as if the morality of the self-conscious pursuit of ideals is separate and distinct from the morality of custom, for it is in fact dependent upon custom; however, it is injurious to our practical conduct if the self-conscious pursuit of ideals results in the neglect of the morality of custom and habit.

Oakeshott defines moral conduct in the following way:

Activity which may be either good or bad... It is conduct to which there is an alternative. This alternative need not be consciously before the mind; moral conduct does not necessarily involve the reflective choice of a particular action. Nor does it require that each occasion shall find a man without a disposition, or even without a predetermination, to act in a certain way; a man's affections and conduct may be seen to spring from his character without thereby ceasing to be moral. The freedom without which moral conduct is impossible is freedom from a natural necessity, which binds *all* men alike.⁸⁵

The morality of custom is best compared with or understood through the metaphor or analogy of language. Facility in conduct can be likened to fluency in language. The inculcation of the morality of custom and habit is comparable to the learning of language through association and immersion. Indeed, the metaphor of language is brought out in much greater detail in *On Human Conduct*. The morality of the self-conscious pursuit of ideals is the morality of the self-conscious application of a particular moral ideal or ideals to the events of the moment and has become increasingly characteristic of the morality of our age. Both forms of morality – that of custom and the self-conscious pursuit of ideals – have their advantages and disadvantages. While the morality of custom is less able to tackle crises and superstition, the morality of ideals often leads to a vexing and self-conscious paralysis in the face of necessity. It is my contention that the morality of Liberalism has for too long been the morality of the self-conscious pursuit of ideals.

3 – 14 What Are Non-Rationalist Politics?

⁸⁵ Oakeshott, Michael. *Rationalism in Politics*, p.60

If the practices of Rationalism in Politics are by nature so destructive, and the morality of the self-conscious pursuit of ideals so inferior to the morality of custom, what are the alternatives? Oakeshott is well aware that as such, purely rationalist politics – those politics which are guided by the instrumental reason of a mind, individuated and anterior to social circumstance, which seeks principles in accordance with the self-conscious pursuit of ideals – are in fact impossible. But it is a mistake, *tout court*, to suppose that everything which is not Rationalism in Politics is “irrationalist.” Oakeshott has a conception of what might be termed Rational Politics, the term he himself uses, but I would prefer to use the term non-rationalist politics or politics as “The Pursuit of Intimations.”

In Oakeshott’s famous essay, “Rational Conduct,” he first of all makes clear that we understand Rational Conduct as laudable conduct, conduct of which no man should be ashamed. Such conduct, he suggests, should not be confused with *rationalism*, which pertains to a certain hardening of sympathies and centralisation of views. Neither should irrationality be considered the flip side of Rationalism in Politics. To behave rationally is for Oakeshott above all else to behave “intelligently.” And it is not to completely dispense with the morality of the self-conscious pursuit of ideals either; to illustrate his point, Oakeshott here uses his celebrated example of woman’s bloomers, what was thought to be rational dress for women who rode bicycles of the time. Interestingly, what Oakeshott has to say about the development of Victorian bloomers precisely reflects Rawls’s later considerations (which we will turn to later) concerning the original position. I shall here be quoting Oakeshott at length to illustrate this similarity:

There is little doubt about what they were thinking in the first place. They were concentrating their activities upon the activity of *propelling* a bicycle. The things to be considered, and to be related to one another, were a bicycle of a certain design and the structure of the human body. All considerations other than these were dismissed because they were believed to be of no account in determining the “rationality” of the dress to be designed. And, in particular, the designers were decided not to take account of current prejudice, convention or folklore, concerning feminine dress; from the standpoint of rationality these must be considered only as limiting circumstances. Consequently, the first step in the project of designing a “rational” dress for this purpose must be a certain emptying of mind, a conscious effort to get rid of preconceptions. Of course, knowledge of a

certain sort would be required – knowledge of mechanics and anatomy – but the greater part of a man’s thoughts would appear as an encumbrance in this enterprise, as a distraction from which it is necessary to avert attention. If one were an investor anxious to employ a designer on this project, one might do well to consider a Chinese, for example, rather than an Englishman, because he would be less distracted by irrelevant considerations; just as the South American republics applied to Bentham for a “rational” constitution... the “rationality” sought by these Victorian designers was, then, an eternal and a universal quality; something rescued from the world of mere opinion and set in a world of certainty. They might make mistakes; and if they were not mistakes in mechanics and anatomy (which would be unlikely), they would be the mistakes of a mind not firmly enough insulated from preconception, a mind not yet set free. Indeed, they did make a mistake; impeded by prejudice, their minds paused at Bloomers instead of running on to “shorts” – clearly so much more complete a solution of their chosen problem. Or was it a mistake? Perhaps it was, instead, some dim recognition of a more profound understanding of “rationality” which made them stop there. We must consider the possibility later on.⁸⁶

The “dim recognition” of a more profound understanding of “rationality” is what Oakeshott understands as “Rational Conduct.” Rational Conduct is that conduct which relies on custom, tradition and sentiment, the morality of custom and habit previously discussed, and is itself dependent on the unimpaired relics of our tradition. I will leave a fuller explanation to my concluding chapter.

3 – 15 Conclusion

We have presently concluded our discussion of Oakeshott’s understanding of the deleterious practices of Rationalism in Politics; the misconception of knowledge which informs it; the morality of the self-conscious pursuit of ideals which accompanies it; and Oakeshott’s conception of Rational Conduct and the morality of custom as a partial salve to our current condition. If we discount the possibility of a tradition-independent political philosophy based upon the notion of the instrumental mind or that of a realist political philosophy based upon an objec-

⁸⁶ Oakeshott, Michael. *Rationalism in Politics*, p.102

tive world or universal values, we are left to wonder: what form of politics are we thus allowed, and what is the relationship of philosophy to it?

I would argue with Oakeshott that we are left with *The Pursuit of Intimations* or *rational conduct*, and that the purpose of philosophy is to aid in the clarification and analysis of our political conduct, but not to promulgate the principles by which conduct should be regulated. Philosophy, as with Hegel, comes after the fact, and paints its grey in grey.

To recapitulate, the history of Rationalism in Politics is coeval with the Enlightenment's search for indubitable, universal knowledge of both things and of values, and the resultant failed attempt to derive a tradition-independent justification of the Liberal, individualist viewpoint through the promulgation of the instrumental mind. The failure of rationalism in politics is based on two difficulties: one, the impossibility of the instrumental mind, and two, in the absence of the possibility of the instrumental mind, the equal absence of an objective, universal world of values. If there were such a thing as objective universal values, the attempt to realise such values in our ethical practices would not be an example of rationalism in politics. Rather, it would be rationally incumbent upon us to realise such values in our social practices. However, values, for the Oakeshottian agent, are always local and relative to the agent: they are what the agent thinks they ought to be. The actions of such an agent reflect his ongoing attempt to ameliorate his perceived dissatisfactions so as to make his world an ever more coherent one; however, such values do not simply exist specific only to the agent but are caught up in the horizon or community of agents who share the individual's practices. Communities, not agents, have sets of interlocking practices. This does not, however, suggest that the agent is bound by such practices or is simply identical with them, for an agent is always capable of self-reflection, self-determination and self-criticism.

Rationalism in Politics, to return to the theme at hand, itself therefore arises from the "hidden spring" of a misconceived doctrine of knowledge, and a misconceived morality, one that accords sovereignty to technique, and denigrates

the practical knowledge or “knowing-how” which is an essential component of any account of knowledge. The practices of rationalism in the political domain include but are not limited to: the formulation of a (usually self-justifying) ideology; the planning of how to implement this ideology (as a matter of technique); and the subsequent imposition of this plan upon society. Rationalism in Politics in so doing thereby undermines the traditions of knowledge, of knowing-how, on which a society successfully depends for its governance.

Chapter 4 – Kant, *Moralität*, The Kingdom of Ends & that most Resilient Ideal of a Cosmopolitan Liberal World Utopia

Two things fill the heart with ever-renewed increasing awe and reverence; the more often and the more steadily we meditate upon them: *the starry firmament above and the moral law within.*

– Kant

4 – 0 Preface

In this fourth chapter of my dissertation, I intend first to set out in a straightforward and compact fashion the moral and political philosophy of Immanuel Kant. That the moral and political philosophies of Kant do not perfectly mesh (as has often been noted) does not unduly concern me, as my thesis does not much depend on their consistency. Indeed, such inconsistency might serve to bolster my case that what is often regarded as political philosophy is often much more political than it is philosophical. Secondly, I intend to give an account of what I understand in terms of this dissertation to be the Rationalism of the Enlightenment – both with regard to “Rationalism in Politics” and the coextensive “morality of the self-conscious pursuit of ideals” with which it is underwritten – as it appears in Kant. In this account of the Rationalism of the Enlightenment and the ethical philosophy of Kant, I shall of course make recourse to the preceding chapters, wherein I in Chapter 2, outlined Oakeshott’s idealist, non-foundationalist understanding of philosophy and in Chapter 3 introduced Oakeshott’s understanding of the practices of “Rationalism in Politics” and “the morality of the self-conscious pursuit of ideals” that Oakeshott argues, and I concur, pervades our current rationalist political thought and practice.

4 – 1 Introduction

I set out the ethical theorising of Kant here because I contend that in Kant we find the “paradigm” statement of Deontological Liberalism, and consequently that of the Rationalism in Politics of the Enlightenment, even if it is a paradigm

statement of Liberalism that is no longer considered defensible.⁸⁷ Michael Sandel very ably defines this kind of Liberalism when he writes in one of the first avowedly “Communitarian” works, *Liberalism and the Limits of Justice*, that:

“Deontological Liberalism” is above all a theory of justice and in particular about the primacy of justice among moral and political ideals. Its core thesis can be stated as follows: society, being composed of a plurality of persons, each with his own aims, interests and conceptions of the good, is best arranged when it is governed by principles that do not themselves presuppose any particular conception of the good; what justifies these regulative principles above all is not that they maximise the social welfare or otherwise promote the good, but rather that they conform to the concept of right, a moral category given prior to the good and independent of it.⁸⁸

In setting out Kant’s moral and political philosophy here, I intend neither to give an authoritative statement of Kant, nor do I wish to defend Kant against either his past or present critics. Both would be beyond the ken of this dissertation.

In terms of this thesis, it is not important whether or not the moral and political theory of Kant is or is not defensible against the anti-realist and anti-foundational critiques which have become so part and parcel of this century’s academic philosophy. Nor, as I have said, is it important that I show or explore the inconsistencies found between Kant’s moral and political philosophy. The viability of the Kantian metaphysic howsoever it is understood – whether we understand Kant as positing parallel and irreconcilable noumenal and phenomenal worlds, or twin perspectives of *one* world – is unimportant to this dissertation. It is unimportant for the simple reason that no Liberal or Communitarian in today’s debate in political philosophy *actually* employs metaphysical foundations of the sort upon which Kant and other classical theorists grounded their normative theorising. Rawls – as *the* prime example of one who shares the disposition of Kant but not the metaphysic – writes that he has in *A Theory of Justice* only sought to preserve that which is so “intuitively appealing” about Kant without, however, succumbing to the “mysteries of German idealism.”

⁸⁷ An obvious exception to this is that of Onora O’Neill and her work *The Constructions of Reason*. (Cambridge: Cambridge University Press, 1989)

⁸⁸ Sandel, Michael. *Liberalism and the Limits of Justice* p.1

Without such foundations as Kant supposed, however, political philosophy as such – and I am including in this Rawls’s valiant attempt at finding “a middle way” between relativism and realism through “constructivism” – may not rise much above what Wittgenstein called, “bourgeois philosophy.” The form of such bourgeois philosophy in this debate is that of Rationalism in Politics.

Nonetheless, though the explicit disavowal of metaphysical foundations on the part of the Liberals and the Communitarians in today’s debate is an extremely important feature of my dissertation, there are yet good reasons for my setting out Kant’s moral and political philosophy here. First, I will employ Kant as a convenient point of reference to those in the contemporary Liberal debate such as Rawls who are very often compared to and even criticised as if in some way they *were* Kant. In addition, through seeing what the contemporary inheritors of the Kantian political tradition (again, such as Rawls) share and do not share with Kant, I hope we may gain an insight into the debate that might otherwise remain obscure. The same shall be true for the following chapter upon Hegel and his relation to Kant, and the ultimate source of much of today’s Communitarian criticism of “Deontological Liberalism.”

The second aim, as I have stated, of this chapter is to provide an example of Enlightenment Rationalism, and the related practices of rationalism in politics and the morality of the self-conscious pursuit of ideals with which it is underwritten. Here I intend to describe what they are; what features characterise them; and how they are to be differentiated from other forms of rationalism and moralities, such as those maintained by the ancient Greeks or the Medieval Scholastics. My conclusion, given in advance, shall be that the Rationalism of the Enlightenment is different from other forms of rationalism in a variety of ways. These include the instrumental mind with which it is underwritten, the sovereignty accorded to technique over that of practical knowledge that we examined in the last chapter, and the morality of the self-conscious pursuit of ideals as compared to the morality of custom and habit which previously prevailed.

Such a conception of the Rationalism of the Enlightenment includes, among other things, but is not limited to, a progressivist notion of history, a particular modern ideal of Liberal individualism based on the over-arching and rarefied virtues of freedom and justice, and an overwhelming belief in the power of reason as a certain and true instrument for bettering our world. We may see that Oakeshott's idea of rationalism in politics and the prevalence of the morality of the self-conscious pursuit of ideals under-writes these notions. But it must be also remembered, Enlightenment Rationalism is not of course a stable and enduring entity, but rather a disposition of mind that may be seen alone or in combination in almost every contemporary theorist surveyed in this dissertation with the exception only of Michael Oakeshott.

I shall here be examining Kant's example of Enlightenment Rationalism through the lenses of Oakeshott's idealist account of philosophy that we took up in Chapter 2, and the account of Rationalism in Politics and the morality of the self-conscious pursuit of ideals that I discussed at length in Chapter 3.

That Oakeshott constitutes the very rare example of a contemporary political theorist who is not also a Rationalist, both I contend distinguishes Oakeshott from the rest of the Liberal-Communitarians, and provides us with a unique vantage from which we can then critique the Liberal-Communitarian debate. For this debate, I shall contend, is *inherently* an exercise in "Rationalism in Politics," with the ostensible differences between the promotion of the Deontological Liberal ideal of fairness on the one hand, and the Communitarian "politics of the good" being in the main political and not philosophical.

This second aim is fully in accord with my first. This is so insofar as in very many ways, I contend, Kant's *Weltanschauung* as a whole represents the summit and apotheosis of the Project of the Enlightenment. Alasdair MacIntyre, the subject of my Chapter 8, defines the Project of the Enlightenment as the attempt to provide a tradition-independent justification of the "Liberal individualist" viewpoint. If MacIntyre's assessment of the Enlightenment Project is correct – that "we still, in spite of the efforts of three centuries of moral philosophy and one of

sociology, lack any coherent rationally defensible statement of [the] Liberal individualist viewpoint”– nowhere shall we see more clearly this failure than in Kant.⁸⁹

By setting out Kant’s ethical philosophy here and by sketching a preliminary outline of certain notable and identifiable features of the Project of the Enlightenment in general I hope we may discover the sorts of things “Enlightenment Rationalism” is meant to comprehend. And, furthermore, examine how the participants of the Liberal-Communitarian debate embody and understand such aspects of Enlightenment Rationalism.⁹⁰

4 – 2 Kant

Immanuel Kant, born 22 April 1724, dead 12 February 1804, if conservative by disposition and political temperament (for example in his barring of civil disobedience, the enfranchisement of women and those others not of independent means) was very much however a radical in thought. And though he has been dead nearly two centuries, his *imprimatur* is clearly evident upon all political thought subsequent to his passing.

As one commentator writes (without hyperbole, I suggest):

Anyone practising literary or social criticism is contributing to the Kantian tradition; anyone reflecting on the epistemological implications of their work will find themselves doing so within the parameters established by Kant. Indeed, many contemporary debates, whether in aesthetics, literary or political theory, show a peculiar tendency to mutate into disputes in Kant exegesis. All in all, in the

⁸⁹ MacIntyre, Alasdair. *After Virtue*, p.241

⁹⁰ Now while Rawls in particular has not much time for anti-enlightenment critiques, four of the theorists surveyed in this dissertation – MacIntyre, Taylor, Charles. Rorty and of course Oakeshott – all mount their political philosophies on the back of such critiques. All, however, have somewhat different understandings of Enlightenment Rationalism, and all propose rather different approaches to shedding the burdens that the failed Project of the Enlightenment is regarded as having bequeathed us. (Examining these differing analyses and their place within their argument as a whole will be a recurrent topic of discussion throughout this dissertation.)

less than 200 years since the death of its author, Kantian philosophy has established itself as an indispensable point of intellectual orientation.⁹¹

As Joachim Ritter famously observed that Hegel was above all else the philosopher of the French Revolution, Heine, Marx and Engels, among others, have understood the same to be true of Kant.⁹² But whereas Hegel situated himself as both a critic and a philosopher of what might be regarded as the aftermath of the political tumult that characterised the French Revolution, the central political-philosophical insights of Kant may either be regarded as the intellectual fundament from whence the French Revolution arose, or as the central values that the French Revolution sought to secure. Which stand we take on this point, or rather the pivot upon which this stand is made – whether Kant merely reflects in his writings the ideals of the enlightenment, or rather, Kant is in some way *causally* important in establishing the principles upon which the French Revolution regarded itself – is the fundamental distinction which Oakeshott earlier cited between that of Rationalism in Politics and that of Rational Conduct.

It is of course true that Kant would later retract his approval of the French Revolution once the full nature of the revolution came to be known, opting instead to argue for limited, constitutionally constrained monarchies in the face of the excesses of such bodies as the *Assemblée Nationale*. This, however, does not I think seriously mitigate my claim.

With the close of the millennium Western Europe lurches towards pan-European monetary union, and a federal super-state. Combine this with a concomitant diminution of the sovereignty of the nation state, the unsteady rise of Liberal democracies from the ashes of the Eastern European communist states, as well as the uniting of the various trade regions into ever closer economic integration. It would therefore seem that Kant's ideal of a cosmopolitan world utopia is still very much among us, if not increasingly close to realisation.

⁹¹ Caygill, Howard. *A Kant Dictionary* (Oxford: Blackwell, 1995) p.1

⁹² Ritter, Joachim. *Hegel and the French Revolution* Translated with an Introduction by Richard Dien Winfield (London: The MIT Press, 1982) *Kant's Political Writings* (Cambridge: Cambridge University Press, 1990) p.2, 1n

The idea behind this federalist eventuality may not have wholly originated with Kant. Kant in many ways having taken up ideas first put forward by such social reformers as the Abbé de St. Pierre and Leibniz among others. But no one I suggest can seriously doubt that in Kant we find the most severe and philosophically uncompromising statement of such republican cosmopolitanism.

This historical preamble, however should be set aside for now in the interest of realising the original intent of this chapter: that is, firstly, to explicate clearly the moral and political theorising of Immanuel Kant. And secondly, to develop an account of Enlightenment Rationalism as a background for understanding the topic of this dissertation – the idea of freedom in Michael Oakeshott and the contemporary debate in political philosophy between the Liberals and the Communitarians.

4 – 3 Kant & the System of Liberties

Kant above all else believed it necessary to provide a satisfactory account of autonomous moral agency so that an adequate and unconditional, universal conception of positive right or *recht* was to be discerned. Such a concept of positive right – itself, however, to be an idea of practical, not pure, reason, i.e. concerned with what “ought to be” – thought Kant, would then ensure that the innate freedom, sovereignty and right of the individual to disburse himself as he may (provided that such activities as he engaged himself in were compatible with the self-same rights of others) be secured against the illegitimate encroachment of the state, superstition, the church, illegitimately authoritative institutions and associations. As Kant here defines it, right is simply the “restriction of each individual’s freedom so that it harmonises with that of everyone else.” It is only the state, however, consonant with the dictates of reason, according to Kant, that may legitimately be the instrument and executor of coercion so as to preserve a similar situation of liberty and system of liberties for others.

This core conception of the self as a rational being and the state as a system of mutually compatible freedoms and liberties, not only its derivation but also its

application, encapsulates in many respects the core element of what I have with the aid of Oakeshott in chapters 1, 2 and 3 described as “Rationalism in Politics.”

4 – 4 Kant & the Much Trumpeted Charge of Formalism

Now at this point it is important to make clear a possible canard of Kantian exegesis that the following would seem to hold with, as it indeed does, and of which I am fully aware. Many, including Alasdair MacIntyre, Charles Taylor, Hannah Arendt, assorted others, and of course Hegel with whom such a critique of course ultimately originates, see Kant as deriving the whole of his ethical philosophy from a pure reason absolutely unsullied by the vagaries and contingencies of the natural and empirical world. By way of such a view, they see Kant as lapsing into the almost Platonic metaphysical realism of his predecessors that Kant had previously taken such pains to transcend in such works as *The Critique of Pure Reason*.

This supposition regarding Kant leads inevitably to the charge of “formalism.” According to this, Kant’s ethical theory with its undue reliance upon “pure reason” for “practical reason” and specific disavowal of the facts of the empirical world is incapable of producing substantive normative principles or indeed providing the impetus to particular practical actions. And is, therefore, as a result radically arbitrary in its normative consequences. Kant’s ethical theory is “barren” or “empty.” As Hegel puts it (and we shall take up this theme in the following chapter) the result of this formalism for Kant is that it results in, “... the freedom of the void which rises to a passion and takes shape... as the fanaticism of pure destruction.”⁹³

Many of those no doubt inspired by the majesty of Kant’s thinking and the unceasing demands of his ethics have quite rightly sought to rescue Kant from such an ignominious charge, which they consider to be “empty” and a deliberate misreading of Kant of which even a cursory glance at Kant’s work ought to

evaporate. Onora O'Neill's *Constructions of Reason* is a valiant exercise in this regard. However, as I have tried to make clear, whether or not Kant falls or does not fall by the sword of "formalism" is irrelevant to my dissertation. This is so for the simple reason that all the Communitarians surveyed in this dissertation in one way or another take this canard at its face value – namely, that it does obtain. For the purposes of this dissertation, the validity of Kant's ethic is therefore immaterial, and I therefore not only do not desire to become embroiled in such an issue, I am not required to do so either.

4 – 5 Kant & Hobbes

Hobbes's own ideal of civil association as articulated in the *Leviathan* and *De Cive* – an ideal with which Kant was of course thoroughly familiar – was deemed by Kant inadequate. This was so because, according to Kant, Hobbes's remedies for the travails of the state of nature were based on an account of rationalism fallaciously based upon Euclidean geometry, a too great authority thereby invested in the sovereign, and an understanding of man's principal motivation as the fear of sudden death. However, that said, one may still safely understand Kant's ultimate objective in political philosophy – that is, to provide an ultimately tradition independent, universal justification of the Liberal polity – as in part an ambitious re-conceptualisation of Hobbes's original ideal of civil association.

Kant and Hobbes, however, were of course motivated by different sets of problems, and their responses to these problems similarly differed. Whereas Hobbes's political philosophising was driven by the desire to secure a lasting peace against the background of the religious wars and strife that occupied the sixteenth and seventeenth centuries through the imposition of the rule of law by a sovereign only accountable to God, Kant's motivation differed. Kant's inspiration being, at least in part, an ambitious attempt to reconceptualise and clarify the by then dominant trend in European thought and practice of Enlightenment

⁹³ Hegel. *The Philosophy of Right*, §5n

Rationalism so as to articulate his account of civil association upon a universalist account of right or *recht*.⁹⁴ And while the events that inspired Hobbes to write *De Cive* and *Leviathan* were primarily political and practical, for Kant they were very much also epistemological. Kant's theorising in this regard was chiefly a response and a critique of the last two centuries of debate concerning the nature of knowledge and knowing between the Rationalists upon the Continent, and the Empiricists of England and Scotland.

Whereas such theorists as Descartes, Leibniz, and Spinoza built their epistemological edifices on what they took to be indubitable *a priori* logical deductions, Locke, Berkeley and Hume poured doubt on these supposedly unassailable foundations, instead declaring that all knowledge must be experiential in derivation. Philosophy as such was at an *impasse*, and for Kant the only way forward was by way of a transcendental deduction that not only took into account the truths of empiricism and rationalism, but also thoroughly transcended the limitations of each.

To find justification of knowledge independent of experience, and not simply for ethical theorising, Kant deduced from the character of experience itself a transcendental subject (or at least the possibility of such a subject) that he believed could provide the foundation upon which all knowledge – including justification for a universalist ethical philosophy of practical right. Such an idea, which would be an idea of practical reason, i.e. normatively “what ought to be” – could be established, independent of the contingencies of experience. As Kant wrote,

Thus not only are moral laws together with their principles essentially different from every kind of practical cognition in which there is anything empirical, but all moral philosophy rests entirely on its pure part.⁹⁵

It was not so much that Kant did not believe experience to be our only source of indubitable knowledge. Only that what he found in experience he believed insuf-

⁹⁴ This is clearly seen in such essays of Kant's as “What is the Enlightenment” and “Idea for a Universal History with a Cosmopolitan Purpose.”

ficient to account for the manifold of experience that irresistibly presented itself to the senses, and, therefore, an insufficient basis upon which to found a universalist theory of ethics and right. In other words, experience itself according to Kant did not provide the presuppositions necessary to provide for its own intelligibility.

Uncovering such presuppositions and basing his ethical theory upon them, would provide not so much an ideology unsubstantiated by compelling and irrefutable precepts (which Kant considered to be merely a political blue print, which it was the work of social reformers to effect) as rather a system built upon firm, indisputable *a priori* foundations.

Kant therefore deduced that the subject of experience must in principle exist for the subject of experience to be more than simply identical with experience itself. This was to go against Hume's denial of the self, wherein Hume famously observed that nowhere in the stream of sensations that paraded themselves across the stage of his mind did the elusive self ever appear. Kant in so doing, after rejecting the solutions proffered by Locke, Leibniz, Hume, Spinoza and others, divined an anterior, noumenal world of pure will and reason which he believed was *prior* to, and *causally* independent of the phenomenal, contingent world of experience.

As Kant put it in his famous argument for the transcendental unity of apperception:

The thought that the representations given in intuition one and all belong to me, is therefore equivalent to the thought that I unite them in one self-consciousness, or at least can so unite them; and although this thought is not itself the consciousness of the *synthesis* of the representations, it presupposes the possibility of the synthesis. In other words, only in so far as I can grasp the manifold of the representations in one consciousness, do I call them one and all *mine*. For otherwise I should have as many coloured and diverse a self as I have representations of which I am conscious to myself.

⁹⁵ Kant, Immanuel. *Grounding for the Metaphysics of Morals* in *Immanuel Kant: Ethical Philosophy* as translated by Ellington, J. W. (Indianapolis: Hackett, 1983) p.3

According to Kant, it is of the character of the subject that the subject itself, which may never be a part of experience, imposes upon experience certain and necessary presuppositions that make experience itself intelligible. The subject for Kant therefore can be seen as an anterior, noumenal being, prior to (or at least causally independent of the world of) experience, which imposes on experience the transcendental presuppositions upon which the intelligibility of experience itself depends. Upon such an indubitable basis, Kant develops his theory of ethics and right. For Kant believed, a good will is not intrinsically good because of what a good will may accomplish, however – though it is good for that too – but for its being inherently good in and of its self.

Kant's distrust of the incompatible solutions to the problem of knowledge proffered by the rationalists and the empiricists led him in his ethical theorising to suspect that all *particular* substantive conceptions of the good – the things that the good will was seen to *effect* – howsoever they were derived or whosoever they were promulgated by, were indeed unsatisfactory. This was so because if any such conception of the good was made the sole motivation, the will would be acting for the purposes of securing something outside of itself and not for itself – that is heteronomously, subject to forces alien to its own reason and will. This meant that they were therefore inherently inadequate as a foundation for a universal ethic of right such as Kant sought to provide. They were suspect and contestable because any particular conception of the good was always disputable, always deriving, for Kant, from desires, aspirations and sources susceptible to influences alien to the autonomous moral will of the agent. Only those actions done out of pure and unalloyed duty and not prudence or for the sole purposes of securing other substantive ends could be understood as unqualifiedly good. Anything less were examples of heteronomous agency, and less than the autonomous moral agency that which man was not only capable of but that it was a duty to realise in his own person.

4 – 6 Morality

According to Kant, the only thing that can be considered unconditionally good is that of a good will. As Kant puts it, "... a good will seems to constitute the indispensable condition of even being worthy of happiness."⁹⁶ And will, according to Kant, is "a kind of causality belonging to living beings so far as they are rational." It is in other words for Kant an innate capacity of the rational subject for self-determination or autonomy; in other words, autonomy is not simply defined negatively as that which is not subject to external determination. As Kant writes,

The will is a kind of causality belonging to living things insofar as they are rational; freedom would be the property of this causality that makes it effective independent of any determination by alien causes. Similarly, natural necessity is the property of the causality of non-rational beings by which they are determined to activity through the influence of alien causes.⁹⁷

The animating principle of this autonomy is that of the categorical imperative: "Never to choose except in such a way that in the same volition the maxims of your action are also present as universal laws." Man's principal duty comes to be that of securing his own and others autonomy according to the dictates of his own reason, a reason in principle open and available to all.

As Kant put it,

To secure one's happiness is a duty (at least indirectly); for discontent with one's condition under many pressing cares and amid unsatisfied wants might easily become a great temptation to transgress one's duties. But here also do men of themselves already have, irrespective of duty, the strongest and deepest inclination to happiness, because just in this idea are all inclinations combined into a sum total. But the precept of happiness is often so constituted as greatly to interfere with some inclination which is determinate both as to what it promises and as to the time within which it can be satisfied may outweigh a fluctuating idea; and there is no wonder that a man, e.g., a gouty patient, can choose to enjoy what he likes and to suffer what he may, since by his calculation he has here at least not sacrificed the enjoyment of the present moment to some possibly groundless expectations of the fortune that is supposed to be found in good health. But even in this case, if the universal inclination to happiness did not determine his will and if health, at least for him, did not figure as so necessary an element in his calculations; there still re-

⁹⁶ Kant, Immanuel. *Grounding for the Metaphysics of Morals*, p.7

⁹⁷ Kant, Immanuel. *Grounding for the Metaphysics of Morals*, p.49

mains here, as in all other cases, a law, viz., that he should promote his happiness not from inclination but from duty, and thereby does his conduct have real moral worth.⁹⁸

Therefore as Kant understood, everyone of course sought after his or her own happiness. The problem however that Kant identified was that what constituted happiness for one, was not necessarily the same for all. To this end, Kant argued that a satisfactory account of autonomous moral agency would have to effect a more radical break from the “niggardly stepmother nature,” custom, religion or sentiment than had hitherto been made. This was so if Hume’s claim that “reason alone can never be a motive to any action of the will” was to be shown false. Hume was of course the one whom Kant good-heartedly described as rousing him from his “dogmatic slumber.” But Kant nonetheless recognised that ethical philosophy would have to fully divorce itself from experience, and find justification of its norms independently of experience, as any law-like generalisations taken from experience would always be less than deductive and any norms thereby promulgated less than universal.

The moral worth, Kant furthermore supposed, of an action, would lie not in the gains to be realised by such an action but rather according to the maxim with which it was conducted. And the supreme maxim here is that of the aforementioned categorical imperative: will only what you could also will as a universal law. Duty for Kant is therefore done out of respect for the moral law. And the moral law is that law which may be in all good conscience willed as a universal maxim. True autonomy therefore lay in man as a self-legislating animal, a servant only to reason, which all, in principle, have equal access to.⁹⁹

Kant therefore came to understand the Deontological rules that we should guide our lives by as the domain of an abstract subject of experience existing necessarily prior to the objects of experience, even though such a subject could never be given in experience. This pre-existent subject thus provided a foundation for

⁹⁸ Kant, Immanuel. *Grounding for the Metaphysics of Morals*, p.12

⁹⁹ Moreover, fashioning a state under rules that were less than universal, i.e. substantive and partial, would set up possible relations of servility between members.

Kant's political and moral philosophy which was safe from the controversial reliance on empirical or psychological understandings of the constituent or true ends of what happiness constituted for man. As Kant wrote, "What else, then, can freedom of the will but autonomy, i.e., the property that a will has of being a law for itself."¹⁰⁰ Morality for Kant now became formal and fully consonant with reason. "Thus a free will and a will subject to moral laws are one and the same."

Reason or rationality became the basis of all things, as it alone was unique and undetermined. The fact we have rationality, the fact that unlike all other things we are capable of it, obliges us to use it, according to Kant. Thus the moral will becomes autonomous, metaphysical, because unlike anything else, it alone may remain unsullied by chance and other externalities. That we are capable of following laws that we legislate ourselves for Kant becomes the basis of our dignity.

As Kant writes,

Now I say that man, and in general every rational being, exists as an end in himself and not merely as a means to be arbitrarily used by this or that will. He must in all his actions, whether directed to himself or to other rational beings, always be regarded at the same time as an end.¹⁰¹

This becomes the founding principle, or the restatement of the categorical imperative of the *Das Reich Der Zwecke*, the Kingdom of Ends, understood as a "systematic union of different rational beings through common laws... [according to] universal validity."¹⁰² What is right, then, is to be right because of duty, not inclination; morality is now addressed solely to the reason of the agent. The essential nature of man for Kant lies in his ability to choose, not in *what* he chooses. The political realm becomes for Kant the place where legitimate coercion is applied, the place where people acting according to essential reason and

¹⁰⁰ Kant, Immanuel. *Grounding for the Metaphysics of Morals*, p.49

¹⁰¹ Kant, Immanuel. *Grounding for the Metaphysics of Morals*, p.35

¹⁰² We will see the same in Oakeshott where he understands human conduct to be activity learned by intelligent agents and not subject to natural laws of questionable psychological assumptions.

will open to all must be protected from those who are unable or unwilling to do so in a system of mutually compatible freedoms.¹⁰³

4 – 7 *Recht*

Kant thus couples his intrinsically inward account of morality, with that of right, or *recht*, which, unlike morality, is exclusively concerned with the external relations, particularly of property, between autonomous individuals. Now many have noted a fundamental discordance between morality and the concrete political proposals of *recht* that Kant makes. Earlier I wrote that this does not concern me overmuch as this thesis does not concern Kant's metaphysics; its concern with regard to Kant is only in the political disposition that animates his writings.

So, as I suggested above, Kant believed that only an account whose conclusions were based on presuppositions transcendent of experience could fully respect the character of the moral agent as an autonomous moral being. Kant, in pursuing the consequences of this radical split with nature and experience, argued, therefore, for a version of the social contract more formal, hypothetical and abstract than that of his predecessors, Hobbes, Locke and Rousseau.

Abstracted from contingent circumstance, Kant derived a hypothetical agreement between subjects who partook of transcendental reason, and thus were not constrained by the laws of nature, that provided principles of right which were fully independent and prior to those which were derived from experience. This was however still an exercise in practical reason, i.e. an exercise in "what ought to be." The result of this agreement is a system of mutually compatible freedoms between individuals.¹⁰⁴ The contemporary manifestation of Kant's ideal of the person and the self is today found in Deontological Liberalism, with a rarefied conception of justice as impartiality and human autonomy at its centre. Impartial justice is conceived as the first virtue of social institutions – a virtue that estab-

¹⁰³ "*Right* is the restriction of each individual's freedom so that it harmonises with the freedom of everyone else (in so far as this is possible within the terms of a general law.)" Kant, Immanuel. *Theory and Practice*, p.73

lishes the primacy of rights independently of the good, and understands the good life as the life autonomously led.¹⁰⁵

4 – 8 A Cosmopolitan, Federal, Liberal Utopia

Kant may be remembered today as principally a theorist, and there is an air about Kant today that he was one never to have dabbled in any affairs so pedestrian and base as that of politics. This is incorrect. Kant was also profoundly motivated to participate in the politics of the day. And the central concerns of these political enterprises of Kant can be seen very much as the attempt at relieving the world from the condition of war and the threat of war. But not only that. He was also highly concerned to emancipate man from his less than satisfactory conditions of servility through the cultivation of his own autonomy by way of his own reason. This was to be achieved by way of founding civil societies upon principles of right. Now the similarity of this motivation to Hobbes may be remarked. But while Hobbes's concern was practical, pragmatic and nominalist – principally how to secure the peace – the form of the laws for Hobbes was of less importance; Kant's however was utopian and underpinned by a transcendental metaphysic of right. And while Hobbes saw the threat of war and the ends of individuals as always in some way ultimately incompatible, Kant sought out the grounds for a more lasting and harmonious solution. However, Kant further realised that such an order could not be developed in countries enjoying antagonistic external relations with other such nations. A cosmopolitan world order would be understood by contrast as the “matrix within which all the original capacities of the human race may develop.” And that the greatest problem of civil society was indeed that of “attaining a civil society which can administer justice universally.” Such a cosmopolitan world order would be, Kant writes, a “federation of peoples in which every state, even the smallest, could expect to derive its security and rights not from its own power or its own legal judgement, but solely

¹⁰⁴ Kant, Immanuel. *Theory and Practice*, p.73

¹⁰⁵ History has been kind to Kant. This is insofar as some of the most far reaching changes in the conduct of the Modern Western European states since the war in the drive toward a federated Europe seem to be exactly of this kind.

from this great federation (*foedus Amphictyonum*), from a united power and the law governed foundations of a united will.” In accordance with this regulative ideal, every individual should act in concert with this ideal towards the realisation of this “progressive organisation of the citizens of the earth within and towards the species as a system that is united by cosmopolitan bonds.”¹⁰⁶

To this end, Kant argued that constitutional republics founded upon principles of right with their democratic participation in decision-making were the least likely to go to war. Furthermore, they were the least likely to engage in the expensive preparations for war. And as well, they were those societies in which individuals had the greatest chance of developing their own reason to become the autonomous individuals that they were not only in principle capable of, but also duty bound to become.

Even though the thought of a single-world government may well have appealed to Kant, Kant realised the impracticality of such a possibility and instead argued for a loose federation of like-constituted republics whose external relations would be conducted according to principles of right. The form that this federation is to take is Kant’s cosmopolitan ideal. Such an ideal would be gradually realised in the unfolding of time. According to Kant,

The history of the human race as a whole can be regarded as the realisation of a hidden plan of nature to bring about an internally – and for this purpose also externally – perfect constitution as the only possible state within which all natural capacities of man can be developed completely.

As I have said, advancing the moral condition through the development of the powers of reason and consequently that of the autonomy of man is an obligation upon all of us. Such autonomy is not individual specific, or is not capable of being realised by the individual in isolation and may only be realised as a species living under common rules. The form of government in which these aims can best be realised is that of a republic whose laws conform to that of *Recht*.

¹⁰⁶ For this section upon Kant’s cosmopolitanism I have borrowed heavily from the account of cosmopolitanism in Caygill’s *A Kant Dictionary*.

4 – 9 Kant & the Idea of Rationalism in Politics

Kant, I would like to argue, represents the very paradigm, or apotheosis of what Alasdair MacIntyre terms “the failed project of the enlightenment” and, consequently of “Rationalism in Politics.” As Kant himself describes the Enlightenment in his essay *Aufklärung*:

“Enlightenment is the liberation of man from his self-caused state of minority . . . the source [of this minority] lies not in a lack of understanding, but in a lack of determination and courage to use it without the assistance of another.”

This helps make sense of Alasdair MacIntyre’s understanding of the Enlightenment as the failed attempt to provide a tradition-independent justification of the Liberal individualist morality. But the truth, they usually say, lies somewhere in the middle, and by coupling Kant’s definition with that of MacIntyre’s, we are getting closer to the mark; for the Rationalism of the Enlightenment, indeed, was really never so much a project as it was and is a disposition, a cast of mind, and a particular way of looking at and being in the world that has grown so familiar to us that it is truly difficult to imagine the world and ourselves construed otherwise.

It is perhaps not necessary at this point for me to examine in too great detail this project, for we have already examined this in the previous chapter and will do so again. But it is yet worthwhile to point out a few features of this ideal so that we may have a better idea of what the Rationalism of the Enlightenment is, and how the contemporary practitioners of political philosophy participate in it. The features of Enlightenment Rationalism that I would like to mark out for special note include a conception of the mind as a neutral instrument independent of the objects of its contemplation; a dominant belief in the efficacy of instrumental reason to guide our moral and political conduct; a certain sovereignty accorded to technique at the expense of practical knowing-how; a progressive sense of history; the ideological style of politics; a deep suspicion of any and all authority unjustified by the use of our reason; and an unbounded faith that the future will

bring about the Liberal individualist morality that has become so definitive of the social and political thought of our age.

But the Rationalism in Politics that I outlined in the last chapter included more than this. It also included the morality of the self-conscious pursuit of ideals that Oakeshott regards as having all but surpassed the traditional morality of custom and habit with which it is underwritten. And as we shall see, and as it is to be contrasted with the account of Hegel that I give in the next chapter, such a morality of the self-conscious pursuit of ideals and the prevalence of the sovereignty of technique over that of the practical knowing-how which is an essential component of practice characterises this rationalist age.

4 – 10 Conclusion

Kant achieved the goal of articulating a universal, authoritative and imperative criterion of right by placing at the centre of his theory an account of autonomous moral agency based on the possibility of pure will and reason of the noumenal world. Right and morality share, therefore, a common basis. So if it is shown that Kant's theory of morality is empty – that there is no noumenal world of reason and will from which we may erect a doctrine of right – Kant's doctrine of morality and right becomes similarly suspect. Politics would then remain a matter of prudence, or *phronesis*, not reason, and Kant would not have succeeded in refuting Hume's claim that reason alone cannot motivate the will.

To prove or disprove Kant, however, is not the subject of this dissertation or Chapter. For reasons that we need not rehearse here, the Deontological Liberals of today's debate have abandoned the Kantian account of agency and have offered something *Kantian-like* in its place. They have done so because even though they believe Kant's understanding of moral agency to be indefensible, they wish to preserve the Kantian or Kantian-like understanding of right in the form of justice as fairness as the ideal that they seek to promote.¹⁰⁷ And the

¹⁰⁷ There is, however, an unresolved tension in Kant. How to bring about this cosmopolitan state of affairs upon earth, according to a criterion of right given

Communitarians, drawing upon Hegel's critique of Kant that we shall examine in the next chapter, pit themselves against this self-same ideal of right. That said, it is still worthwhile that we have here set out Kant's conception of autonomy, the ideal of right, and the ideal of a Cosmopolitan Liberal Utopia of Federated Republics so that we may better understand the Rationalism and Politics and the morality of the self-conscious pursuit of ideals that imbue today's debate.

in the heavens, without violating the Kantian dictum of never treating anyone as a means to another one's end. Kant never satisfactorily resolves this and this problem becomes a principal problem that Rawls seeks to address.

Chapter 5 – Hegel & *Der Staat*

For Hegel, the French Revolution is that event around which all the determinations of philosophy in relation to its time are clustered, with philosophy marking out the problem through attacks on and defences of the Revolution. Conversely, there is no other philosophy that is a philosophy of revolution to such a degree and so profoundly, in its innermost drive, as that of Hegel.

– Joachim Ritter¹⁰⁸

5 – 0 Preface

In this chapter we focus upon Hegel. I will follow a similar line of argument as I did in the last chapter. There, I argued that the moral and political theorising of Kant was built upon what Kant considered inviolate and universal metaphysical foundations (which in turn provided the normative legitimacy for his ethical theorising). Here, I will try to show that Hegel's political philosophy is predicated upon universal foundations, albeit in Hegel's case, peculiarly historicised ones. We may, after Allen Wood, term Hegel's theory a "historicised universalism."¹⁰⁹

Here, our main metaphysical concern will be with Hegel's conception of absolute mind or *Geist*, a progressive realisation of freedom in agency and the concrete institutional structures and practices in which such freedom can be exercised and on which it indeed depends. This is what Hegel means when he states in the preface of *The Philosophy of Right* that "what is rational is actual and what is actual is rational." And that, "I am at home in the world when I know, still more when I understand, it."¹¹⁰

¹⁰⁸ Ritter, Joachim. *Hegel and the French Revolution: Essays on The Philosophy of Right*. p.43

¹⁰⁹ Wood, Allen W. *Hegel's Ethical Thought*. (Cambridge: Cambridge University Press, 1990) p.205

¹¹⁰ Hegel, G. W. F. *The Philosophy of Right* Translated with notes by Knox, T. M. (New York: Oxford: Oxford University Press, 1967) §226

Furthermore, I argued in the last chapter that the viability of Kant's metaphysics was immaterial to this dissertation. This is so insofar as no "Liberal" theorist surveyed in this dissertation with the exception of Kant actually employs such foundations; likewise, no Communitarian depends much upon the viability of Hegel's conception of *Geist* either.

However, whereas Kant's ethical theorising ought to be understood as strongly normative, Hegel's ethical theorising, in agreement with his philosophy as a whole, cannot be so understood. As Hegel famously writes in the preface to *The Philosophy of Right*:

When philosophy paints its grey in grey, then has a shape of life grown old. By philosophy's grey in grey it cannot be rejuvenated but only understood. The owl of Minerva spreads its wings only with the falling of the dusk.¹¹¹

With Oakeshott (who indeed in part derives his views from Hegel) philosophy for Hegel has no practical application to our politics. It can only help us in the understanding and clarification of our ethical and political practices, and thus indirectly (in Oakeshottian parlance) aid us in The Pursuit of Intimations and what Oakeshott understands as truly "Rational Conduct." But as I have already suggested, the morality that underlies Hegel's ethical theorising differs from that which underlies Kant's. Kant can be understood as representing what I have earlier described as Rationalism in Politics, with the consequent stoic and individual morality of the self-conscious pursuit of ideals with which it is underwritten. Hegel, by contrast, advocates an earlier, embedded morality of habit and culture. This is the morality dependent on norms derived from the society of which an individual is a part which has more in common with the ideal morality of custom and habit and that of Rational Conduct which Oakeshott argues is our only viable alternative to Rationalism in Politics. Moreover, as I have earlier argued, as neither the Liberals nor the Communitarians employ metaphysical foundations of the sort that Kant and Hegel employ, neither may their normative pronouncements be seen as the outcome of disengaged philosophy; rather, I con-

¹¹¹ Hegel, G. W. F. *The Philosophy of Right*, p.13

tend, these pronouncements must be seen for exactly what they are: viz. the political utterances of academics engaged in the practice of politics in Britain and North America. The political philosophy of the Liberal-Communitarian debate is in Wittgenstein's words, "bourgeois philosophy," and the form that this politics takes is that of Rationalism and the morality which underwrites it is that of the self-conscious pursuit of ideals.

And just as I in the last chapter regarded Kant as the supreme embodiment of Enlightenment Rationalism, here Hegel for me serves to embody, and prefigure, the anti-enlightenment critique that the Communitarians are to make such use of in their criticisms of "Deontological Liberalism." In arguing for this, I shall be drawing upon my discussion of Oakeshott's conception of philosophy in *Experience and its Modes* that I described in Chapter 2, and his conception of Rationalism in Politics that I discussed in Chapter 3. And so I will now exposit the ethical theorising of for some the greatest philosopher that ever lived, while for others – such as Rudolph Haym – that paid apologist of imperial Prussia, Georg Wilhelm Friedrich Hegel.

5 – 1 Introduction

Hegel, born in Stuttgart on 27 August, 1770 to a minor government official, first studied theology at the University of Tübingen, later tutored at Bern and Frankfurt, edited a major newspaper, and lectured at Jena, Nuremberg and Heidelberg. He finally secured a professorship at Berlin, and died prematurely, a victim of the great cholera epidemic of 1831.

Within the space of these 60 years, however, Hegel developed a system of philosophy so remarkable, so intricate and so wide ranging, that alongside Aristotle's, Hegel's efforts must rank in the history of philosophy as one of the supreme attempts to systematise the whole of human knowledge.

Indeed, the comparison with Aristotle goes further because they both shared a similar teleological cosmology (in Hegel's case one based on history, in Aris-

tole's, nature), a similar (though in Hegel's case, qualified) idealising of the Greek *polis*, and a similarly systematic understanding of philosophy and its relation with all things knowable. To sceptical 20th century eyes, Hegel's system of philosophy may seem overly ambitious, as does Aristotle's. But we need not go so far as to say as Kierkegaard so snidely did, that Hegel would have been the greatest thinker of all time, had he only appended one sentence to his work: "The following is fiction."

To Hegel it was anything but fiction. For Hegel (unlike Marx who in many other respects was so very greatly indebted to him) the proper ends and purposes of philosophy were to interpret the world, not to change it. This was perhaps in very great degree a reaction on Hegel's part to Kant's revolutionary leanings. But in any event, we can see that the development of Hegel's philosophy precisely presupposes that of Kant's, insofar as Hegel's project of philosophy would have been impossible without Kant's critical transformation of the discipline. Moreover, prior to Hegel, the dominant trend in German philosophy had become Kantian, and it is against such a background that Hegel wrote. In fact, by the time of Hegel's writing, Kant's philosophy had been made in some ways even more Kantian by the conceptual elaboration of theorists whom Hegel calls those "ring leader(s) of superficialities," Herr Fries and of course Fichte. So if it is sometimes thought that Hegel's critique of Kant is in some places overblown, it should be recognised that Kant himself may not always have been Hegel's principal target.

If it is fair to describe Kant as *the* philosopher of the project of the Enlightenment and the French Revolution, it is nonetheless still true to write as Joachim Ritter does that, ". . . in an ironical way we can say that there was no philosopher more of the French Revolution than that of Hegel." For, as I shall soon contend, according to Hegel the fundamental freedoms that Kant espoused in his concept of *Recht* are self-undermining, capable not only in principle, but also likely in practice, of destroying the very conditions necessary for such rights and freedoms to continue and actually flourish. As Hegel so severely puts it in *The Philosophy of Right*, the abstract freedom of Kant:

. . . is the freedom of the void which rises to a passion and takes shape in the world; while still remaining theoretical, it takes shape in religion as the Hindu fanaticism of pure contemplation, but when it turns to actual practice, it takes shape in religion and politics alike as the fanaticism of pure destruction – the destruction of the whole subsiding social order – as the elimination of individuals who are objects of suspicion to any social order and the annihilation of any organisation which tries to rise anew from the ruins.¹¹²

5 – 2 Kant, Philosophy, & the Argument for the Transcendental Unity of Apperception

If Alasdair MacIntyre’s description of the Project of the Enlightenment as mankind’s failed attempt to provide a tradition-independent justification of the Liberal, individualist viewpoint is true, nowhere more clearly shall we see this failure, if that is what it is, than in Kant. For, I contend, Kant embodied the Rationalism of the Enlightenment by attempting to deduce norms of ethical and political conduct unsullied by the contingencies of experience and “that niggardly stepmother nature.”¹¹³ And Kant did so by placing at the centre of his theory the

¹¹² Hegel, G. W. F. *The Philosophy of Right*, §5n

¹¹³ Of course, there are two qualifications to be made here. The first is that in my later discussion of Rawls, I will not impute this charge to Rawls, for in the case of Rawls it is simply not true to suggest that Rawls has deduced his two norms of justice from the bare idea of reason itself. In fact, as I will be at pains to show, in Rawls’ efforts at constructing a non-metaphysical account of agency, the results are more Hegelian than Kantian. In the case of Kant, it is also important to point out that in Kant the norms of justice which he promulgates are a product of practical reason, and not pure reason. So it is not strictly true to make this charge of Kant either, though it serves my expository intent insofar as Kant’s conception of morality and right is based upon the ability of the agent to act free from any heteronomous or force alien to the agent. That Kant attempted to secure a tradition independent justification of the liberal individualist morality is why I have earlier cited Kant and will continue to cite Kant as epitomising the Rationalism of the Enlightenment. I do not, however, at this moment mean this to be a criticism of Kant – we have not looked at Kant in sufficient detail to accurately judge and anyway, the veracity of Kant’s ethical theorising is a moot point in terms of this dissertation – only that I submit we may use Kant in this dissertation as a convenient standard or benchmark for when we come to examine and judge such nebulous and bandied about terms as “The project of the Enlightenment, “Rationalism in Politics, “Enlightenment Rationalism” and “Instrumental Reason.” I say it is a moot point insofar as this dissertation is about the liberal Communitarian debate, and not Kant and Hegel, and as no lib-

morality of the self-conscious pursuit of ideals, in Kant's case, that of the twin ideals of freedom and equality that have become so part and parcel of contemporary Deontological Liberalism.

Kant's task in ethical theorising was twofold. To delineate a system of morality that was in concert with our deepest intuitions about justice and morality, but whose source lay elsewhere. And to systematise a domain of right in which such morality could be practised, and which allowed for the greatest possible mutual exercise of the self-legislative autonomy that Kant regarded as intrinsic, necessary and obligatory to our rational human agency.

Kant's project resulted in the promulgation of a cosmopolitan world utopia of federated procedural republics. This would be a League of Nations as it were, that would supersede the nation state. At its centre it would have the ancestor of today's accounts of the Liberal ideal of procedural justice in the forms of the rarefied conceptions of freedom and equality that characterise the self-conscious pursuit of ideals with which I am here concerned. Such a federation, making universal right prior to any particular conception of "the good," would remove virtue once and for all from the political sphere, and firmly entrench it in the private.¹¹⁴ The degree to which such an ideal has come to be realised in actual practice is reflected in Alasdair MacIntyre's charge that we now live in a time "After Virtue."¹¹⁵

5 – 3 Hegel *Contra* Kant

eral or Communitarian employs the metaphysical foundations that Kant and Hegel did, I need not examine them.

¹¹⁴This would be an ideal of procedural justice that did not discriminate between the respective situations of those concerned, or the utilitarian outcomes of our individual actions, but rather attempted to deal impartial justice to all those concerned through the application of Right, a category of justice that is prior to the good.

¹¹⁵The contemporary manifestation of such a project, and one which MacIntyre himself cites, we find of course in Rawls' *A Theory of Justice*, the subject of the following chapter. But at the moment, it is the differences between Kant, Hegel, and the Liberals and Communitarians that I now wish to highlight.

That Kant's philosophy should become the dominant philosophical system in Europe is fitting, as Kant not only manifested the Enlightenment Rationalism so characteristic of his time, but also shaped it. And it is also not so surprising that those should develop Kant's theory such as Herr Fries and Fichte in ways that Kant may not have countenanced. Neither is it surprising that a counter-enlightenment movement lead by Herder, De Maistre and other such malcontents should so swiftly rise to oppose it.¹¹⁶ What is perhaps more interesting is that it was only a short while afterwards that Hegel was to shake both the dominant Kantian school in philosophy and the counter-enlightenment movement to their very foundations.

Hegel did so by combining the best elements of both schools of thought into a synthesis that has become the hallmark of Hegelian thought that superseded either. And so we are still haunted by debates that owe their origin to the opposition between Kant and Hegel. As I have stated before, this is precisely what the Liberal-Communitarian debate is all about, with the crucial difference being that neither the Liberals nor the Communitarians employ the metaphysical foundations upon which Kant and Hegel erected their respective moral and political theories.

5 – 4 Philosophy in Kant & Hegel

Hegel's conception of philosophy is, as I have already suggested, in almost complete contrast to Kant's. Without Kant, it is safe to say that Hegel would have set out on a very different trajectory in his philosophising; but while Kant argued that rationality ought to dictate the norms regulating society, for Hegel: *"What is rational is actual and what is actual is rational."*

This was not simply a blind affirmation of the given, as some of Hegel's harshest critics have maintained (and this criticism has been extended to Oakeshott today). Rather, it is a shift in focus away from mind itself and towards the world

¹¹⁶ On this point, see Holmes, Stephen. *The Anatomy of Anti-Liberalism* (Cambridge: Harvard University Press, 1993)

and reason in the form of custom, tradition and habit, as it is constituted. This shift in attention did not lead one to blindly accept what was simply given. Rather, the “simply given” was always to be examined critically, to be reflected upon in such a way as to make reality conform with reason and reason conform with reality in a reciprocal process of understanding and engagement. In this way, the fruit of each earlier engagement contrived to raise the level of understanding (and hence, for Hegel, the level of freedom) in individuals and society, through Hegel’s characteristic process of negation and overcoming.

Philosophy for Hegel thus made a circle – in *The Philosophy of Right* each of the 360 parts can be understood as a single degree of arc – covering in its compass all manners of knowing. The proof of the veracity of this philosophy was not, however, to be found in a one to one correspondence between it and the world. For Hegel, philosophy and the world were indistinguishable, and the relation between the two only discoverable in the closing of the circle and the coherence and intelligibility of the whole, as in Oakeshott. It was for these reasons that I showed Oakeshott’s debt to Hegel concerning the defence of a coherence theory of truth, though that said, Oakeshott’s theory is much more radically sceptical than Hegel’s. On this point at least, Oakeshott has more in common with Hume than with Hegel.

Far from this being only an affirmation of the *status quo*, as critics of Hegel often suggest, Hegel’s theory sought not reason and its normative injunctions in “the imagined castles of the mind.” Rather Hegel sought an understanding that came in “seizing the moment in time” and then articulating “the content of the actual.” As implied in the preceding statement, “seizing the moment in time,” we can see that for Hegel reason itself, in a way that Kant could never countenance, has a history. As Hegel writes, “The history of mind is its own act. Mind is only what it does, and its act is to make itself the object of its own consciousness. In history, its act is to gain consciousness of itself as mind, to apprehend itself in its interpretation to itself.”¹¹⁷ Through this history Hegel’s “historicised

¹¹⁷ Hegel, G. W. F. *The Philosophy of Right*, §343

universalism” is revealed; and so I will now articulate this history, which, I still believe, is the best means of understanding Hegel and his work.

5 – 5 Hegel & History

Hegel’s peculiarly involved considerations of history and historiography may be well known in outline and not detail, but it may still prove worthwhile to rehearse them, at least in passing here.¹¹⁸ According to Hegel in *The Phenomenology of Spirit*, and *Introduction to the Philosophy of History* (the latter, easily the most accessible of all Hegel’s writings) history is nothing less than “the march of World Spirit upon the earth.”

History, for Hegel then, can be understood to have begun with Anaxagoras’ observation that underlying the world of appearances was “the simple thought of Reason.”

As Hegel wrote:

The only thought which philosophy brings with it, in regard to history, is the simple thought of Reason – the thought that Reason rules the world, and that world history has therefore been rational in its course.¹¹⁹

Uncovering the rationality of the course of history is for Hegel the end and object of all historical thought. A straightforward corollary of this view for Hegel, therefore, is that anything that is not the rule of reason in history, is quite simply, not history. This makes sense of Hegel’s oft quoted remark that India (or what was known of India in *Hegel’s* day) could not properly be said to have history, as reason’s march to greater self-actualisation of freedom had become stalled and

¹¹⁸ By doing so, I hope we shall come to see the importance of the notion of *Geist* or Spirit in Hegel’s theory and see how Hegel’s theory of the state would look once *Geist* is removed. For it is my view that the notion of *Geist* is essential to Hegel’s theory, and without *Geist* Hegel’s distinctive view upon ethical theorising unwinds. Hegel without *Geist* is, essentially, what we shall find to be the case when we examine the Communitarian criticism of deontological liberalism.

¹¹⁹ Hegel, G. W. F. *Introduction to the Philosophy of History*, p.12

society made stagnant there.¹²⁰ What is rational is that which plays a part in the unfolding of *Geist* and that which does not is not history.

For Hegel, reason's rule manifests itself in history *both* spiritually and mentally *and* physically or institutionally, since the mental/spiritual and physical are for Hegel but two sides of the same coin. And just as the essence of matter is gravity, the essence of reason for Hegel is nothing less than the development of the positive freedom of self-determination, a full realisation of which is for Hegel only to be found in the Modern Western European State, with its heart that of civil association, and the bourgeois individual who inhabits and exercises his freedom within it.¹²¹

History for Hegel therefore commenced when the first man (or woman) recognised himself as distinguished from all the rest and first realised, if only dimly, and acted upon his own potential for self-determination against another.¹²² As Hegel writes in *The Phenomenology of Spirit*,

The relation of the two self-conscious individuals is such that they prove themselves and each other through a life and death struggle. They must engage in this struggle, for they must raise their certainty of being *for themselves* to truth, both in the case of other and in their own case. And it is only through staking one's life that freedom is won; only thus is it proved that for self-consciousness, its essential being is not [just] being, not the *immediate* form in which it appears.¹²³

From this modest awakening, Hegel suggests, a dialectic of freedom swiftly ensues, as man grows ever more conscious of himself and his relation to the world

¹²⁰ The reader is reminded of Oakeshott's speculations upon history, wherein he often remarks that one thing or another that goes under the rubric of "history" "is simply not history," although the sense here is quite different. Oakeshott makes a more severe cut between what history is and is not than Hegel does, and Oakeshott's reasons for doing so differ greatly. Whereas Oakeshott is eager to exclude anything from the category of history that seeks to put a use to history, or imposes an order exterior to such a history, for Hegel history is *only* that which exhibits reason's actualisation of freedom.

¹²¹ Thus, the story (*Geschichte*) of freedom's development for Hegel *is* history.

¹²² Whereas for Kant, the dominant feature of agency is volition, for Hegel it is intelligence. The same shall apply for Oakeshott.

and others, and realises ever higher degrees of self-determination. However, this increase in freedom depends upon a self-same freedom being realised in others, such that the individual is recognised as an equal by equals, as is the ideal of the modern state. Before that, however, a life and death struggle between master and slave must and does take place before such unequal relations may be overcome. But just as man conformed to, negated, and overcame Reason's dictates, so too does Reason evolve to conform with the man.

In Hegel's thought, the self-actualisation of freedom upon "the slaughter bench of history" develops through the actions of certain exceptional persons, what Hegel terms "world-historical-individuals" – Socrates, Alexander the Great, Caesar, and Napoleon for example – or through the actions of unnamed and unidentified masses.¹²⁴

Regardless of whom history "chooses," such history "operates" through "the passions of men" who will have little idea of their place "in the cunning of history," though Hegel may have gone too far when he wrote that he saw *Geist* on horseback in the figure of Napoleon at Jena.

The first significant stage of history for Hegel is that of Oriental Despotism, where only the Despot may be considered "free." This despot's freedom, however, is not to be envied and does not compare with the manner of freedom that the modern state may offer those members of a position to enjoy it. The despot's people, (or rather his slaves for that is all that they are or could be) are dimly aware that only the despot is free, and that they are not; but such freedom as the despot enjoys, Hegel makes very clear, can only be brute savagery, whim, and caprice. True freedom as such demands that it be reciprocally recognised by equals, and the despot, having no equal, is thus entrapped in his own despotism.

¹²³ Hegel, G. W. F. *The Phenomenology of Spirit* (Oxford: Oxford University Press, 1977) §189

¹²⁴ As an aside, many have found in Hegel's valorisation of such "Great Men" something of a "boys own" fascination. Even though such world historical figures are for Hegel in keeping with the movement of objective spirit in history, this for Hegel does not excuse them for their villainy, it is still right that they are in their times opposed.

It is only in ancient Greece that such reciprocal recognition first obtains, in what Hegel describes as that quick, but fading “evanescent flower.” Not here do we find that idealising of the Greek *polis* that had come to dominate much counter-enlightenment thought. But here, only the some can be understood as free, since the “evanescent flower” of ancient Athens is, Hegel hastens to add and we should not forget, built upon foundations of slavery, and as such issues its own, inevitable dissolution. Hegel does not then idealise the Ancient Athenian *polis*, as many of the proponents of the counter-enlightenment may have done; rather, Hegel can be considered a thoroughgoing modernist, as is Oakeshott, insofar as Hegel sees no utility in a return to a pre-modern ideal of culture or individual.¹²⁵

Only in the rise of the Germanic peoples by and through the Christianisation of the Roman Empire does the notion take hold that all individuals, by virtue of being human, are free or at least ought to be so. This period of man’s development Hegel terms the “unhappy consciousness.” The conscious man is unhappy because even though his freedom is for the most part realised in this world, he yet looks for salvation and guidance in a world beyond. As Hampsher-Monk writes, “He is preoccupied with the loss of the unity enjoyed by Greek society and sees Christianity as a religion responsible for creating the psychologically and emotionally private individual of the Roman and modern ages.”¹²⁶ Suffering from such an unhappy consciousness, he must reconcile himself with the knowledge that as long as he is in this world, he may never enjoy the peace that he would find in the next.

With the rise and fall of nations and political orders, new principles of ethical life and varieties of agents emerge and vanish. For Hegel, however, there is a terminus, the process is not never-ending: the modern European state, he writes, “is [in fact] the actuality of the ethical idea.”¹²⁷ And further, “[t]he state is abso-

¹²⁵ Indeed, Oakeshott’s project is understood in a sense as a project for relieving ourselves of such an unhappy consciousness, by reconciling ourselves to our mortality.

¹²⁶ Hampsher-Monk, Iain. *A History of Modern Political Thought* (Oxford: Blackwell, 1992) p. 417

¹²⁷ Hegel, G. W. F. *The Philosophy of Right*, §258

lutely rational inasmuch as it is the actuality of the substantial will which it possesses in the particular self-consciousness once that consciousness has been raised to consciousness of its universality.” Still further on, Hegel states: “This substantial unity is an absolute unmoved end in itself, in which freedom comes into its supreme right.”

I shall turn to articulate this conceived culmination of ethics and agency that, in peculiar fashion, has both garnered much adverse criticism and in my opinion duly reflected our modern condition.

5 – 6 On *The Philosophy of Right*

Hegel, in contrast to Kant’s “freedom of the void,” articulates in the *Philosophy of Right* what he terms the “Idea” of “Right,” out of the “Concept” of right.

Hegel here desires to show how the will is at once free and determined, and how the institutions and practices of our moral and political life are both necessary to, and also a product of that will. As Hampsher-Monk well has it, “The institutions, practices and conventions which constitute, and through which we understand the modern Liberal state, are necessarily the way they are, because they represent the only way in which human wills can coherently, and without contradiction interact in a social arena.”¹²⁸

In Hegel’s vocabulary, the “concept” of a thing is, unlike in Kant, a non-transcendent representation, contemporaneous and coextensive with the concrete actuality that it represents or has represented, but which can have no existence wholly independent of it. The “idea,” for Hegel, is the actualised “concept” in practice that has no independent existence apart from the concept. A “concept” in Hegel, we can say, is the distillate, non-transcendent representation of an “idea,” while the “idea” is the concrete actualisation of the concept in practice.

In this process of philosophical construction, Hegel in the *Philosophy of Right* describes how the “Idea” of Right, that is the concrete actualisation of Right,

develops out of the “Concept” of Right, in three successive and interrelated moments.

In the first moment, “universal will” is “pure indeterminacy” and “the dissipation of every restriction and every content immediately presented by nature, by needs, desires and impulses, or given and determined by any means whatsoever.” In the second moment the universal ego of the first moment becomes particularised, takes on determinate and particular content. Will, which was formerly “nothing” becomes “something” through its projection upon and imprinting upon the world. And in the last moment, will achieves its actualisation in the unity of the two moments in the “Idea,” or the actualisation of the “Concept,” that is to say, the principal subject of *The Philosophy of Right*.

Hegel explains: “Right therefore is by definition freedom as idea.” The structure that right is to take is composed of abstract right, morality, and ethical life. Abstract right concerns property and external relations between individuals, and as such is purely negative right, the protection and exchange of property. This negative right belongs to the realm of civil society, a type of society, which Hegel believes allows a greater individual liberty than the ancient *polis* could ever envisage. Hegel’s ideal of the civil society of course borrows heavily from such thinkers of the Scottish Enlightenment as Hume, Steuart, Hutcheson and Smith.

As Ritter writes,

In the *Philosophy of Right*, civil society has finally become the centerpoint; all political, legal, and spiritual problems of the age are referred to it as the epochal upheaval determining all, whose theory supersedes the consideration of the political revolution.¹²⁹

¹²⁸ Hampsher-Monk, Iain. p.429

¹²⁹ Ritter, Joachim. p.68

Kant's ethical theorising, Hegel asserts, is crippled, though Hegel is undoubtedly extremely impressed by Kant's derivation of ethics from pure reason. Nevertheless, Hegel believes that ethical reasoning must go a stage farther.¹³⁰ So Hegel does agree with Kant that the essential imperative in abstract right is to be a person and respect other people as persons. This is, in other words, a restatement of Kant's Kingdom of Ends, which itself is a restatement of the Christian teaching to treat others as you would be treated by them. But Hegel disagrees with the formality of Kant's theorising, contending that it leads us into a radical and unstable subjectivity: what, in effect, the inner will desires. Morality must somehow be grounded. Hegel argues that Kant's theory shows us what is moral and immoral, according to the categorical imperative, but that it has no way to distinguish between rival ethical codes that may however meet the test of universalizability. Such a case would be, for example, between two rival ethical codes, one that banished all private property and another that entrenched it.

As Hegel writes: "since the state is mind objectified, it is only as one of its members that the individual has objectivity, individuality and an ethical life." Freedom here, far from being "the freedom of the void," depends on a body of rights, relations and norms in *Sittlichkeit*, in which freedom is recognised and made possible. The individual then, far from being disconnected from all that he is phenomenally concerned with, as Hegel accused Kant of imagining him, in Hegel's account is connected with all that of which he is a part. Agency, for Hegel, is therefore conceived as situated, embedded, inter-subjective, and historicised.

5 – 7 Autonomy in Kant & Hegel

So we can see that Hegel, in complete agreement with Kant concerning the importance of a satisfactory account of agency as the necessary foundation upon which an adequate theory of the right could be built, argues, distinctly, for a very different understanding of agency, morality and politics than did Kant. He does

¹³⁰ Hampsher-Monk, Iain. p.444

so because of his very different conception of philosophy and history. Kant argued for a conception of freedom that understood the autonomy of an agent to be that of a self-legislative being uninfluenced by determinants alien to his own will and reason. Hegel, by contrast, argues for a conception of freedom that understands autonomy to be the product and consequence of concrete social conditions brought about through the activity of Reason in history.

Hegel understands human agency, like Kant, to be radically free from the determinations of nature; however, unlike Kant, Hegel understands human agency to be intimately connected with *Sittlichkeit*, or Ethical Life – the embodied norms, customs and practices of a particular society.

For Hegel then, autonomy is not to be found in the refuge of reason. Rather, freedom is to be found in an active process of negation and overcoming of the embodied norms of society and one's own reason. This is where mind strives to fulfil the freedom inherent in agency, to make such freedom not only possible but also actual, in ever-higher states of self-consciousness and freedom. The conclusion of this long process is the "end of history," which Hegel understands to be the gradual realisation of the fully autonomous individual contemporaneous with the development of the Modern Western European State that has at its centre civil association. This is an association whereby individual's various needs and desires may interact in a way more seamless and more positively than any situation or association seen so far. The provenance of Hegel's account of civil association is not difficult to determine. Undoubtedly indebted to Steuart, Hutcheson, Smith and so on, Hegel delineates a sphere of social life superior to the family, inferior to the State, which has no purpose other than satisfying the system of needs of those who engage in it.¹³¹

5 – 8 Hegel, Kant & Agency

¹³¹ Nietzsche of course had rather less good things to say about the conclusion of Hegel's teleology, calling the individuals who were to populate the end of history, "last men," seeking ever after "their pitiable comforts."

Even though Kant and Hegel have different conceptions of philosophy, it is not true that Hegel rejects Kant's ethical theorising outright, as the literature sometimes suggests. In fact, as I earlier suggested, Hegel's ethical theorising very much presupposes Kant's. And it does not go too far to say that indeed, Hegel's ethical theorising would be unintelligible without a certain understanding of Kant's. The great differences between Hegel and Kant, then, should not obscure such deeper commonalities.

These similarities and differences aside, Hegel, very much in distinction to Kant, argues that there can be no great divide between a noumenal but insensible world of will and reason and a phenomenal world of experience. Hegel believes that Kant so radically cleaved the phenomenal world from the noumenal as to make an account of their relationship impossible. He thus argues that Kant's conception of agency is empty, resulting only in "the freedom of the void," where in Charles Taylor's words, "nothing would be worth doing, nothing would deserve to count for anything."¹³²

5 – 9 The Problem

Kant himself was not unaware of the problem that Hegel suggests lies at the heart of his theory, namely, how the Kantian epistemology can confer on Kant's ideal of right its normative and imperitival legitimacy. As Kant admitted:

. . . the question as to how a categorical imperative [the supreme principal of morality] is possible can be answered [only] to the extent that there can be supplied the sole presupposition under which such an imperative is alone possible – namely, the idea of freedom. The necessity of this presupposition is discernible and this much is sufficient for the practical use of reason, i.e. for being convinced as to the validity of this imperative and hence also of the moral law; but how this presupposition itself is discernible can never be discerned by any human reason.¹³³

¹³² Taylor, Charles. *Charles. Hegel and Modern Society* (Cambridge: Cambridge University Press, 1979) p.159

¹³³ Kant, Immanuel. *Grounding*, p.60

To address this (to, in a way, discern this indiscernible) Hegel employs a very different account of knowledge that does not allow of such distinct divisions between sense and judgement, noumenal and phenomenal worlds. And therefore Hegel considers his own theory capable, unlike Kant's, of adequately accounting for the self and the freedom that is its potentiality.

Hegel presents us therefore with an account of autonomous moral agency that understands agency not only as a coupling of will and reason abstracted from the contingencies of the phenomenal world, as Kant understood. Rather, Hegel describes autonomous moral agency as a self-reflective intelligence, striving to become ever more conscious of the world as the world becomes ever more conscious of itself in a reciprocal relation of dialectical being and becoming.

This differing conception of philosophy initiates a fundamental shift in political philosophy away from Kant. For the committed Kantian, it would be his responsibility, his very obligation, to bring about such politics, as Kant shows are necessary, regardless of the existing social arrangements and practices of the community wherein he finds himself. But for the Hegelian, such an imposition would result in the fury, destruction, and Hindu fanaticism of abstract negative freedom if the supporting conditions of their realisation were absent. Indeed, Hegel goes further, in the passage I have earlier cited, in tarring Kant with the same brush as he does the French Revolutionaries.

Now it is not that Hegel condemns the French Revolution outright. Nor does Hegel hold Kant solely responsible for it: that would be preposterous; rather, the French Revolution for Hegel is an integral and necessary part of the dialectic of history. It is thus both necessary and important that the French Revolution occur for the rise of the modern Liberal state to appear on the stage of world history, as well as the Liberal individualist with whom such states are most closely identified. According to Hegel, the rise of the Modern Western European State is coeval with the rise of the Liberal individual and the Liberal individualism with which his identity is underwritten. Without the French Revolution, then, there could for Hegel be no Modern State.

But nonetheless in the ideals of the French Revolution, *liberté, fraternité, égalité*, there lies for Hegel a hidden danger, for these ideals at the time of the revolution simply *are* only ideals. The practices of such ideals will result Hegel argues in a “fury of destruction” because for Hegel they are not steeped in the customs, traditions and practices from whence they ought to arise. Devoid of their necessary nourishment in substantive conditions, and the morality of custom and habit and tradition, their application for Hegel results only “. . . as the fanaticism of pure destruction” §5n

For such freedoms to develop properly, they must arise gradually over the course of time and history, and be the hard-won outcome of the lived substantive life of those living under such norms. Hegel contends that the Kantian ideal of agency, in its efforts to establish a conception of universal right that is *prior* to the good, rends the agent from his culture, his history, and his self. The error of Liberal society, as Hegel sees it manifested in Kant, is that it tries to justify everything in terms of its being rationally chosen, rather than after the fact reflection upon the hard-won civil condition.

5 – 10 How Does Hegel’s Critique Of Kant Stand Up, & How Applicable Is It To Today’s Debate In Political Theory?

Hegel undoubtedly mounts a significant and powerful critique against Kant, but is it a fair one? Is the abstract freedom of Kant really “the freedom of the void,” the negative freedom that rises up in “a passion of Hindu fanaticism,” and “destroys everything in its wake?” I think that Hegel may here be overstating his case, though this is not surprising in that Hegel often gets lost in the exuberance of his own writing. But I do have to agree with H. B. Acton who wrote:

The logical connections [between freedom and reason] are not altogether clear, but it may well be that the links between egalitarianism, antinomianism, violence, and contempt for human life are not wholly accidental.¹³⁴

¹³⁴ Acton, Lord. “Hegel, George Wilhem Friedrich” in *The Encyclopaedia of Philosophy*, Vol. III (New York: The Macmillan Company and The Free Press, 1943)

But this is not really the question that is important for this dissertation, insofar as I shall argue that neither the Liberals nor the Communitarians make use of the metaphysical foundations of Kant and Hegel. The argument between Kant and Hegel, unlike the modern argument, is as much however on the level of metaphysics than it is politics, the exact opposite of the Liberal-Communitarian debate.

As the Liberals and Communitarians share no metaphysics, but do share a similar working method, i.e. the articulation and consideration of our common sense notions of justice and equality, the differences that separate Hegel from Kant do not actually obtain between the Liberals and the Communitarians.¹³⁵

5 – 11 Conclusion

Freedom for Hegel, like Kant, is still essential to mind. And freedom for Hegel, again like Kant, is inexorably bound up with reason; yet the relation between mind, freedom and the world is very different for each. Unlike Kant, for Hegel, reason is dialectical, bound up with reason (as Kant understood it) but also with understanding – understanding which both appropriates the world into mind, but also modifies the world by way of the activity of mind and will. Whereas the categories of mind that Kant deduced from his argument for the transcendental unity of apperception were stable, enduring, and in a way pre-existent, Hegel understood such categories to have arisen through a hermeneutical process of mind, experience, theory and practice.

Kant and Hegel both agree that it would be nonsensical to believe the categories of reason to exist independently of thinking minds. But whereas Kant understood the form of these categories to be stable as long as there were rational beings, Hegel understood such categories to be the hard-won outcome of human history. For Kant, any sentient being endowed with reason, be it a human or an-

¹³⁵ The normative pronouncements that Kant made were justified in terms of their firm metaphysical foundations. The same holds for Hegel, who under-

gel was capable in principle and practice of realising their own autonomy and human agency. For Hegel, an agent's autonomy presupposed a history in which the conditions necessary for autonomy were gradually realised; and only recently, with the appearance of the nation state, and the widespread adoption of Christianity, did the pre-conditions necessary for human autonomy develop.

As Ritter puts it: "According to Hegel, freedom is philosophically speaking the condition of man in which he can realise his humanity and so be himself and lead a human life."¹³⁶ Freedom is man's self-contained existence, his *Bei-sich-selbst-sein*, and functions so that man may be made "at home in the world." But freedom for Hegel has to be made concrete. In this concrete freedom, mind can both remain static, that is, confine itself to and content itself with the existing categories and classifications of thought, or it can doubt, overcome, and modify the world and mind to ever higher conditions of freedom. Therefore, Hegel argues, freedom is not simply the absence of external determination or constraint, won through the application of the reason and will of the noumenal world; rather, real freedom exists in the exercise of what Oakeshott calls "the freedom inherent in agency."

Hegel argues that "pure reason" is not to be found in a noumenal world wholly abstracted from experience, as Kant understood. Hegel argues, rather, that reason itself is to be found *in* the world of *Sittlichkeit*, the body of practices, institutions, customs and social norms of society within which we are embedded. The thrust, therefore, of Hegel's critique of Kant is that by illegitimately dividing the world into two, Kant has, concentrating his attention solely on a noumenal world that can exist nowhere, given us an account of what it is to be a morally autonomous being, empty of the world in which a being *is* to be autonomous. Kant has, Hegel argues, only purchased a coherent account of autonomous moral agency at the price of making the agent a stranger to *that* world.

stands the norms current in society not simply as that which exists, but as manifesting a pattern in history of emancipation.

¹³⁶ Ritter, p.48

Chapter 6 – John Rawls’s *A Theory of Justice* & an Oakeshottian Critique of Same

Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well arranged must be reformed or abolished if they are unjust.

Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good shared by others.

The denial of equal liberty can be defended only if it is necessary to raise the level of civilisation so that in due course these freedoms can be enjoyed.

– John Rawls¹³⁷

6 – 0 Preface

In this dissertation I aim to demonstrate that the Liberal-Communitarian debate has as much to do with politics as it does with philosophy. And that such politics as the debate is composed of are exercises in the political practices of Rationalism and the associated morality of the self-conscious pursuit of ideals. What Oakeshott understands by such practices and the deleterious effects upon our political theory and practice that Oakeshott believes are the inevitable result I have already discussed in Chapters 2 and 3.

To briefly recount: the practices of Rationalism in Politics Oakeshott argues are those practices predicated upon a mistaken view of knowledge and mind and morality that has increasingly come to take hold on the modern sensibility. It is one that considers mind as a neutral instrument, denigrates the morality of custom and habit, and believes that theory is not so much the after-image or step-child of practice as it is its author.

¹³⁷ Rawls, John. *A Theory of Justice* p.3-4, 52

What is perhaps most serious is that the practitioners of Rationalism in Politics are so in thrall to the certainty of their philosophy that they do but consider practical knowledge and the morality of custom with which it is underwritten to be a kind of nescience and thus are neglectful of it. For Oakeshott it is anything but a kind of nescience, as philosophy may only be but the handmaiden to practice, may only come after, and not before practical activity, and the true and real purpose of philosophy is but that of clarification and analysis of practice. In a quote that Oakeshott employs from an old Chinese fable, technical knowledge in the absence of the practical knowledge can be nothing “but the lees and scum of bygone men.”¹³⁸

The result of such “lees and scum of bygone men” for our current political practice has according to Oakeshott been grievous, resulting in the denigration and deterioration of the traditional knowledge with which a society needs to successfully renew and govern itself. How far gone we may be with such “lees and scum” it is difficult to tell, and whether we are beyond recovery is open to question. A step, however, towards relieving ourselves of this less than satisfactory condition is of course first that of its recognition, and this is of course a principal theme, both of Oakeshott and of this dissertation.

The purpose of this particular chapter however is to examine the political philosophy of John Rawls, the outstanding contemporary exemplar of Deontological Liberalism and hence also of Rationalism in Politics; to compare Rawls’s account with that of Kant’s, the outstanding modern theorist of Deontological Liberalism; and then to analyse the whole by way of the ethical theorising of Michael Oakeshott, both through his idealist conception of philosophy, and his understanding of the deleterious practices of Rationalism in Politics that I shall here argue Rawls is so representative and culpable of.

Furthermore, I will try to show that Rawls is still very much *the* contemporary exemplar of the practices of Rationalism in Politics.

¹³⁸ Chuang Tzu, p.62 in *Rationalism in Politics*

In later chapters I will try to show that the Communitarian critique which largely devotes itself to exorcising Kant from Rawls's theory and other theories like Rawls, widely misses the mark.

This is not, however, to say that the validity of Rawls's theory and other theories like Rawls's is proved by the failure of the Communitarian critique. That would be an unwarranted conclusion. It is only to say that the Liberal and Communitarian accounts of political philosophy have far more in common with each other than either is perhaps likely to admit.

However, unlike the Communitarian critique of Deontological Liberalism that this chapter will be first concerned with, an Oakeshottian critique by calling the pox of Rationalism in Politics upon both their houses does not declare the validity of either side, though it does of course implicate both.¹³⁹

Lastly, and perhaps most importantly, I will try to show how an Oakeshottian critique of the Liberal-Communitarian debate will give us a perspective upon the debate that is largely, I submit, hidden from view from within the debate itself.

6 – 1 Introduction: Deontological Liberalism Revisited

The kernel of Deontological Liberalism is the conception of justice that the contemporary contract theorists such as Rawls (I here lay aside their dissimilarities to better concentrate upon their common features) use the device of the contract to uphold as a regulative ideal: that is, viz., that the law be scrupulously neutral with regard to the many and diverse substantive conceptions of the good that the subjects to be regulated by the law hold.

Only in this way, these theorists believe, will the freedom and equality of all be upheld, each free to pursue his or her "chosen" or "given" conception of "the

¹³⁹ This is particularly interesting regarding the Communitarians, because one of the important planks of Communitarianism is that of their anti-enlightenment critique.

good” within a system of impartial rules that allow and enable others similarly to pursue with the least frustration their diverse personal conceptions.

This ideal of right of course finds its most pure and uncompromising statement in Kant, the subject of my fourth chapter. However, unlike today’s exponents of Deontological Liberalism such as Rawls, Barry, Nozick and so on, Kant of course predicated his account upon a conception of the good that had at its centre a conception of human autonomy more pure of external determination than any that had come before. But as I have suggested Kant’s account is, however, a statement of Deontological Liberalism that is no longer considered defensible by the contemporary Liberals or Communitarians surveyed in this dissertation. This is so because the metaphysical foundations upon which such a theory was justified are generally no longer regarded as tenable in principle or practice. I say generally “no longer regarded as tenable” for the simple reason that the metaphysics of Kant have not been proved or disproved conclusively. They have rather, shall we say, merely fallen out of favour in the contemporary debate.

6 – 2 Deontological Liberalism & its Contemporary form in Rawlsian Contractarianism

The normative intent of contemporary contractarianism is to secure the freedom and equality of the subjects before the law by ruling out comprehensive, and substantive conceptions of the good and other matters deemed irrelevant, such as wealth, power, sex or class from the choice of principles of justice with which the well-ordered polity is to be regulated, but to do so without recourse to metaphysical foundations of the kind that Kant employed.

The necessity of ruling out such factors in the choice of principles is brought to the fore by “the fact of pluralism,” the assumption of scepticism – that no substantive conception of the good is able to show its rational superiority to any other conception of the good – the resultant collisions between people pursuing their varied and diverse conceptions of the good, and the great inequities of wealth and power, present in society. Michael Sandel brands the attempt at se-

curing principles of justice that do not presuppose any particular conception of the good “Deontological Liberalism.”

6 – 3 John Rawls’s *A Theory of Justice*

As I have said, the most famous, and philosophically sanguine account of such Liberalism is that of Kant and his ideal of a cosmopolitan world utopia of federated republics that I examined in Chapter 4. But in our day, it is John Rawls’s *A Theory of Justice* that is taken (rightly or wrongly) as the most influential example of contemporary “Deontological Liberalism” – and what I have termed in Chapter 1 of my dissertation “the Kantian disposition” in contemporary political philosophising.¹⁴⁰ I say “disposition” rather than “manner,” because while the prioritising of the right over that of the good espoused in *A Theory of Justice* bears the unmistakable hallmark of Kant, complete with the Rationalism in Politics and the morality of the self-conscious pursuit of ideals with which Kant’s theory, I have argued, is imbued, the manner in which Rawls and other contemporary contractarians makes the right prior to the good differs significantly.¹⁴¹

As Rawls writes,

The theory of justice tries to present a natural procedural rendering of Kant’s conception of the Kingdom of Ends, and of the notions of autonomy and the categorical imperative. In this way the underlying structure of Kant’s doctrine is detached from its metaphysical surroundings so that it can be seen more clearly and presented relatively free from objection.¹⁴²

¹⁴⁰ Rawls, John. *A Theory of Justice*. Interestingly for us, Rawls is careful to say that while his restatement of the social contract is in the tradition of Locke, Rousseau and Kant, Hobbes understanding of the social contract in “Leviathan is not to be included as it presents special problems.” This is interesting because the brunt of much of the Communitarian criticism, especially that of Charles Taylor is directed towards a rather Hobbesian understanding of agency and civil association which Rawls explicitly excludes from consideration.

¹⁴¹ Rawls, John. *A Theory of Justice*, p.31. Rawls in his later writings further brings out the extent to which he attempts to model the Kantian ideal in the essays of *Political Liberalism* (New York: Columbia University Press, 1993)

¹⁴² Rawls, John. *A Theory of Justice*, p.264

The degree to which Rawls's *A Theory of Justice* has been presented "relatively free from objection" is the subject of the Liberal-Communitarian debate.¹⁴³ For with the work's publication, Rawls transformed, for good or for ill, the landscape of political philosophy. It is therefore not quite correct to remark, as John Gray has recently, that "Political Philosophy may have been reborn in 1971, but it was a still birth."¹⁴⁴

Before Rawls's *A Theory of Justice*, political philosophy was, the story goes, at a cross-roads between two rival, but incompatible schools, utilitarianism and intuitionism. While intuitionism presented a varied assortment of often conflicting ultimate values, utilitarianism was seen as particularly liable to justify policies and principles that sacrificed the good of some to the greater good of the many. As Rawls rightly pointed out, the central problem of utilitarianism was that it did "not take seriously the distinction between persons," illegitimately transposing what was rational for one man to pursue to what was rational for society as a whole to pursue.¹⁴⁵ According to Rawls, however,

Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good shared by others.¹⁴⁶

As Rawls well noted, whereas a man might reasonably trade off the benefits of the moment for greater expected benefits in the future, it was illegitimate for a society as a whole to trade off the good of some for the greater good of the many.¹⁴⁷ This was so because the ultimate criterion in utilitarianism or consequentialism was the maximisation of the aggregate good, however so defined

¹⁴³ It is not, however, the principal subject of this chapter. The principal subject of this chapter is of course the "rationalism" of Rawls' politics.

¹⁴⁴ Gray, John. *Enlightenment's Wake: Politics and Culture at the Close of the Modern Age* (London: Routledge, 1995) p. 2

¹⁴⁵ Rawls, John. *A Theory of Justice*, p.26-7

¹⁴⁶ Rawls, John. *A Theory of Justice*, p.4

¹⁴⁷ Rawls makes an exception to this for the purposes of economic development in undeveloped nations. As Rawls writes in *A Theory of Justice*, "The denial of equal liberty can be defended only if it is necessary to raise the level of civilisation so that in due course these freedoms can be enjoyed." p.152

and howsoever distributed, while the central difficulty with intuitionism was that it consisted in,

[a] plurality of first principles which may conflict to give contrary directives in particular types of cases; [but that intuitionism] includes no explicit method, or priority rules, for weighing these principles against one another.¹⁴⁸

To remedy this unsatisfactory state of affairs, Rawls in *A Theory of Justice* attempts to provide a method for analysing, making coherent, but *also* justifying principles of justice selected from within a suitably defined impartial choice situation.

This impartial choosing would work to order and prioritise the ultimate ends of intuitionism. Additionally, it would demonstrate that utilitarianism would be an irrational choice in such a situation, since through utilitarianism one could end up worse off for the greater gains of others. And no one, according to Rawls, would choose principles of justice in an impartial choice situation that would allow of such a possibility. The conditions themselves, necessary to make the choice situation impartial, are for Rawls to be derived from *our* uncontroversial common sense intuitions concerning justice and impartiality.

Rawls's results in the Special Conception of Justice are two principles of justice whose justification and analysis was to be more "Deontological" than "consequentialist" or "perfectionist." By "Deontological theories," Rawls means simply those theories that were not teleological, but not those theories that determined the rightness of actions perfectly independently of their consequences. (A theory that did, Rawls rightly regards as "crazy.") By "consequentialist" or "teleological" Rawls means a variety of theory that first defined the good independently of the right, and then made the right the mechanism for bringing such a good about. By "perfectionist," a variant of consequentialism, Rawls means a teleological "politics of the good," a theory of politics that first defines the good

¹⁴⁸ Rawls, John. *A Theory of Justice*, p.34. Barry in distinguishing Rawls' understanding of "intuitionism" from that of Sidgwick's, suggests that Rawls' understanding of "intuitionism" might better be called "pluralism." Barry, Brian. *A Liberal Theory of Justice* (Oxford : Clarendon Press, 1973) p.4

in terms of, say, the “realisation of human excellence” and then made the right the mechanism for promoting that already determined end.

Rawls’s theory of justice is to avoid the adoption of perfectionist or consequentialist principles that favour comprehensive, altruist conceptions of the good from becoming regulatory principles by subscription to a familiar contractarian device for determining fair principles of justice. By ruling out altruistic theories of the good *tout court* from the original position and by incorporating strongly individualist premises, Rawls believed he was able to capture what was so intuitively appealing about Kant’s ideal of the Kingdom of Ends, without, however, assuming, as did Kant, that people were of equal value because they participated as non-empirical beings in a realm of unchanging and eternal value.

Rawls’s theory is, unlike Kant’s, to be thoroughly anti-realist. Still, Rawls believes that we might nevertheless achieve an “archimedean standpoint” from which to determine and justify principles of justice without making recourse to a noumenal world of transcendental subjects that Hegel and others argued with respect to Kant could be found nowhere. As Rawls put it in no uncertain terms:

The essential point is that despite the individualistic features of justice as fairness, the two principles of justice are not contingent upon existing desires of present social conditions. Thus we are able to derive a conception of a just basic structure, and an ideal of a person compatible with it, that can serve as a standard for appraising institutions and for guiding the overall direction of social change. In order to find an archimedean standpoint it is not necessary to appeal to *a priori* or perfectionist principles. By assuming certain general desires, such as the desire for primary social goods, and by taking as a basis the agreements that would be made in a suitably defined situation, we can achieve the requisite independence from existing circumstances.¹⁴⁹

6 – 4 “The Original Position” & “The Veil of Ignorance”

Rawls achieves “the requisite independence” by way of the original position, the veil of ignorance, and the “thin theory of the good.” The veil of ignorance com-

¹⁴⁹ Rawls, John. *A Theory of Justice*, p.263

prises the informational constraints to be maintained in the original position that Rawls considers necessary so that fair principles of justice may be chosen. In other words, the conditions of the original position are those conditions under which we can regard the results of the deliberations in the original position to have been carried out in a procedurally impartial way. The procedure is to be impartial because once the participants in the original position have agreed to the terms of the original position, they must then also abide by the results.

The procedure is agreed to be impartial because as no one in the original position may know their status outside of the original position in society, they cannot tailor the principles derived in the original position to advantage their particular status outside of the original position, ignorant of what that status may be. The original position “is [however, only to be] understood as a purely hypothetical association characterised so as to lead to a certain conception of justice,” and not literally as a “naive” contract theory might suppose.¹⁵⁰

This “certain conception” of justice, however, is given in advance by Rawls in what he regards as our considered intuitions regarding justice. These considerations are then used to characterise the original position, so as to lead to this certain conception. This certain conception of justice is then *chosen* by the contractors in the original position from a menu of alternative principles of justice *presented* to them there.

It is thus a circular argument where both ends of the argument are grounded in our substantive ideas and considerations of justice and impartiality; where each is used to buttress the other, without making recourse to any universalist assumptions independent of the argument, such as perhaps Kant made use of by his subscription to a supernal world of unchanging value for the metaphysical foundations of his theory.

The conditions to be maintained in the original position comprise constraints upon knowledge and presumptions of motivation. The constraints upon knowl-

¹⁵⁰ Rawls, John. *A Theory of Justice*, p.12

edge embodied in the thick veil of ignorance comprise knowledge of particularities deemed irrelevant, or detrimental to the contractors fairly deliberating upon principles of justice. In the original position, therefore, no one is to know “his place in society, his class position or social status, nor . . . his fortune in the distribution of natural assets and abilities, his intelligence, strength and the like.”¹⁵¹ Neither, and more controversially, are the deliberators to “know their conceptions of the good or their special psychological propensities.” In these various ways, the contractors are therefore said to be behind “a thick veil of ignorance.”

6 – 5 “The Thin Theory of the Good”

The motivational presumptions of the original position are those embodied in the “thin theory of the good.” The “thin theory of the good” is to be distinguished from “thick theories” of the good, such as those employed by “perfectionist politics of the good.” It differs in not admitting any information that would prejudice the agents in the original position to choose principles of justice that would unfairly favour any *one* particular conception of the good.

However, the “thin theory of the good” is to be thick enough so that each member of the original position will, on Rawls’s account, know that outside of the original position they will have a “life plan,” a comprehensive conception of the good, be self-interested and have the requisite rationality to efficiently pursue that conception. They shall also know that outside of the original position they will value certain “primary” social goods.

These primary goods are those things that Rawls believes people, regardless of what comprehensive theory of the good they should find themselves employing outside of the original position, will find useful for pursuing that theory of the good which they find themselves with. The primary goods are those “things which it is supposed a rational man wants whatever else he wants.” These goods include, among other things, liberty, opportunity, income, wealth, and the social bases of self-respect.

¹⁵¹ Rawls, John. *A Theory of Justice*, p.15

Rawls argues that the contractors within the original position will always choose to have more rather than less of these goods subject to the constraints of maximin.¹⁵² The knowledge that one will have this life-plan, desire for and knowledge of these primary goods, be self-interested to pursue such a good, and have the rationality with which it is pursued, will, Rawls believes, provide the necessary motivation for the contractors in the original position to choose determinate principles of justice with which “to guide the overall direction of social change.”¹⁵³

With all these elements in mind (the original position, the veil of ignorance and its informational constraints, self-interest, the thin theory of the good comprising the Aristotelian principle, the principle of maximin, the primary goods, the circumstances of justice, the just savings principles, basic sociology, psychology, and economics) it is “[t]o this end,” Rawls asks us to “imagine, that those who engage in social co-operation choose together in one joint act the principles that are to assign basic rights and duties and to determine the division of social benefits.”¹⁵⁴ Then, “wherever social institutions satisfy these principles, those engaged in them can say to one another that they are co-operating on terms to which they would agree if they were free and equal persons whose relations with respect to one another are fair.”¹⁵⁵

¹⁵² Maximin is, of course, the principle of rationality that has it that the most rational choice in any choice situation is that choice which avoids the worst case choice. In terms of *A Theory of Justice*, it makes outcomes that deviate from the baseline only justifiable when they can be shown to advantage the least advantaged.

¹⁵³ There are a number of ways that this “thin theory of the good” can be challenged. It is, for some, either too thick or too thin. If it is too thick it biases the members of the original position to choose certain forms of the good rather than others, and thus is not “neutral” between conceptions of the good. This is the line of argument that critics like Fisk and Nagel take. If it is too thin, others argue, it is unable to achieve the motivations necessary for the contractors to choose authoritative principles of justice.

¹⁵⁴ Rawls, John. *A Theory of Justice*, p.11

¹⁵⁵ Rawls, John. *A Theory of Justice*, p.13

In this way, Rawls contends, political obligation has been secured and “in this sense its members are autonomous and the obligations they recognise self-imposed.”¹⁵⁶

6 – 6 The Two Principles of Justice

The result of this joint act – not of reflective equilibrium, but of the choosing of the two principles of justice – Rawls continues, is the justification and heuristic analysis of two principles of justice: one of liberty, the other of democratic equality.

The principles of justice derived to “constitute the fundamental part of a well ordered association” for Rawls are that:

Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system for all.

Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least disadvantaged, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.¹⁵⁷

The first principle is to have “lexical priority” over the second, while the second part of the second principle is to have priority over the first part of the second principle.¹⁵⁸

6 – 7 The Liberty Principle

As to Rawls’s liberty principle, Rawls’s liberty principle manifests itself however not in unmediated and undifferentiated freedom as is sometimes indicated

¹⁵⁶ Rawls, John. *A Theory of Justice*, p.14

¹⁵⁷ Rawls, John. *A Theory of Justice*, p.302

¹⁵⁸ As to the ambiguities of the term “Lexical Priority,” see Brian Barry’s discussion in *The Liberal Theory of Justice*.

in the literature; rather, it is composed of the gamut of freedoms that we have come to identify with the liberties of the modern European state. Such freedoms include freedom of movement, freedom of association and speech, access to the democratic political process and so on. I need not go into too much detail concerning the composition of Rawls's liberty principle, as it is not overly important from the point of this dissertation. I will, however, say that the freedoms that Rawls recommends are the very same freedoms that we have come increasingly to associate with those of the modern bourgeois Liberal state.

6 – 8 The Difference Principle

The second principle of justice chosen by the contractors in the original position is the difference principle, which states that social inequalities may only be justified if they can in fact be shown to advantage the least advantaged. The difference principle is chosen by the contractors of the original position to minimise the material disadvantages of the least well off outside of the original position. Without the difference principle, Rawls most surely would have chosen a system of radical equality. This would be one wherein everyone owned the same amount, and had the same rights; however, much as Rawls may desire radical equality, he ultimately subscribes to the belief that such democratic equality may not in fact provide the optimal arrangement for society. Rawls therefore allows of inequality through the difference principle, arguing that inequality, correctly distributed, may result in an optimal societal arrangement.¹⁵⁹

6 – 9 Application of Rawls's Principles to Society

¹⁵⁹ While the difference principle looked to be utilitarian, even teleological, Rawls argued that this was not the case. Such a principle of distributive justice is justifiable by contract means, if one assumed that natural talents and abilities, along with an individual's place in society, are understood "as arbitrary from the moral point of view." Therefore, advantages to be gained through employment of these arbitrarily acquired talents could, Rawls argued, be redistributed to the benefit of the least advantaged. This was so because natural talents, Rawls said, were a part of the common pool and not privately constituent of the individual in any morally significant way.

Once these principles of justice have been chosen, a four-stage process ensues in which the veil of ignorance is raised, and the principles of justice are gradually applied to society. In the initial stage of the original position (already discussed) the contractors determine the two principles of justice. In stage two, the parties of the original position are regarded as being at a constitutional convention where the basic facts of their society are made known. At this stage, substantive laws are formed in which they are compared with the principles of justice determined in the first stage and are seen as to whether, according to “the strains of commitment,” they may be abided by.¹⁶⁰ The contractors, now aware of their comprehensive conceptions of the good outside of the original position, judge whether or not they can live by the principles chosen in the original position. If the principles are shown to be unrealistic – that is, such principles fail the strains of commitment – the contractors then return to the original position to determine ones they may live by. In the third stage, the contractors choose the redistributive means that Rawls regards as congruent to the first stage. In the last stage, the veil of ignorance is removed completely, and we are able to judge our own conduct in the world with the principles of justice of the first stage. That is, the choice of our own individual actions.

6 – 10 A “Just” Society?

Therefore, according to Rawls, such a hypothetical construct as the original position will go so far as to make it “true that wherever social institutions satisfy these principles, those engaged in them can say to one another that they are cooperating on terms to which they would agree if they were free and equal persons whose relations with respect to one another are fair.”¹⁶¹ In this way, Rawls

¹⁶⁰ This comprises a significant part of Rawls’ argument against utilitarianism. Rawls’ point is that if it turned out that you were a member of the exploited outside the original position, you could not abide by the arrangement.

¹⁶¹ Rawls, John. *A Theory of Justice*, p.13

contends, political obligation has been secured, and “in this sense its members are autonomous and the obligations they recognise self-imposed.”¹⁶²

6 – 11 Rawls’s *A Theory of Justice*: Relatively Free from Objection?

Rawls’s *A Theory of Justice*, far from having been “relatively free from objection,” has garnered all manner of objections from Libertarian and Feminist, Marxist and Freudian. Here, I shall confine my discussion to the family of criticisms called Communitarian, and then latterly, invoke my criticism of Rawls in terms of Oakeshott’s conception and understanding of the deleterious effects of the practices of Rationalism in Politics.

There are three related reasons for my imposing this restriction. First, the publication of *A Theory of Justice* seemed to quell once and for all the argument between utilitarianism and intuitionism – the former pre-eminent debate, though it is to be noted utilitarianism of late has made a comeback. Second, Communitarianism has currently taken a prominent place in contemporary ethical discussions; and thirdly, as far as I can see, no-one has so far made a sufficient or satisfactory critique of the Rationalism in Politics that I argue pervades this debate.

It is Communitarianism’s substantial criticisms of Deontological Liberalism that I will examine in the following chapters on MacIntyre, Taylor and of course, if anachronistically, Michael Oakeshott. But it is with Oakeshott’s critique of Rationalism in Politics with regard to this debate, that I shall close this chapter and this dissertation.

Now it is true that in *A Theory of Justice* Rawls sets out to “present a natural procedural rendering of Kant’s conception of the Kingdom of Ends, and of the notions of autonomy and the categorical imperative.” But as I have previously noted Rawls does so, and must do so, in a thoroughly non-realist manner.

¹⁶² Rawls, John. *A Theory of Justice*, p.14

Whereas Kant's conception of right is predicated upon metaphysical foundations, i.e. Kant's subscription to a noumenal world of unchanging value in which we as rational beings are non-empirical participants, such recourse is not available to Rawls. Rawls chooses (crucially, as we will see) not to build his theory on such speculative metaphysics.

Instead, Rawls draws upon his conception of the primary goods, which he characterises as, "those things that it is supposed a rational man wants whatever else he wants." These freedoms, however, are derived (supposedly) from the substantive lived life of those who might wish to put themselves in a hypothetical choice situation like the original position in order to determine fair principles of justice. So we can see that the ideals plugged into the original position may only be derived from the substantive lived morality of our existing social practice. This is, however, a substantive lived morality that is *both* historically and geographically grounded. In other words, it is local and contingent social practice. So it is not at all clear how Rawls, with these resources, can attempt to make a universalist case for justice as he implies he does.¹⁶³ See for instance p. 132 of *A Theory of Justice* where Rawls writes,

Next, principles are to be *universal* in application. They must hold for everyone in virtue of their being moral persons. Thus I assume that each can understand these principles and use them in his deliberations.¹⁶⁴

Leaving such issues to one side for the time being, we must understand Rawls's project as that of deriving norms of justice applicable to a particular and local community.

6 – 12 Is the Original Position superfluous to Rawls's argument?

¹⁶³ On this point, admittedly, there is a great deal of ambiguity in Rawls and the Communitarian criticism. I, however, in concert with the later Rawls and much recent Rawls' scholarship agree that we would do well to regard Rawls as very much a Communitarian. This is insofar as *A Theory of Justice* can be understood as simply a clarification and consideration of our common sense intuitions regarding justice and impartiality.

¹⁶⁴ Rawls, John. *A Theory of Justice*, p.132

The above interpretation of Rawls makes sense taken with what I regard as the most important criticism of Rawls's original position: that the device of the original position is in fact perfectly superfluous to Rawls's determination of principles of justice. For all that can be taken out of the original position is that which has been put into it. Anything more would, by Rawls's own argument, be inconsistent with its character. That is the nature of Rawls's original position and the nature of the argument with which it is underwritten.

As one trenchant critic has put it:

The fundamental objection to Rawls's idea of an "original position" in which rational persons ignorant of their interests are supposed to have to decide on principles in which their social institutions will in due course be governed is that it already assumes what it purports to be used to demonstrate.¹⁶⁵

We should, I believe, not be surprised at this. Rawls's *A Theory of Justice* is, I contend, a bourgeois "politics of the good." It is not a statement of Deontological Liberalism at all – that is, a theory of justice that does not presuppose any one particular conception of the good in the determination of principles of justice. Sandel's characterisation of this as "Deontological Liberalism" is misleading. It could for one thing not be, for such a thing does not make sense, and Kant saw this. A theory of justice must have at its centre a conception of the good, in Kant's case a rarefied conception of human autonomy.

By ruling out knowledge of comprehensive notions of the good from the original position, Rawls has precluded principles of justice being chosen which take into account communal, substantive and collective conceptions of the good. Yet, Rawls has through the back door imported just such a conception into his specification of the original position, the veil of ignorance, and the subject of the original position. For the original position I contend is by its very nature only capable of justifying a particular account of the good that Rawls has already assumed.

¹⁶⁵ Runciman, W. G. in "Moral intuitions, procedural rules and social justice" quoted from John Gray's *Liberalisms* (London: Routledge, 1991) p.43

We can see, therefore, that though Rawls's restatement of the social contract tradition is intended to preserve what Rawls and others find so "intuitively appealing" in Kant's political philosophy, but in a more defensible way, it cannot produce or defend anything other than what it takes as given. So, while as a heuristic device, the original position is invaluable, as a device of justification it is necessarily powerless.

6 – 13 Justification & Reflective Equilibrium

As Rawls in many places argues, the original position is not, however, meant simply as a device for the analysis of our intuitions. The purpose of the original position is of course intended to support the principles of justice, not simply local and contingent principles of justice, but universal ones.

This end is met supposedly through the process of reflective equilibrium: the justification and elucidation of the principles of justice will be, by way of the original position and the achievement of reflective equilibrium, a state in which the principles of justice are made coherent with our considered beliefs outside the original position. Now it is important not to underestimate the role of reflective equilibrium in Rawls's argument, or to discount the way in which Rawls's use of reflective equilibrium distinguishes Rawls's method from that of Kant's.

Indeed, I do not believe it is going too far to say that Rawls's use of reflective equilibrium is the single most important feature distinguishing Rawls's ethical theorising from that of Kant. But as Kant's account of morality and right derived from a metaphysical account of the necessary character of reason itself, Rawls's account merely derives from our substantive ideas concerning justice, impartiality, and a few assumptions concerning rational choice and the self. This fundamental difference in types of epistemological foundations for Kant and Rawls makes the scope, legitimacy, and applications of their respective theories of right fundamentally different.

Whereas Kant, as I argued in the chapter before last, argued for a universalist theory of right and morality that he derived from unchanging and inviolate pre-suppositions of reason, will, and experience, the same cannot be said of Rawls. Rawls's account of politics and ethics must remain less than universalist as his fundamental premises are in fact not universal. Rawls's argument cannot therefore be understood as delineating for all time a universalist and ahistoricist conception of right. Instead, it should be considered as a continuing process of reconciling the determined principles of justice with our substantive intuitions concerning justice and impartiality, and as aligning our substantive intuitions with our principles of justice.

Of course, the purpose of this ongoing process is to achieve coherence between the two sides of the argument. Therefore, the validity of the principles of justice are not independent of the contingencies and vagaries of our substantive views and ideas concerning the nature of justice. This failure of Rawls to ground a universalist theory of right in foundations independent of our substantive ideas concerning justice and impartiality, in my opinion, makes Rawls above all what I have previously termed a "bourgeois theorist." This is so because he attempts to provide *philosophical* foundations for the practices of local and particular contingent communities. This is why I suggest that though Rawls intends to capture what is so intuitively appealing in Kant, he fails because he has not maintained in his theory what made Kant's theory of right universal: namely his metaphysics.¹⁶⁶

We must therefore understand *A Theory of Justice* as a very elaborate item of political rhetoric, for though Rawls attempts to "capture what is so intuitively

¹⁶⁶This difference of method between Kant and Rawls fundamentally transforms how (I suggest) we should understand Rawls' political philosophy. Instead of regarding Rawls' fundamental principles of justice as the outcome of neutral philosophy, we must in fact understand Rawls' principals of justice as being, fundamentally, political principles of justice, as is perhaps more consistent with Rawls' later *Political Liberalism* (London: Routledge, 1991). For even though Rawls is committed to considering and clarifying our considered opinions concerning justice as impartiality, he proffers his principles of justice as normative principles by which we ought to regulate the state.

appealing in Kant's Kingdom of ends," his principles, finally, can be nothing else. In addition, the politics that Rawls does employ, I furthermore contend, exemplify an exercise in "Rationalism in Politics." Before, however, demonstrating this, it may be worthwhile to return for a moment to Oakeshott.

6 – 14 Rationalism in Politics & the Associated Morality of the Self-Conscious Pursuit of Ideals

"Rationalism in Politics," as I have written, is the term that Oakeshott gives to what he considers are the most remarkable feature of our contemporary political practice. This is a development that Oakeshott suggests is coeval with the failed project of the enlightenment to deduce a tradition-independent justification of the Liberal, individualist viewpoint.

Now it must be remembered that Oakeshott is not so much critical of the ideals of Rawls (leaving to one side the second principle of justice) as he is critical of how these ideals are to be understood and the ethics and politics which are employed in their pursuit. Oakeshott is a thoroughgoing modernist who, unlike say MacIntyre, does not believe that we ought to sacrifice the hard-won freedoms of the day for the purposes of re-establishing the "evanescent flower" of the ancient Athenian *polis*. Rather, Oakeshott would have us understand the freedoms which characterise the modern state as the hard won outcome of the lived, substantive practices and largely unconscious morality of tradition, custom and habit. The modern ideals of freedom and equality as espoused in Rawls's *A Theory of Justice* may of course serve as a convenient short hand for the clarification and understanding of our social practices. However, when such ideals are promulgated in a Rationalist fashion, along with the promulgation of the morality of the self-conscious pursuit of ideals, they shall be pursued at the expense of the practices and social conditions upon which the exercise of such freedoms ultimately depend. And it is this undermining of the roots or foundations of our social and political practices that Oakeshott's critique of Rationalism in Politics and the morality of the self-conscious pursuit of ideals draws our attention to.

6 – 15 Rawls's *A Theory of Justice* & the Practices of Rationalism in Politics & the Associated Morality of the Self-Conscious Pursuit of Ideals

It has been my contention therefore that Rawls's *A Theory of Justice* is the paradigmatic statement of what Oakeshott understood and wrote so eloquently about as the practices of "Rationalism in Politics" and the associated morality of the self-conscious pursuit of ideals. Fundamentally, Rawls is one who believes philosophy precedes practice, and it is the role of theory to direct practice.¹⁶⁷ Here thought is clearly master and the director of our social and political practice: philosophy deduces norms of conduct, and it is our duty to realise these norms in our social and political conduct. Moreover, the morality, which infuses Rawls's *A Theory of Justice*, is that of the morality of the self-conscious pursuit of ideals which Oakeshott took such trouble to analyse in the essays of *Rationalism in Politics*. This is of course as it was for Kant, but unlike Kant's case, Rawls's political philosophy is not built upon the inviolate foundations of a realm of unchanging and eternal value, insensible to experience. For Hegel, as for Oakeshott, such a conception of the relation of theory to practice is inimical to the true end and purpose of philosophy, which for Hegel and Oakeshott is to provide clarification and understanding of our practices. It is not to be the master of them, for when it becomes so, it has the effect of undermining the social customs, practices and traditions which it is attempting to promote.

Now from what I have so far written about Rawls and Oakeshott it might seem that they are far closer – aside from their contrary understandings of the relation between philosophy and practice – than they actually are. It is true of course, as I have previously adumbrated and will conclude this dissertation, that Rawls and Oakeshott share the ideals of the modern European state, though they differ radically as to how such freedoms ought to be brought about. In Rawls's case, it is through the painstaking and concerted effort of applying the principles of justice to our social practices. In the case of Oakeshott, it is by way of Rational Conduct and not the deleterious practices of Rationalism in Politics.

¹⁶⁷ These are only a few examples, but many others abound in Rawls' text.

However, and as previously alluded, it would not do to underestimate the scale of their differences when it comes to the vexed question and principle of equality. On this matter, we shall see that Oakeshott and Rawls are very different. Whereas half of Rawls's *A Theory of Justice* is devoted to the rectification of economic inequalities as a result of the fortune of our birth and upbringing, Oakeshott on the matter remains largely silent. Now as I will later show, though Oakeshott does not need to speak overmuch of distributive justice in *On Human Conduct*, he is not required to either. This is so insofar as *On Human Conduct* is not to be understood as a work of normative political philosophy at all. Rather it is to be understood as an exploration of certain features of the civil condition as an aid to understanding our current situation and the history of how that situation has come about.

However, in the case of Rawls, *A Theory of Justice* is very clearly a work of normative political philosophy. As such, and in keeping with much of the tenor of contemporary normative political philosophy, Rawls argues for a conception of democratic equality in the second principle of justice. As we shall see in my concluding chapter, perhaps not in its derivation, but certainly in its suggested application, Rawls's second principle of justice has very much in common with the understanding of government as an enterprise association or *Universitas*, a variety of association that has existed coevally with that of civil association and that Oakeshott himself relates to the Rationalist mode of governing and the Rationalist mode of political philosophising. That is, an association of persons not purely associated in terms of their subjection to laws that do not favour any particular conception of the good. Rather, it is an association for the purposes of realising a particular economic conception of the good in practice.

The problem for Rawls, as Oakeshott would have it, is that in *A Theory of Justice* the ideal of freedom and justice intertwine in a confusion between civil and enterprise associations. However, that is not the only problem for Rawls. Rawls's argument cannot be a normative one – if it is to make sense – it may only be one of clarification of our previous prejudices. Strictly speaking, according to my view, Rawls's *A Theory of Justice* is not a work of political philoso-

phy. It is rather one of politics, an elaborate work of political rhetoric for the purposes of effecting changes in our political associations and the form that such politics is to take are that of Rationalism in Politics. This is what Oakeshott in fact calls politics, and what I have called “bourgeois philosophy.”

6 – 16 Conclusion

Kant in his day, and Rawls in ours, sought the device of the contract to found principles of justice with which a society can be regulated that are neutral between people’s diverse conceptions of good. They did so because they both regarded utilitarianism as unequal to the task, finding utilitarianism unable to found a principle of strong equality that would protect the rights of the minority from the advances of the many. Rawls suggests that utilitarianism is a failure because it illegitimately transposes what is rational for one man, to what is rational for society. To generate a principle of strong equality that can guard against the excesses of utilitarianism, Rawls develops an ideal choice situation designed to reflect our common sense intuitions regarding justice as impartiality. In the end, and to its detriment, Rawls’s argument assumes what it purports to demonstrate: a principle of strong equality.

For Rawls, justice *is* impartiality – the self-conscious moral ideal that all be treated by the law as free and equal beings under a system of impartial law that none can reasonably reject. This is what the original position means to achieve. I shall later submit that *lex*, the comprehensive collection of authoritative laws that govern Oakeshott’s “ideal character” of “civil association”, could in fact, leaving aside Rawls’s problematic difference principle, be chosen in the original position.¹⁶⁸ We shall take this up in more detail in the penultimate chapter.

Oakeshott’s “ideal character” Civil association, we shall see, is an association of individuals in which *lex* facilitates and enables individuals to pursue their diverse ends, but does not impose on society a preferred pattern of ends. In this

¹⁶⁸ Moreover, they would also not be reasonably rejected by persons motivated to reach agreement under the conditions of the Scanlonian contract.

way, civil association is an association in which justice as impartiality, in the way that Rawls and other Deontological Liberals describe it, prevails and a subsequent condition of political equality obtains.¹⁶⁹

Wherein they differ is this. Whereas Rawls's defence of justice as impartiality derives our "uncontroversial common sense intuitions concerning justice and impartiality" as normative ideals, Oakeshott's articulation of the civil condition springs from the intention to articulate the presuppositions of a mode of association that Oakeshott understands as particularly characteristic of the social and political practice of the Modern European state from whence it is derived. Further to this, while Rawls seems to believe justice as impartiality to be neutral between people's diverse conceptions of the good, civil association, at least as Oakeshott characterises it, is itself a dense, lived morality of social practice which claims a constitutive moral ontology, character of agent, and body of practices; it is Hegelian *Sittlichkeit*, and certainly not in any sense neutral between diverse conceptions of the good.

Insofar as civil association is an association in which justice as impartiality prevails, Oakeshott could be considered a normative theorist of the contract kind if he proposed the moral ontology that underlies the practice of civil association to be reducible to normative principles of the nature that Rawls employs. He does not. Oakeshott is not a normative political theorist of the kind that Rawls is because he believes that the self-conscious pursuit of moral ideals that animates such theorists relies on a mistaken understanding of knowledge, morality and practical activity, and is an example of "Rationalism in Politics."

¹⁶⁹ Of course, Oakeshott's "ideal character" of civil association does not found a principle of strong equality, but then, as I have tried to show, neither does Rawls achieve this. The difference is, Oakeshott does not attempt to.

Chapter 7 – Alasdair MacIntyre, John Rawls & Michael Oakeshott

What I am going to suggest is that the key episodes in the social history which transformed, fragmented and, if my extreme view is correct, largely displaced morality – and so created the possibility of the emotivist self with its characteristic form of relationship and modes of utterance – were episodes in the history of philosophy, that it is only in the light of that history that we can understand how the idiosyncrasies of everyday contemporary moral discourse came to be and thus how the emotivist self was able to find a means of expression. Yet how can this be so? In our own culture academic philosophy is a highly marginal and specialised activity. Professors of philosophy do from time to time seek to wear the clothes of relevance and some of the college-educated public are haunted by vague cartoon-like memories of Philosophy 100. But both would find it surprising and the larger public even more surprising if it were suggested, as I am now suggesting, that the roots of some of the problems which now engage the specialised attention of academic philosophers and the roots of some of the problems central to our everyday social and practical lives are one and the same. Surprise would only be succeeded by incredulity if it were further suggested that we cannot understand, let alone solve, one of these sets of problems without understanding the other.

– Alasdair MacIntyre, *After Virtue*

Indeed!

7 – 1 Introduction

Alasdair MacIntyre – whose critique of modernity I consider to rank foremost among the Communitarians surveyed in this dissertation – is the third of the five political theorists read in the light of Michael Oakeshott's critical analysis of what he terms "Rationalism in Politics" in his collection of essays of the same name of 1949 and his conception of civil association found in his later work of 1975, *On Human Conduct*, that make up the bulk of this dissertation.

Though MacIntyre's *After Virtue* precedes by some years the publication of Michael Sandel's *Liberalism and the Limits of Justice* – the work generally regarded as inaugurating the Liberal-Communitarian debate – it is fair, I believe,

to consider Alasdair MacIntyre a representative example of the Communitarian critique of Liberalism, especially of the contemporary Deontological Liberal position. For he is widely recognised as such in the literature. Moreover, in his work, we find the same antagonism towards and general disillusionment with “Liberalism,” “the Project of the Enlightenment,” and the character of the agent and account of practical reason taken to be presupposed by the “Enlightenment” generally and “Liberalism” specifically that characterises the Communitarian critique of Liberalism, especially concerning what I have chosen for convenience to call in this dissertation “Deontological Liberalism.”¹⁷⁰ In terms of this dissertation, therefore, MacIntyre will serve for me as the first contemporary exemplar of what I have chosen to call the Hegelian disposition in political philosophy, a disposition which has as its object and animus that of “Deontological Liberalism.”

As I have already argued, by “Deontological Liberalism,” I mean, of course, the Liberalism of the Rawls of the last chapter, but also a Barry, a Nozick or a Dworkin, which is the Liberalism that seeks as its primary regulative ideal a conception of justice to be applied to social institutions which is regarded as being scrupulously neutral between the existing diverse and competing, comprehensive conceptions of the good of those who are and those institutions that are to be regulated. There are, of course, other *kinds* of Liberalism and other manners of political arrangement. I concentrate upon this type of Liberalism, however, because it is the type of Liberalism and especially the version of it found in Rawls’s *A Theory of Justice*, that attracts the most attention from the Communitarian critics of Liberalism.

The Liberalism I am speaking of therefore is the Liberalism – most closely identified with the contemporary contract tradition – that is understood as putting the right before the good, eschewing “perfectionism” and “teleology” “for that of

¹⁷⁰ There are, of course, a variety of criticisms that have been made about liberalism, including but not limited to Feminist, Marxist, Conservative, and Theological, the Communitarian criticism being only a very recent addition to the pantheon.

“neutrality” and “right,” and is regarded as having found its inspiration – if not its metaphysics – in Kant’s ethical theorising.

I have chosen MacIntyre as the subject of my first chapter upon Communitarianism. I have done so because MacIntyre is, in my opinion, Deontological Liberalism’s severest critic, as well as possessor of Communitarianism’s most radical solution to the ills of modernity that, according to the Communitarians anyway, currently beset us.

In line with the other Communitarians – such as Sandel, Taylor, and so on – MacIntyre’s principal bone of contention with Deontological Liberalism is that the positing of the right over the good as espoused by the proponents of the contemporary contract tradition is a fraud. So-called “Liberal neutrality” is, they say, a fraud insofar as it advances a less than neutral conception of the good as freedom and autonomy. What kind of fraud it is, and whether this conception of freedom and autonomy is iniquitous, I hope that I shall have already made clear.

However, the difficulty that the Communitarians have with Deontological Liberalism is that they not only consider it a fraud, but also believe that the protracted pursuit of such a – and as I eventually will try to show, in Oakeshottian terms – “rationalist” ideal of Liberal neutrality will lead our society and the individuals who compose it to a social condition of nihilism where we would only experience the freedom “of the void in which nothing would be worth doing, nothing would deserve to count for anything.”¹⁷¹

¹⁷¹ Taylor, Charles. *Hegel and Modern Society*, p.159 As Will Kymlicka notes in general of this *kind* of critique of liberalism, it is a commonplace amongst Communitarians, socialists and feminists alike that liberalism is to be rejected for its excessive “individualism” or “atomism,” for ignoring the manifest ways in which we are “embedded” or “situated” in various social roles and communal relationships. The effect of these theoretical flaws is that liberalism, in a misguided attempt to promote the dignity and autonomy of the individual, has undermined the associations and communities which alone can nurture human flourishing.” Kymlicka, *Liberalism, Community and Culture* (Oxford: Clarendon, 1989) p.1

Coupled with this is the Oakeshottian criticism that what underwrites such Rationalism in Politics – for we may associate part of the Communitarian critique of Liberalism to Oakeshott’s critique of Rationalism in Politics – is that of the prevailing of the morality of the self-conscious pursuit of ideals in our contemporary culture at the expense of the traditional morality of custom and habit upon which truly Rational Conduct ultimately depends.

Returning to MacIntyre, we are according to MacIntyre, at a precipitous point in history, a crossroads between a Nietzschean future of unrestrained individual will, and a rebirth of classical political rationalism in the form of a historicised Thomism.¹⁷² Failing to realise this “emerging Thomistic conclusion,” the consequence for us will be dire, portentously intones MacIntyre. We will be led to a state of Nietzschean nihilism where only the will to power remains, a rather cruel parody of Kant’s lofty and noble ideal of the Kingdom of Ends.

How Alasdair MacIntyre’s critique of Liberalism in general and Deontological Liberalism in particular, especially as exemplified in the early work of John Rawls and those inspired by him, stands, we shall examine in the course of this chapter. As I will try to show, insofar as MacIntyre touches upon Rawls directly and he does so specifically citing Rawls as an exemplar of the “desert island theory” of morality and politics and an employer of what MacIntyre understands as the conceptually incoherent “emotivist” understanding of the self, I venture to say, MacIntyre misunderstands Rawls and the role of the original position.

What I hope to show is that in fact MacIntyre (and others who employ similar critiques) would do far better to criticise the arguments Rawls (and others) make for adopting the hypothetical mechanism of the original position when we think about justice and morality, than the original position itself, which in the end, I will try to show, is both protected from such criticisms, and, as well, superfluous to the endeavour. In other words, MacIntyre’s critique of Rawls should be a critique of the substantive reasons Rawls has for the device of the original position

and not the conceptual or methodological problems encountered in its employment. As I have said and shall continue to argue, MacIntyre's argument with Rawls lies not in Rawls's philosophy. Rather, MacIntyre's ire is directed towards Rawls's politics and the type of politics that Rawls and others employ as inherently rationalist politics underwritten by the inherently rationalist morality of the self-conscious pursuit of ideals.

How such an argument against Rawls and other Deontological Liberals may be made – against the reasons for our passing through the veil of ignorance and not the veil of ignorance or the original position themselves – I have sketched. There, I said that Rawls's reasons for adopting the original position and the veil of ignorance are inherently “rationalist” reasons, underwritten by the inherently rationalist morality of the self-conscious pursuit of politics. The consequences shall, therefore, be inherently “rationalist,” and that if we believe that Oakeshott's arguments against such reasons are sound, we will have to agree that an Oakeshottian critique of Rawls would therefore more successfully critique “Deontological Liberalism” than does MacIntyre and other such critiques that impute the use of the “emotivist self” and the social consequence of “atomism” to Rawls and others like him. A further corollary of this, is that whereas MacIntyre's critique of Rawls, if we believed it to have bite in the first instant, would appear to be made redundant by Rawls's and others' abandonment of the original position (I am thinking especially of the Scanlonian contract situation, whose contractors maintain full knowledge of their comprehensive moral endowments) an Oakeshottian critique of the kind that I intend to construct, by contrast, would still have purchase.

How Liberalism may be understood as a tradition, with its own character of agent and conception of society, will serve as my conclusion. This will concern especially the understanding of civil association and conception of agency that lies at the heart of Oakeshott's *On Human Conduct*. Therefore, instead of “an

¹⁷² Curiously, we can see that MacIntyre's critique of modernity shares a great deal with Leo Strauss's in *Natural Right and History* (Chicago: The University of Chicago Press, 1970).

emerging Thomistic conclusion,” I prefer to suggest, *pace* Sandel, Taylor, MacIntyre and the rest, “an emerging, Hobbesian understanding.” This is significant, for it is with Hobbes and a Hobbesian world, as it is also the case with Taylor, Macpherson, Strauss and a great many other critics of Liberal, bourgeois modernity, that the real object of MacIntyre’s animus lies.¹⁷³ I say Hobbesian understanding, because Oakeshott’s ideal character of civil association should not be understood in any way as a “solution” or a “conclusion,” but rather as a model for how non-normative political philosophy must be conducted in order that we may embark upon truly Rational Conduct.

7 – 2 MacIntyre’s Critique of Liberalism, “A Disquieting Suggestion”

As I have already suggested, Alasdair MacIntyre poses in his trinity of overtly Communitarian works, *After Virtue*, *Whose Justice? Which Rationality?* and *Three Rival Versions of Moral Inquiry*, a very “disquieting suggestion” and an even more fantastic proposition concerning an “emerging Thomistic conclu-

¹⁷³ A personal caveat: In writing this chapter, I have for the sake of clarity and my own purposes restricted myself to but a few features relevant to my dissertation of MacIntyre’s wide-ranging, and incisive indictment of the morality of modernity. This I fear, however, may give the wrong impression of the great scope and breadth of the case that MacIntyre makes, making MacIntyre in the process look a much more partisan and parochial theorist than is in fact the case. I hope that I may quell such a false impression, by noting in passing this feature of my presentation of MacIntyre, which in the first part only surveys MacIntyre’s critique of liberalism, and in the second, focuses upon MacIntyre’s criticism of John Rawls, which is really only a very marginal concern of MacIntyre’s in his meticulously constructed and wide-ranging indictment of the morality of modernity in the period “after virtue.” My reason for giving Rawls such a prominent place in MacIntyre’s thought is to link it up with earlier work I have done on Rawls, and the general thrust of my dissertation. The fact that I point out some problems with MacIntyre’s characterisation and understanding of Rawls (which may or may not be the case, depending on how we choose to interpret Rawls) should not in anyway be seen as in the main undermining or rendering irrelevant MacIntyre’s critique of modern morality. That would be a mistake, and a gross misreading of one of our most important critics.

sion,” as well as displaying a profound shift in thought, especially concerning how Liberalism should be understood.¹⁷⁴

In *Whose Justice, Which Rationality* and *Three Rival Versions of Moral Inquiry* MacIntyre presents Liberalism as itself a tradition. By contrast, in *After Virtue*, MacIntyre’s first book, he treats Liberalism as if it were tradition independent and incapable of conceptualising itself as a tradition. What this “disquieting suggestion” and “emerging Thomistic conclusion” entail, I shall come to in a moment, but I should point out that each of these three books centres on rather different complexes of problems. Whereas *After Virtue* is primarily concerned with diagnosing the pathology and dysfunction of our current theory and practice of morality, *Whose Justice? Which Rationality?* presents us, strange as this may sound, with a traditional, independent account of practical reason and morality that MacIntyre believes is better suited to understanding and resolving the peculiar moral predicament of our age. *Three Rival Versions of Moral Inquiry* completes the trilogy and is intended to show how the moral tradition of Thomism can be understood as rationally superior to other rival traditions that vie for our attention in our social practice.

In these works, like works by Taylor, Rorty and Oakeshott and unlike those of Rawls and Barry, for example, MacIntyre founds his social and political theorising on a blistering critique of the Enlightenment Project. As MacIntyre puts it plainly, “we still, in spite of the efforts of three centuries of moral philosophy and one of sociology, lack any coherent rationally defensible statement of [the] Liberal individualist viewpoint.”¹⁷⁵ Neither does MacIntyre believe any such statement of the Liberal individualist viewpoint may be forthcoming either, because no trans-historical, universal and rational justification of the sort that the proponents of Enlightenment Rationalism sought may, MacIntyre believes, ever be found.

¹⁷⁴ Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (London: Duckworth, 1993) *Whose Justice? Which Rationality?* (London: Duckworth, 1988) *Three Rival Versions of Moral Inquiry* (London: Duckworth, 1990)

¹⁷⁵ MacIntyre, Alasdair. *After Virtue*, p.241

As MacIntyre wryly puts it,

So far I have presented the failure of the project of justifying morality merely as the failure of a succession of particular arguments; and if that were all that there was to the matter, it might appear that the trouble was merely that Kierkegaard, Kant, Diderot, Hume, Smith and their other contemporaries were not adroit enough in constructing arguments, so that an appropriate strategy would be to wait until some more powerful mind applied itself to the problems. And just this has been the strategy of the academic philosophical world, even though many professional philosophers might be a little embarrassed to admit it.¹⁷⁶

For MacIntyre, rather, every morality presupposes a tradition, a history and sociology that it is our task to understand and make intelligible. In the Enlightenment's attempt to achieve the impossible task of deriving a tradition independent justification of the Liberal, individualist viewpoint, however, our world has gone badly awry.

What has happened with the failure of the Project of the Enlightenment, according to MacIntyre, is that, *essentially*, the background moral ontology that preceded the Enlightenment – its teleology, comprising its sociology, its history and the traditions, practices, virtues and history that constituted it – were consigned to the periphery of the modern self, leaving nothing to place in its stead, leaving us with a fragmented and largely forgotten moral universe in which our moral beliefs derive from rival, incommensurable and conflicting traditions and are no longer intelligible to ourselves or others. Such is the reason for the interminability of many modern debates, MacIntyre suggests, and the “shrill” tones with which we conduct such debates.

Ours, MacIntyre suggests, has become a world best understood with the help of Max Weber, who understood the condition of our modern age to be one in which there was no longer any real distinction between manipulative and non-manipulative human interaction. He concluded this, according to MacIntyre, by collapsing the distinction between agents making recourse to concretely objective shared moral precepts in their social dealings as guides to their ethical con-

¹⁷⁶ MacIntyre, Alasdair. *After Virtue*, p.50

duct and pure subjective moral determination. Where instead of the Enlightenment ideal of Kant's Kingdom of Ends, where every rational being was to be accorded due dignity and respect because of its participation in a realm of permanent and unchanging value – the end and goal of the Project of the Enlightenment as I tried to paint it in Chapter 3 and 4 – we have a return to a Hobbesian state of nature of will against will, composed of emotivist selves engaged in situations of increasing social and political nihilism.

7 – 3 How the World was, is Now &, Should Once Again Made Be

To understand the full (and some such as myself would say magnificent) significance of MacIntyre's claim concerning the fatal and false path that he believes modernity has taken, it will prove useful to stand side by side how MacIntyre believed the world once was, with how he understands the world presently to be, so that we may understand the discrepancy between the moral language we use and the teleology that they suppose, so that we may better evaluate the possibility and desirability of MacIntyre's "emerging Thomistic conclusion."

The difference for MacIntyre is – again, *essentially* – that prior to the failure of the Project of the Enlightenment, according to MacIntyre, people held shared teleological understandings of the universe and a concomitant understanding of the constitution of the virtues, their place and role within. It was not, however, as if everyone shared the same teleological understanding of morality – certainly it must have differed from place to place, and time to time – but that these shared understandings were sufficiently localised and internalised, such that the moral pluralism we daily contend with did then not exist in any profound or significant way. Outsiders to Greek City States were simply "Barbarians." Those that did not speak Greek were in a certain important respect less than "human."

With the dawn of Enlightenment Rationalism, such a teleological world-view as was maintained by the ancient Greeks and the Medieval Christian World, eroded until it was seen to be without warrant and consequently increasingly infrequently abided by. In replacement of the virtuous self came that of the emotivist

self, and the Deontological Liberalism which is, MacIntyre says, its logical and political counterpart. The view that MacIntyre is subscribing to here is the view that Horkheimer and Adorno put forth in *The Dialectic of the Enlightenment*. It is the pessimistic understanding of the relation of belief to practice which dictates that “every specific theoretic view succumbs to the destructive criticism that it is only a belief – until even the very notions of spirit, of truth and, indeed, enlightenment itself become animistic magic.”¹⁷⁷ For Alasdair MacIntyre, however, the supreme failure of the project of the enlightenment was not the failure to provide “any coherent rationally defensible statement of [the] Liberal individualist viewpoint.” Rather, it was to obscure the fact of its very destruction.

For MacIntyre every morality presupposes sociology and the sociology of Ancient Homeric Greek Life – MacIntyre’s principal foil for his analysis and critique of modernity in *After Virtue* – was that of a shared conception of an inherently moral universe. Man was understood as having various obligations and duties according to his role in this one. To live virtuously for him was, therefore, to exercise these capacities well, to attain the goods implicit in the practices in which he is engaged.

As MacIntyre put it, in a way that is very similar to Oakeshott, as we shall see, a practice is,

...any coherent and complex form of socially established co-operative activity through which goods internal to that form of activity are realised in the course of trying to achieve those standards of excellence which are appropriate to and partially definitive of, that form of activity, with the result that human powers to achieve excellence and human conceptions of the ends and goods involved are systematically extended.¹⁷⁸

While a virtue, for MacIntyre, is any habit, disposition, or skill that enables one to better achieve the particular goods of a practice. It is,

¹⁷⁷ In Rorty’s *Contingency, irony, and solidarity* (Cambridge: Cambridge University Press, 1989) p.57. While MacIntyre does not use this quote explicitly, Rorty is correct to use it to characterize a readily recognisable eschatological theme in the Communitarian critique of liberalism.

¹⁷⁸ MacIntyre, Alasdair. *After Virtue*, p.175

...an acquired human quality the possession and exercise of which tends to enable us to achieve those goods which are internal to practices and the lack of which effectively prevents us from achieving any such goods.¹⁷⁹

MacIntyre ties practices together through his idea of the narrative unity of a life.¹⁸⁰ To understand an agent for MacIntyre means to show his actions concerning the full narrative unity of his life with narrative being the basic genre for human understanding.¹⁸¹ A consequence of the rise of the emotivist conception of the self has been to put to one side narrative, with a resultant loss of self-knowledge. Without regard to the narrative unity of a human life, one's life will be broken down into various roles that one plays: that of husband, father, workmate, and son and so on. Contemporary social science, by ignoring narrative, MacIntyre, suggests ignores man. By concentrating on his parts, such sociology misses the whole.

Narrative has to be understood through traditions, a tradition for MacIntyre being the comprehensive collection of practices, beliefs and history thereof of a particular way of being in the world. This is in effect an order of rationality or practical reason that both supposes its own sociology and encompasses all the practices, beliefs and histories of those who compose it. "[A] living tradition then is an historically extended socially embedded argument and an argument precisely in part about the goods that constitute that tradition."¹⁸²

Our contemporary moral discourse and practice, according to MacIntyre, have however become an unhappy jumble of competing and incommensurable traditions, with no over-arching practical rationality or tradition which might be employed by moral agents to contain them. In this regard, MacIntyre cites three ri-

¹⁷⁹ MacIntyre, Alasdair. *After Virtue*, p.83

¹⁸⁰ If it be countered that this disallows any super practice from arbitrating between the variety of lesser practices in which one is engaged, each with their own authority and goods that may serve to fracture one's life, MacIntyre introduces the concept of the narrative unity of a life. And it is through the narrative unity of a human life that I believe hints at the closet realism that MacIntyre falls upon in order to show the rational superiority of Thomism to other traditions.

¹⁸¹ This, of course, ties in with Charles Taylor's thesis of man as a self-interpreting animal, my concern of the next chapter.

val and largely incommensurable traditions: that of the Encyclopaedic, the Genealogical and the Thomistic.¹⁸³

In the ancient Homeric world, by contrast, one's place, roles, duties, rights and obligations were *given* through the comprehensive conception of the good and the good life that all shared. This was namely a one to one correspondence between how the universe was constituted and the ends of man contained within it. Who one was, was not a matter of choice, but the recognition of one's place and one's role as given in the pre-existing social order. Education in the virtues and good moral practice were the internalisation of the rights and responsibilities and practices in conformity of one so situated. As MacIntyre continues,

In many pre-modern, traditional societies it is through his or her membership in a variety of social groups that the individual identifies himself or herself and is identified by others. I am brother, cousin and grandson, member of this household, that village, this tribe. These are not characteristics that belong to human beings accidentally, to be stripped away in order to discover "the real me." They are part of my substance, defining partially at least and sometimes wholly my obligations and duties. Individuals inherit a particular space with an interlocking set of social relationships: lacking that space, they are nobody, or at best a stranger or an outcast. To know oneself as such a social person is however not to occupy a static and fixed position. It is to find oneself placed at a certain point on a journey with set goals; to move through life is to make progress – or to fail to make progress – toward a given end. Thus a complete and fulfilled life is an achievement and death is the point at which someone can be judged as happy or unhappy. Hence the ancient Greek proverb: "Call no man happy until he is dead."¹⁸⁴

What one *ought* to do, follows directly from whom one *is*. However, without such a widely shared teleological conception of the universe, such imperatival inferences from empirical states of affairs are now either impossible or regarded

¹⁸² MacIntyre, Alasdair. *After Virtue*, p.207

¹⁸³ The encyclopaedic MacIntyre identifies with the Enlightenment, arguing that its ideal of providing a value neutral, systematised account of the sum of knowledge is impossible, as MacIntyre suggests the compilers of the *Ninth Edition of the Encyclopaedia Britannica* so thought. Of the genealogical, MacIntyre cites Nietzsche's *Genealogy of Morals* as the paradigm and inaugural text. Of the Genealogical tradition, MacIntyre has not much to say, regarding it as a cultural and intellectual dead end. Whether or not this is true, remains to be seen.

¹⁸⁴ MacIntyre, Alasdair. *After Virtue*, p.34

as incoherent, suggests MacIntyre. What emotive forces they still carry are vestigial relics of a by-gone age. Hume's oft cited understanding of such reasoning as examples of the "naturalistic fallacy, (deriving a normative *ought*, from a factual *is*) would be to the ancient Greeks, MacIntyre writes, conceptually unintelligible. Without a teleological conception of the universe, normative political philosophy is in effect for MacIntyre logically impossible. It is impossible to identify and conform to what is the good for man, without their being any good for man in which to identify. This, suggests MacIntyre, is the predicament of the emotivist self.¹⁸⁵

7 – 4 The Emotivist Self

With the loss of moral consensus in a teleological moral universe, the Enlightenment has foisted upon us – in replacement for the situated self that preceded it, where obligations were directly derivable from a shared teleological understanding of the universe – the "emotivist self," or at least the understanding of the emotivist self. It is a self that exists in an empty moral space and is one in which there is no shared moral horizon between agents in which to understand what is good or right. As MacIntyre puts it,

The capacity to be a moral agent [now] is located in the self rather than in any of the social roles or practices that it adopts; the resources for the possession and exercise of social judgement are to be found in the unencumbered self alone.¹⁸⁶

It is not that the so-called emotivist self does exist. For MacIntyre, such a self is a logical impossibility. Rather, we take such a self *as if* existing in our moral and political theorising. The form that this moral and political theorising has taken, has been that of Deontological Liberalism.

¹⁸⁵ And here we may see, how MacIntyre's argument fits into the Communitarian critique. Such a self is alienated from the world and denatured of his culture. Unlike for Rawls, or how Rawls is generally understood, in MacIntyre the self may not be *prior* to the ends that it affirms. There are for MacIntyre constituents of the self without which MacIntyre writes we cannot think of the self as being the self.

¹⁸⁶ Mulhall, Stephen and Swift, Adam. *Liberals and Communitarians* (Oxford: Blackwell, 1992) p.76

Such an emotivist self we are already familiar with. Sandel terms this the “unencumbered self,” and Charles Taylor calls the condition of such “unencumbered” selves, that of “atomism.” It is yet the same self, and the same condition, as draws the Communitarian’s ire.¹⁸⁷

As representative examples of emotivist theorists, theorists who employ the emotivist self, MacIntyre cites specifically Hare, Rawls, and Gewirth. According to this false theory of emotivism,

To be a moral agent is, on this view, precisely to be able to stand back from any and every situation in which one is involved, from any and every characteristic that one may possess and to pass judgement on it from a purely universal and abstract point of view that is totally detached from all social particularity. Anyone and everyone can thus be a moral agent, since it is in the self and not in social roles that moral agency has to be located... This democratised self which has no necessary social content and no necessary identity can then be anything, can assume any role or take any point of view, because it is in and for itself nothing.¹⁸⁸

Furthermore,

Emotivism is the doctrine that all evaluative judgements and more specifically moral judgements are nothing but expressions of preference, expressions of attitude or feeling, insofar as they are moral or evaluative in character.¹⁸⁹

The theory MacIntyre relates has its roots in Hume (it is the Scots whom MacIntyre insists are responsible for the attempt and failure of the Enlightenment project) and becomes dominant in the years preceding the Second World War. It arises as a reaction to the quasi-realism of G. E. Moore’s *Principia Ethica* and its non-natural property of “the good” and eventually invades nearly every facet of the academy and the world.

¹⁸⁷ As Charles Taylor relates, “...the claim is that living within such strongly qualified horizons is constitutive of human agency, that stepping outside these limits would be tantamount to stepping outside what we recognise as integral, that, is undamaged human personhood.” *Sources of the Self: The Making of the Modern Identity* (Cambridge: Cambridge University Press, 1989) p.105

¹⁸⁸ MacIntyre, Alasdair. *After Virtue*, p.32

¹⁸⁹ MacIntyre, Alasdair. *After Virtue*, p.12

Now the theory is untrue – all moral reasoning for MacIntyre necessarily presupposes a particular sociology, as it does also for Taylor and Oakeshott and, it is assumed, for most everyone else. The effect, however, of this theory being taken as true, according to MacIntyre, has been to pass verdict on the whole history of moral and political thinking that does not employ such a conception of the self as without worth. According to MacIntyre, moral discourse and practice are now nothing better than a contest of wills, wherein everyone is simply trying to bring others to hold their preferences. No longer is there space, what Taylor earlier termed “strongly qualified horizons” for an appeal to objective criteria independent of one’s subjective preference.¹⁹⁰

The Enlightenment ideal, as say encapsulated in Kant’s Kingdom of Ends, tramples the conception of agency that it is founded upon. The real meaning of moral utterance is now only the attempt to have another conform to one’s own will and not to be treated or to treat anyone as an end unto themselves. The result is that we oscillate in this new post-enlightenment world between absolute negative freedom and absolute impersonal Weberian bureaucracy, the twin evils, according to MacIntyre, of the modern world.

A further consequence is that the modern world rather than being populated by ideals of the hero or the statesman, is now composed principally of the aesthete, on a continual quest for personal satisfaction and the avoidance of boredom, the manager who works toward achieving in the most efficient way possible already given ends and the therapist who channels the energies of those who do not “fit” into “socially useful” functions.

7 – 5 Rawls as Employer of “The Emotivist Self”?

MacIntyre’s critique of the emotivist self as an unsound basis for social and political theorising certainly seems a convincing one. Such a self, as MacIntyre has characterised it, would appear to be a very austere basis for determining norms of moral and political conduct. How well, however, does MacIntyre’s under-

¹⁹⁰ MacIntyre, Alasdair. *After Virtue*, p.24

standing of the emotivist self and its use accord with the self of Rawls's *A Theory of Justice*? After all, MacIntyre offers Rawls as a specific example of a Liberal theorist who employs such a theory of the self and consequent "desert island theory" of moral and political theorising.

As MacIntyre writes specifically of Rawls (and Nozick) in *After Virtue*,

For... Rawls a society is composed of individuals, each with his or her own interest, who then have to come together and formulate common rules of life... Individuals are thus... primary and society secondary and the identification of individual interests is prior to and independent of, the construction of any moral or social bonds between them.¹⁹¹

To understand what MacIntyre means here, so that we may judge the accuracy of this as a description of Rawls's arguments and the ultimate postulates that they are based upon, it will prove necessary to make a few distinctions. The first distinction is that between what "atomism" must mean if we are to say that the agent of Rawls's theorising is "logically prior" to society, and that of the social condition of "atomism."

Saying that the agent is "logically prior" to society, is to say that man is capable, at least in principle, of developing and exercising his full moral capacities in the absence of community. And that would be absurd.

This is not as it were the oft-cited story of Robinson Crusoe, as Daniel Defoe relates. As will be remembered, Crusoe, who after developing his moral capacities in society, found himself shipwrecked upon a desert island. This is the story of a solitary individual brought up in the absence of any contact with others, who in this societal vacuum then proceeded to determine rules of conduct for himself and others to live by according to his own reason. In other words, this is the story of a Kaspar Hauser.

What I have here termed "social atomism," to be distinguished from what we might call "logical atomism," is to be understood as the alleged practical result

¹⁹¹ MacIntyre, Alasdair. *After Virtue*, p.250

of the employment of the mistaken assumption of “logical atomism” in Deontological theorising. The mistaken assumption of agency as logically prior to society, critics like MacIntyre maintain, while harmless in theory, when put into practice, has serious consequences. They allege, such a theory in practice rends asunder our society, through its blindness to the social bonds, attachments and communal virtues that exist in society and without which, they contend, we may not flourish. As Sandel relates, such a conceptual blindness as Rawls embodies,

[o]verlooks the possibility that when politics goes badly, not only disappointments but also dislocations are likely to result. And it forgets the possibility that when politics go well, we can know a good in common that we cannot know alone.¹⁹²

A further corollary of this is that the result of employing such a conceptually incoherent conception of the self, will be, instead of neutrality between competing conceptions of the good, the promulgation of a partisan Liberal, individualist morality.¹⁹³ We should not be surprised at this, for this is the central charge made by the Communitarians towards the purveyors of Liberal modernity through Deontological Liberalism.¹⁹⁴

The excerpt concerning Rawls that I have above quoted, would seem to impute to Rawls the assumption that the subject of the original position is to be understood as “logically prior” to that of the community. And, furthermore, is to be regarded as self-sufficient, autonomous, motivated to choose and capable of choosing, principles of justice which are then to be used to regulate society.

In terms of the dissertation we have to ask, then, is Rawls an employer of the conceptually incoherent “emotivist” conception of the self and the “desert island theory” of morality and politics? Moreover, if so, is he therefore an unwitting promulgator of a partisan Liberal individualist morality, not in fact neutral between the conceptions of the good of those regulated. In addition, which MacIn-

¹⁹² Sandel, Michael. *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982) p.183

¹⁹³ This is “the fraud” already related.

¹⁹⁴ The contrary of the view of man as logically prior to society is that, in Charles Taylor’s words, “the community is constitutive of the individual.”

tyre further contends, does this lead to the undesirable social condition of atomism?

With respect to Rawls, I believe we have to unpack MacIntyre's claim into its several parts. The first part is the claim of MacIntyre that Rawls employs the conceptually incoherent "emotivist" conception of the self and consequent "desert island" method of moral and political theorising. The second, that Rawls promulgates a partisan, Liberal individualist morality as Universalist norm not in fact neutral between the competing conceptions of the good of those that are regulated. In addition, the last claim, that such a conception of the good that Rawls promotes, when put into practice has pernicious social consequences.

About the first claim, that Rawls employs the incoherent "emotivist" conception of the self, I believe the answer (at least on the reading of Rawls that I give in Chapter 6) is a qualified No. As I wrote then, there are two possible readings of Rawls that we can make, with the text never definitely endorsing one or the other. On the first, we are to understand the device of the original position as a mechanism for justifying norms of conduct. On the latter, we understand the original position as merely a means of articulating in another form – for reasons of clarification and consideration – the substantive intuitions we have concerning justice available to us in our public culture. I argue in Chapter 6, however, that if Rawls's theory is to be seen to hold at all, we along with much recent scholarship on Rawls besides, must understand the original position as the latter. Otherwise, and as MacIntyre duly shows, the whole lapses into incoherence.

On the one hand the subjects of the original position would have to lay aside all their particularity, with all the attendant problems of identity, pluralism and so forth, but on the other hand bring all manner of knowledge to the original position, knowledge of the social sciences, general psychology, basic economics, the state of their society and so forth in order for the original position to have a determinate outcome. And that makes no sense. The original position is only an intellectual device for thinking about justice. Why we should employ the origi-

nal position is the real question and this is where MacIntyre ought to direct his criticisms.

As to the answer of MacIntyre's next claim, this is somewhat more complicated, but in the main I believe MacIntyre is right in accusing Rawls of promoting a partisan, Liberal individualist morality as if it were a universalist norm. As to the last claim, that such a good leads to the social pathology of atomism, we must remember Oakeshott's critique of Rationalism in Politics and the morality of the self-conscious pursuit of ideals that underwrites it. As Oakeshott argues in the essays of *Rationalism in Politics*, the promulgation and practice of Rationalism in Politics and the self-conscious pursuit of ideals has the effect of undermining the traditions, moralities and customs upon which successful Rational Conduct depends. This is not to say, as Oakeshott certainly does not, that ideals and the ideologies of Rationalism in Politics do not have their place. For Oakeshott, they are important clarifications and distillations of our ethical and political practices, and can help us identify certain features or intimations of our conduct so that we may better pursue our conduct rationally. However, Oakeshott does believe that if such ideals and ideologies are employed inappropriately or do not accurately reflect the social practices of the traditions from whence they are supposedly derived and are to be applied to, the result is that they undermine the practical knowledge and the morality of custom and habit which such ideals and ideologies ultimately depend.

As I stated, the role of the original position in Rawls, I contend, can only be sensibly understood as a heuristic device for the purposes of analysing and making coherent the principles of justice that Rawls has derived from the substantive ideas concerning justice available to us in the public culture. These individuals, from whom the substantive ideas used to characterise the original position are derived, ought in no way to be regarded as logical atoms, individuals who are to be understood as *logically prior* to society. These individuals are in fact none others than ourselves and no more logically prior to society than we find ourselves to be.

The general ideas used to derive the conditions to be embodied in the original position by Rawls come not from some bare idea of rationality or universally true facts about moral agency or that of an agent understood to be *logically prior* to society. Rather they stem from our substantive conceptions of justice embodied in our social and political discourse and practice. This is indeed consistent with the oft cited but seldom read story of Robinson Crusoe which concerns not so much a man without any societal contact whatsoever, but rather a man socialised into the norms of society, but who has had his particular place in society and his natural determinants removed, so that he may reflect upon the laws of his society the more to determine their fairness unimpeded by the biases conferred by the particularities of his own situation. In Rawls's case, people in this world, fully formed and endowed, such as ourselves, are asked to *imagine* principles of justice being determined *as if* they were in the original position, subject to its informational constraints and material motivations. As Rawls *in fact* puts it,

At any time we can enter the original position, so to speak, simply by following a certain procedure, namely, by arguing for principles of justice in accordance with these restrictions.”¹⁹⁵

Now it will be remembered that Rawls's intentions in designing the original position were to show how in an ideal choice situation Rawls twin principles of justice, one of liberty, the other of distributive justice and their priority relations, could be chosen. As Rawls wrote, “The concept of the original position, as I shall refer to it, is that of the most philosophically favoured interpretation of this initial choice situation for the purposes of a theory of justice.”¹⁹⁶ What is, however, essential to note is that Rawls's principles of justice have come first and the device of the original position has come afterwards. The informational constraints and presumptions of motivations in the original position have all been expressly designed to derive Rawls's twin principles of justice. The original position does not, indeed cannot, produce anything that it has not already been endowed with. The postulated conditions of the original position must be accepted

¹⁹⁵ Rawls, John. *A Theory of Justice*, p.19

¹⁹⁶ Rawls, John. *A Theory of Justice*, p.18

first. They are not, nor can they be, demonstrably proven from within the original position.

The device of the original position is in fact completely redundant and it is a pity that it has done as much to obscure Rawls's project as it has done to illuminate it.¹⁹⁷ What the original position assumes, namely the autonomy and equality of the subjects of the original position, it does not, indeed cannot, justify. As Rawls, we remember, put it,

The theory of justice tries to present a natural procedural rendering of Kant's conception of the Kingdom of Ends and of the notions of autonomy and the categorical imperative. In this way the underlying structure of Kant's doctrine is detached from its metaphysical surroundings so that it can be seen more clearly and presented relatively free from objection.¹⁹⁸

But the only way in which such a conception of right may be presented "free from objection" is through the employment of wholly uncontroversial ultimate assumptions. In Kant, such a project as Kant takes on and Rawls tries to mimic is defensible, insofar as Kant argued for his ideal of a cosmopolitan world utopia of federal republics by supposing that we as rational and willing beings derived our intrinsic autonomy and equality through our participation in a realm of unchanging value. However, in our post-metaphysical age, such recourse to metaphysics for Rawls is unavailable, and therefore Rawls must make do with our substantive considerations upon justice and impartiality. It is my point, that such considerations, are inherently Rationalist, as are Rawls's politics.

So much perhaps for Rawls being an employer of the conceptually incoherent "emotivist" conception of the self. But now we may understand what MacIntyre means by the latter: that Rawls is an unwitting promulgator of a partisan, Liberal, individualist morality, a partisan, Liberal, individualist morality not in fact

¹⁹⁷ W. G. Runciman in "Moral intuitions, procedural rules and social justice" quoted from John Gray's *Liberalisms* (London: Routledge, 1991) p.43

¹⁹⁸ Rawls, John. *A Theory of Justice*, p.264

neutral between the competing conceptions of the good of those who are to be regulated?¹⁹⁹

Now remember, MacIntyre's principal bone of contention with the Rawlsian theory of justice is Rawls's explicit exclusion of knowledge of perfectionist and or altruistic accounts of the good from the hypothetical participants of the original position, inserting a partisan Liberal individualist morality in its place.

This exclusion of perfectionist and or altruistic accounts of the good from the participants of the original position precisely reflects MacIntyre's critique of post-enlightenment morality, a morality that because it has banished teleological conceptions of the good from its moral and political theorising is incoherent, fragmented and largely unworkable. However, it would be a mistake for us to think that this is exactly what Rawls has done.

On the first count, Rawls, as I have already noted, has implanted within the original position a specific conception of the good that Rawls considers uncontroversial and necessary for producing determinate principles of justice. He calls this, "the thin theory of the good." It is to be "thick" enough such that the subjects of the original position will have the motivation to determine principles of justice, "thin" enough so that the principles of justice determined are neither perfectionist or altruistic. As to whether or not this "thin theory of the good" is too thin and therefore not capable of generating sufficient motivation or too thick and therefore biases the choice of principles unfairly, I will leave to one side. Rawls, however, is, at least explicit as to what he is doing. There is here being employed a substantive theory of the good, which presupposes a capacity for justice and motivation to act justly and a presupposition of strong equality

¹⁹⁹ Perhaps a better way of understanding Rawlsian neutrality would be to differentiate between neutrality of effect, versus neutrality of justification. No theory, liberal or otherwise, could have neutrality of effect, because it would necessarily have to exclude expressions of substantive, perfectionist theories of the good in the public realm that are inimical to it, though we might be able understand the neutrality of Rawls as one of neutrality of justification and even here there are difficulties. For a good discussion of the confusions of the issue is to

and autonomy. It is these that MacIntyre should be intent on criticising and upon which I have already deployed Oakeshott's account of Rationalism in Politics and the morality of the self-conscious pursuit of ideals by which it is underwritten. It is not therefore Rawls's philosophy that MacIntyre disagrees with; it is Rawls's politics.

7 – 6 MacIntyre, Rawls & Oakeshott's Understanding of "Rationalism in Politics"

I have so far in this chapter outlined in general MacIntyre's critique of modernity and the emotivist self that MacIntyre argues is its product. Essentially, MacIntyre argues that we have moved from a teleological understanding of morality where what one ought to do was derivable from one's own identity as a father, a soldier or a landowner, to a situation where such imperitival derivations are no longer possible. Whereas at least, in the ancient world, morality was conceptually intelligible, a situation has now arisen in that the teleological system of morality was thrown out, without there ever having been anything to replace it. I then went on to examine, MacIntyre's specific criticisms of Rawls's role in modernity, and asked, how Rawls's self stood up to the MacIntyrean critique. Therein, I argued that at least on one reading of Rawls, MacIntyre's criticisms were well wide of the mark.

In this section, I will try to show that while Rawls's *A Theory of Justice*, on one interpretation at least, is not itself vulnerable in the main to the critique of Liberalism that MacIntyre makes, *A Theory of Justice* is still, however, susceptible to an Oakeshottian critique. This one identifies the Rawlsian project as an essentially rationalist project and Rawls's two principles of justice as essentially "rationalist" principles of justice, embodying the morality of the self-conscious pursuit of ideals at the expense of the morality and custom upon which truly Rational Conduct depends. Why an Oakeshottian critique of the type that I propose is more successful is because the locus of an Oakeshottian critique of Rawls, I

be found in Will Kymlicka's *Contemporary Political Philosophy: An Introduction* (Oxford: Clarendon, 1990)

contend, is differently placed from that of MacIntyre's and critics like MacIntyre. While MacIntyre mistakenly directs his critique at the emotivist self that he understands Rawls to employ in his theorising, an Oakeshottian critique would focus not on the original position or veil of ignorance, but rather the reasons and arguments that Rawls makes for why we should employ the device of the original position when we reflect upon matters of justice and politics.

I shall not here fully elaborate Oakeshott's understanding of and critique of Rationalism in Politics – that has been discussed in greater depth earlier – but such a critique by not being directed at the “emotivist” conception of the self, as MacIntyre directs his critique in *After Virtue*, is not so susceptible to demonstrative disproof in the way that MacIntyre's is. This is so by the simple demonstration that the “argumentative heart” of Rawls is not the “emotivist self” and its place in the original position behind the veil of ignorance. Rather, it lies in the substantive reasons that Rawls gives as to why we ought to abide by the results of the original position.

An Oakeshottian critique of the kind that I propose, looks, in contrast to these reasons and arguments, especially the argument's concerning our natural inclination towards justice and the principle of strong equality and identifies these principles as essentially rationalist principles underwritten by the morality of the self-conscious pursuit of ideals and therefore vulnerable to Oakeshott's critique of Rationalism in Politics. In this way, it would not make the same mistake as MacIntyre, Taylor and to a lesser extent Rorty make, insofar as Rawls does not actually employ an “emotivist” conception of the self in his theorising.

After doing so, an Oakeshottian critique would proceed to highlight the other fundamental difference between the Rawlsian understanding of society as a cooperative apparatus for the socialist re-distribution of social and political goods, to that of the idea of Civil Association that has no goal other than to “carry on The Conversation of Mankind.” Whereas in Rawls, the state is understood in Oakeshott's terminology as an Enterprise Association or *Universitas*.

In replacement of such an ideological and ultimately rationalist project of Rawls, an Oakeshottian critique of Rawls would direct us away from the normative Rawlsian principles of justice. Instead, it would refer us to his conception of politics as “The Pursuit of Intimations,” and not the pursuit of rationalist ideals as found in Rawls. And whereas the Rawlsian principles of justice are (supposedly) derived from our “uncontroversial common sense intuitions concerning justice and impartiality” Oakeshott’s articulation of the civil condition springs from the intention to articulate the presuppositions of a mode of association that he understands as particularly characteristic of the social and political practice of the Modern European state. In this form of association, as in the conceptions of Barry, Rawls and other Deontological Liberals “[t]he fairness of the rule is the property of the rule itself and can be established without any need to predict what the outcome of it will be at any particular time and place,” the *jus of lex* for Oakeshott, is similarly a property of the rule itself and not subject to any such considerations.²⁰⁰

But whereas Rawls is regarded as believing that justice as impartiality is to be neutral between people’s diverse conceptions of the good, or at least as neutral as they may be, leaving them intact, civil association, at least as Oakeshott characterises it, is itself a dense, lived morality of social practice which makes no claim to not presupposing a particular moral ontology, character of agent, or body of practices by which it is constituted. Insofar as civil association is an association in which justice as impartiality prevails, Oakeshott could be considered a normative theorist of the contract kind if he proposed the moral ontology that underlies the practice of civil association to be distillable into normative principles of the nature that Rawls employs as principles of justice. He of course does not and that is where the difference lies.

7 – 7 An “Emerging Thomistic Conclusion”?

²⁰⁰ Barry, Brian. *Justice as Impartiality* (Oxford: Clarendon Press, 1995) p.83

Returning to MacIntyre, to criticise the idea of MacIntyre's "Emerging Thomistic Conclusion" in the detail that it deserves would be to go far beyond the scope of this chapter, but I will make a few notes in passing. Such a critique would begin through the imagining of what would be entailed in the attempt to undo the last three centuries of political thought and practice and make a return to a pre-modern world and to as highly culturally specific a one as that of the Thomistic ethos. Such a change as MacIntyre suggests is necessary would no doubt require a change in moral understanding and practice every bit comparable if not indeed greater to that experienced in the dissolution of the Roman Empire and its subsequent transformation into the Holy Roman. And even then, what emerged from the ashes of the Roman Empire was not that which came before, but rather something new whose character and content could neither be foreseen nor be the outcome of our deliberate intention as MacIntyre supposes would be the case with Thomism. Closer to our own age, the great social transformations of our century – such as that experienced with the emergence and dissolution of the Soviet Union – have been in the main impermanent, disastrous and short-lived. And although MacIntyre does hint that a tentative start at this Thomistic revivification of our moral and political lives could be made within the universities, by, for example, dedicating different colleges within a university to the studying of different moral traditions, I agree with the critic who referred to such suggestions as "little more than whistling in the dark." For though there is much in MacIntyre's analysis of the ills of modernity, MacIntyre's cure would surely kill the patient.

7 – 8 A Hobbesian Resolution?

As I have tried to show, MacIntyre's critique of Rawls for using "the emotivist" conception of the self is without warrant. Rawls does indeed seek to promulgate a partisan, Liberal individualist morality, with freedom and autonomy being its fundamental principles. However, that said, MacIntyre's positive solution to his diagnosis of the ills of modernity is similarly farfetched. Now it would not be proper or in the spirit of Oakeshott to elect Oakeshott's conception of civil asso-

ciation as a solution, a “Hobbesian resolution” if you may, for the virtue of Oakeshott’s political philosophy is that it is precisely not meant to be a normative political theory. It is true that Hobbes did in fact argue for the doctrine of civil association by way of showing how the election of an all powerful sovereign was in the best, most rational interests of those to be subjugated, where by doing so they were relieved from the state of nature. However, as is clear, the reasons that Hobbes presented to us have been shown not to hold. But such an attempt to achieve a state of civil association is a very much more practicable alternative to MacIntyre’s Thomistic revival. Thomism is much farther away in flavour and time and the moral ontology that is required for us to submit to its teachings simply no longer – if it even ever did – exist. By contrast, civil association being a peculiar inheritance of the modern western European state is much closer to us in time, its moral ontology much more a part of ourselves. In addition, considering the degree of pluralism rife in our society, Hobbesian civil association seems a much more appropriate and attainable ideal. This would not, however, be for us to argue for it deductively, but only to make a case for it and attempt to persuade others, not so much through normative philosophy, but rather through rhetoric, persuasion and “The Pursuit of Intimations” and Rational Conduct.

Chapter 8 – Charles Taylor & “The Ethics of Authenticity”

Self-choice makes sense only as an ideal because some issues are more significant than others. I couldn't claim to be a self-chooser and deploy a whole Nietzschean vocabulary of self-making, just because I choose steak and fries over poutine for lunch. What issues are significant, I do not determine. If I did, no issue would be significant. But then the very ideal of self-choosing as a moral ideal would be impossible.

– Charles Taylor²⁰¹

8 – 1 Introduction

We cannot go far wrong, I believe, in regarding Charles Taylor as a representative of the Communitarian critique of Liberalism. Moreover, Taylor is the concern of this second chapter examining the Communitarian critique of Liberalism, both of Liberalism generally, and of Deontological Liberalism in particular.

But unlike the critique of Alasdair MacIntyre's that we examined in the last chapter, which argued for a whole-sale rejection of modernity – and to which one commentator not without reason referred as “little more than whistling in the dark” – Charles Taylor attempts, rather, to steer a middle course between the radical return to an Aristotelian paradigm of political morality as MacIntyre suggests is both necessary and rational for our moral and political salvation, and the modern ideal of Liberal neutrality as, say, advanced by Rawls, but first proposed and defended in Kant.

Taylor terms such a middle course between the Scylla and Charybdis of Kant and Aristotle “The Ethics of Authenticity.”²⁰²

²⁰¹ “Poutine, ” it must be said, is a Quebecois dish of baked chips, gravy, and cheese curds.

²⁰² Richard Rorty whom we shall examine in the next chapter, is unusual insofar as he embraces liberal modernity, indeed arguing for a divinised metaphysics-free liberal utopia. But so far as there is a political philosophy in Rorty, we may understand Rorty as an exemplar of the Hegelian disposition.

What Charles Taylor understands by the “Ethics of Authenticity,” we shall examine. In Chapters 4 and 5, we examined how the debate between the Liberals and Communitarians could best be understood as one only between rival Kantian and Hegelian dispositions in political theorising. What, however, differentiates the Liberals from the Communitarians is more a matter of emphasis rather than kind. And I would here like to argue that even though it is the Kantian disposition that inspires such Communitarian ire, Taylor (like MacIntyre and, we will see, Rorty) is very much an example of the Hegelian. (It is not for nothing that Taylor’s major work in the history of philosophy has been his mammoth study on Hegel.) Taylor’s criticisms, however, of Deontological Liberalism specifically, like MacIntyre’s, fall wide of the mark through Taylor’s erecting and tearing down of a straw man Deontological Liberal that appears nowhere in today’s debate.²⁰³

Kant, as we saw in Chapter 4, conceived the subject of the self as an autonomous, self-legislative being participant in a non-causal realm of unchanging value. Hegel, by contrast, used the notion of *Geist*, the progressively actualised manifestation of freedom in history. But as I earlier argued, the Liberals and Communitarians can only be understood as exemplifying Kantian and Hegelian dispositions in their theories and not in fact as *making* Kantian or Hegelian arguments. (This is for the reason that no one in the current debate is prepared to employ the metaphysical foundations upon which Kant, Hegel, and in MacIntyre’s case, Aristotle founded their arguments). The same shall go for Charles Taylor here.

By shedding these metaphysical foundations, but retaining their overall political dispositions, the Liberals and Communitarians, I have argued, rather than preserving the most important features of the political philosophies of Hegel and Kant, have in fact rendered the philosophies of Kant and Hegel impotent. Whereas Kant and Hegel (with certain qualifications) put forth universal norms of conduct, applicable in all times and places derived from the metaphysical un-

²⁰³ Taylor, Charles. *Hegel* (Cambridge: Cambridge University Press, 1975) and *Hegel and Modern Society*.

derpinnings upon which they founded their theories, the Liberals and Communitarians develop normative principles that they have derived only from local and contingent practice. This remains the case whether we base these on, in the case of the Liberals, “our uncontroversial common sense intuitions concerning justice and impartiality,” or, in the case of the Communitarians, “our shared conceptions of the good.”

To determine norms of conduct that are to have universal application, such norms, I submit, have to be grounded upon universal, realist foundations; and this is precisely what Aristotle, Kant and Hegel do. But neither “our common sense intuitions concerning justice and impartiality,” nor “our shared conceptions of the good” both of which in the ethical theorising of today’s Liberals and Communitarians are explicitly local, contingent and non-real, satisfy this criterion. This fact alone makes today’s Liberals and Communitarians above all else practitioners of what Wittgenstein called “bourgeois philosophy.”

Therefore, according to my schema, what differentiates the Liberals from the Communitarians is not their respective political philosophies. They are in fact broadly similar – clarifications and systematisations of our uncontroversial common sense intuitions concerning justice and impartiality and “our shared conceptions of the good” – it is their politics. And the most significant feature of their politics is, I argue, their inherently rationalist nature.

Though this Rationalism in Politics is perhaps more clearly seen in contemporary Deontological Liberal theorising (and even though all the Communitarians found their critiques of Deontological Liberalism upon anti-rationalist critiques) I have argued and will continue to argue that such inherently rationalist politics are significantly also present in Communitarian theorising, both in their subscription to the politics of Rationalism and the morality of the self-conscious pursuit of ideals.

Examples of such rationalist tendencies in Communitarianism can be seen in their subscription to such *au courant* Communitarian ideals as “community,”

“the ethic of care,” “family values,” “embedded conceptions of the self,” and “our shared conceptions of the good.” And in the case of Charles Taylor particularly, the “Ethics of Authenticity.”²⁰⁴

8 – 2 Taylor’s Critique of Modernity Generally & Deontological Liberalism Specifically

As with other Communitarians, (Alasdair MacIntyre, for example) Taylor directs his critique at Liberalism generally and only peripherally toward that rather distinct variety of Liberalism that I have concerned myself with in the previous chapters, Deontological Liberalism.

Of Taylor’s critique of Liberalism in general, for Taylor, the theory and practice of Liberalism has created for us the following three characteristic “malaises of modernity”:

a disenchantment with the world brought about by Liberal individualism and that has led to a “narrowing and flattening of our souls,” through a concomitant diminishment of our “moral horizons “and which leaves us as Nietzsche’s last men, content with seeking after our “pitiable comforts” – or as De Tocqueville wrote, “the *petits et vulgaires plasirs*” of modern life;

a situation in which a bastard form of practical reason, namely instrumental reason (somewhat similar, though not identical, to what Oakeshott would call Rationalism in Politics) has become pre-eminent in our social and political theorising, and in so doing has both obscured the true nature of our situation and shielded from our view remedies for our salvation and;

²⁰⁴ And, I will try to show in this Chapter that Charles Taylor is not very much different from (or superior to) the rest of the Liberals and the Communitarians,

what De Tocqueville identified as the soft despotism of modern democratic life, a soft despotism which leaves us in the control of an “immense tutelary power”.

As will be noticed, these criticisms are the same criticisms, or very nearly the same criticisms, as are often directed at Liberalism by critics of Liberalism such as but not limited to the Communitarians. In addition, they are highly similar to those espoused by Alasdair MacIntyre, in the last chapter.

As I argued then, however, the Liberalism with which this thesis is primarily concerned is “Deontological Liberalism,” for it is upon Deontological Liberalism that the Communitarian critique and this thesis have focused their special attention.

This Liberalism is, as I have said, the Liberalism that has its founding inspiration in Kant but whose aims have been taken up in our own day by John Rawls and his followers. This is the Liberalism of course which seeks to ground the priority of individual right “over inter-subjective good,” and in so doing tries to embody a conception of justice that is to be scrupulously neutral between the diverse conceptions of the good of those individuals and those institutions that are to be regulated.

Taylor argues against this pre-eminent form of Liberalism in the Liberal-Communitarian debate (largely rehearsing the Hegelian critique of Kant that I recounted in Chapter 4) by contending that present in Deontological Liberalism is a rather impoverished understanding of what it is to be an agent and what it is for an agent to engage in valid moral reasoning.

The result of these impoverished understandings has been according to Taylor that,

This moral philosophy [the moral philosophy of Deontological Liberalism] has tended to focus on what it is right to do, rather than on what it is good to be, on defining the content of obligation rather than the nature of the good life; and it has no conceptual space left

since he also can be regarded as a participant in Rationalism in Politics.

for a notion of the good as the object of our lives or, as Iris Murdoch portrayed it in her work, as the privileged focus of attention of will.²⁰⁵

There shall be no prizes given to those who may guess who Taylor has in mind here: namely Rawls, Barry, Nozick and other such Deontological Liberals. Another notable feature, however, of these “deeply wrong” accounts of how it is that we reason is, for Taylor, that they can no longer explain “the sources” that motivate us to employ them. We may understand the intricacies of the utilitarian calculus, or the conditions that are maintained in the original position. We do not, however fully understand what it is that motivates us to use theories such as these to understand ourselves or to regulate our polities.

It is Taylor’s sincere contention, that unless we can restore such a moral ontology to the privileged focus of our will’s attention, we will remain in a state of darkness and a situation of increasing anomie and cultural fragmentation. We must, therefore, Taylor argues, move away from an understanding of Kantian right. This is one where the right is defined independently of the good. We must instead turn toward a Hegelian *Sittlichkeit*, that is the comprehensive collection of a society’s norms and social institutions, which by referring to:

. . . the moral obligations I have to an ongoing community of which I am a part . . . there is [then] no gap between what ought to be and what is, between *Sollen* and *Sein*.²⁰⁶

This is to answer the oft-noted naturalistic fallacy, deriving a normative “ought” from a realist “is” that MacIntyre examined in the last chapter. Only by recognizing the ongoing moral obligations that one has in their community may the modern subject, Taylor believes, be reintegrated into the world from which he has become so estranged.

Furthermore, Taylor argues (again with MacIntyre) that in fact the Liberal conception of justice as impartiality that underwrites Deontological Liberalism is fraudulent insofar as rather than eschewing any particular conception of the

²⁰⁵ Taylor, Charles. *Sources of the Self*, p.3

²⁰⁶ Taylor, Charles. in *Liberalism and its Critics*, edited by Michael Sandel. (Oxford: Blackwell, 1984) p.177

good, Deontological Liberalism is itself presupposing a peculiarly modern Liberal, individualist morality. This is the general Communitarian charge that Deontological Liberalism is a fraud.

Taylor further goes on to argue – quite uncontroversially – that the promulgation of this morality is partisan, insofar as though they purportedly derive from our “uncontroversial intuitions” concerning justice and impartiality, these normative principles of justice are taken to be universal. These norms do not embody, therefore, the value-neutral determinations of philosophy. Rather, they reflect the political motivations of certain Liberal political philosophers (of whom Rawls is of course *the* central player) insofar as they “guide the overall direction of social change.”

In practice, Taylor contends, this conception of Liberal impartiality has, however, pernicious consequences. It undermines communal attachments and collective conceptions of the good without which, Taylor contends, we may not flourish. This is of course the oft-related Communitarian charge that the promulgation of such a rarefied and spare Liberal, individualist viewpoint leads us to the social condition of atomism.²⁰⁷

Taylor’s inference here is clear: a theory of justice that did not incorporate such a narrowly defined Liberal, individualist morality, as Taylor suggests Rawls’s *A Theory of Justice* does, would have no such difficulties.

In summary, Taylor maintains, the impoverished Deontological Liberal account of agency necessarily, Taylor suggests, leads to impoverished political philosophy. Impoverished political philosophy, in turn, which is incapable of generating valid normative principles which we can use to legitimately guide, as Rawls writes, “the general direction of social change,” protect the polity from internal or external threats, or help us in the equitable and fair distribution of social and

²⁰⁷ Moreover, such a liberal individualist ideal is then pernicious insofar as it is incapable of justifying communally enjoyed goods. As evidence for this, one might consider the extravagant lengths that Rawls takes in *A Theory of Justice* to justify his conception of distributive justice in the second principle.

political goods. The result is the social condition of “atomism,” and a concomitant “narrowing and flattening” of our souls through a diminution of our “moral horizons.”

8 – 3 Practical Reason – How We Ought to Explain the Self

To recount, Charles Taylor’s task is, as I have written, threefold: (1) to articulate a more holistic account of agency, in contrast to the impoverished and atomistic understanding of agency that he regards as underwriting Deontological Liberalism; And (2) to then articulate the moral ontology and history of the modern self that is to go with this superior account. Only by accomplishing (1) and (2) may we (3) determine norms of conduct, which take into account our collective conceptions of the good, with which we can then legitimately regulate our polities.

Against the conception of the self underlying Deontological Liberalism, Taylor conceives an agency in which the particular conceptions of the good, as well as the community of the agent, are not essentially contingent matters (as in for example Rawls’s original position). They are, on the contrary, constitutive of our undamaged personhood.

To have these wrenched from us, as Rawls’s original position is regarded as doing, is to leave the subjects of Rawls’s original position, ghostly ciphers, denuded of all that distinguished us and that we shared in common. Instead of the radically disengaged subject that Taylor believes lies at the heart of Deontological Liberalism (this belief is most clearly expressed in Taylor’s hugely influential paper, “Atomism”) Taylor presents us with an alternative model of a radically engaged subject for how we should understand human conduct.²⁰⁸

8 – 4 Our Moral Intuitions

²⁰⁸ Now my point here is, while Taylor’s model is descriptively true, it does not deliver normative principles. It has the effect of neutralising certain rationalist tendencies in deontological liberalism, but is less obviously sensitive to certain rationalist pretensions it harbours itself, in Taylor’s case, an “ethics of authenticity.”

According to Taylor, all our moral intuitions have a dual aspect.²⁰⁹ They may seem on the one hand to be like the instinctual reactions we experience in the presence of certain phenomena: for example, the feeling of nausea that we are overcome with while aboard a ship in a stormy sea. On the other hand, our moral intuitions, unlike instinctual reactions, are open to articulation and moral reasoning. We can articulate and discuss these moral intuitions with respect to the phenomena that arouse them and the appropriateness of our response to them. This second aspect of the reactions that our moral intuitions distinguish them in kind from the brute instinctual reactions to phenomena that will *not* admit of such articulation and hence preclude moral reasoning about them.

For example, when I am on ship in a stormy sea, I feel nauseated. X, the experience of being on a ship in a stormy sea, simply causes nausea, Y, in me. It is useless, Taylor argues, to reason why I should feel Y, when I experience X: one simply does if one has a weak stomach, such as I do. No amount of discussion or moral reasoning or five hundred page books about our “shared conceptions of the good” will ever make me feel any differently.

However, of reactions to experiences aroused by our moral intuitions, we can Taylor maintains, through reasoning with ourselves and others, articulate our moral intuitions. Through such collective moral reasoning, we can also modify our reactions to the phenomena that originally aroused these reactions in us. Thus in further cases of the same phenomena, I need not react as I did before.

For instance, when I experience Y, I feel shameful and I can articulate in company of others reasons as to why I should feel this shame. I can say, situations such as weakness in the face of the sort of adversity (that a man should be able to endure without falling prey to weakness) are shameful to a man such as me because of my succumbing to such weakness. Through discussion with others or

²⁰⁹The term “intuitions” is perhaps not the best term to use. It would seem to imply some sort of cognitive realism. It is the term though that Taylor uses.

myself, I can be persuaded or persuade myself that shame is not an appropriate reaction to weakness in the face of adversity. It is unmanly.²¹⁰

Alternatively, I could reason that the situation that I regarded as weakness in the face of adversity was not weakness in the face of adversity but something else. For example, what I considered weakness was, perhaps, prudence in the face of insurmountable circumstances. Taylor calls this manner of reasoning “strong evaluation,” which provides reasons why I should react in particular way to a particular experience. In addition, “strong evaluation” implies being able to evaluate and modify these articulated reasons and the appropriateness of the responses to the given phenomena. This is to distinguish what is noble or shameful,²¹¹ the life that is (for example) qualitatively higher, from the one that is not.²¹²

If we, however, reject the ontological framework or background beliefs it provides (what Charles Taylor implies occurs in Deontological Liberal theorising) according to Taylor we lose our ability to “strongly evaluate.” We lose our ability to reason morally, and everything reduces to mere preference, since we lose the background beliefs and views that make such “strong evaluation” possible. What we can “strongly evaluate” collapses into what we simply react to, and we are left with the emotivist self that MacIntyre previously identified and poured such scorn upon.

²¹⁰ Taylor believes that moral reasoning is always conducted in company of others by way of dialogue. It is not, however, necessary that other persons be present. We still, maintains, Taylor carry on conversations between ourselves and others even if they are not there. We ask and answer the questions they would give and make.

²¹¹ One problem I can see in Taylor is that it is too “textual.” It would seem that deaf mutes would not be able to reason. Or rather, unless we can articulate the reasons for our reactions and discuss them we are neither acting morally or reasoning morally. Oakeshott is better on this account, as self-enactments, and self-disclosures are not confined to the simply linguistic, but include all forms, or at least a much greater variety, of human expression or conduct.

²¹² Liberal neutrality here goes by the way side, as a central principle of politics, but is assimilated as one important element of modern politics against a background of many more.

This “strong evaluation,” what the emotivist self cannot account for, for Taylor is:

. . . not meant just as a contingently true psychological fact about human beings, which could, perhaps turn out one day not to hold for some exceptional individual or new type, some superman of disengaged objectification. Rather the claim is that living within such strongly qualified horizons is constitutive of human agency, that stepping outside these limits would be tantamount to stepping outside what we recognise as integral, that is undamaged human personhood.²¹³

Strong evaluation, for Taylor, is a transcendental fact concerning human agency, which allows us to differentiate that which is noble from that which is base, what is qualitatively higher from that which is qualitatively lower. It is not that there is externally any metaphysical standard of judgement. Rather, it is that we can compare one thing to another and establish for ourselves what is better from that which is worse and by so doing we can shape our moral ontology, through dialogue with others and ourselves.²¹⁴

These “moral intuitions” are not given, Taylor argues, in advance; rather, their meanings, as in Saussurean structuralism, are dependent on the relations of difference that exist between them in our moral discourse. Shame, for instance, is not simply the direct relation of the word “shame” to shameful things. The meaning of shame, rather, is dependent on its relation to all things that are not shameful, such as those things that are honourable. Furthermore, the meanings of these moral intuitions and the process of refining and modifying them, forms a “hermeneutic circle” wherein each new articulation and moral reasoning affects and modifies these articulations in a never-ending diurnal process.²¹⁵

²¹³ Taylor, Charles. *Sources of the Self*, p.105

²¹⁴ This makes us, for Taylor “self-interpreting animals.” We cannot, Taylor argues, interpret the conduct of human beings without also incorporating their self-interpretations into our interpretations. As with Oakeshott, Taylor argues, behaviourism is, strictly speaking, impossible, as a satisfactory understanding is not specifiable in the absence of the meanings that the agents under our examination give for their activity.

²¹⁵ The similarity of this to Oakeshott’s conversation of mankind, here, as in so many other ways, is striking. They both owe much to Hegel.

The “Best Account” or BA principle resolves differences between interlocutors and oneself. The best account is the account that is more coherent than the one that came before it, because of revisions necessitated by the first account’s incoherence. Reasoning is always, for Taylor, a matter of transitions: transitions from understandings seen to be inadequate to higher understandings that resolve the inadequacy of the previous transition.

As Taylor has it,

If this is so, [what I have just described] then we have to think of man as a self-interpreting animal. He is necessarily so, for there is no such thing as the structure of meanings for him independently of his interpretation of them; for one is woven into the other. But then the text of our interpretation is not heterogeneous from what is interpreted; for what is interpreted is itself an interpretation; a self-interpretation or experiential meaning, which contributes to the constitution of this meaning. Or to put it another way: that of which we are trying to find the coherence is itself partly constituted by self-interpretation.²¹⁶

Who someone is, their identity, Taylor argues, is therefore the collection of “stands” that one takes towards the manifold of experience by the “strong evaluations” that one makes of one’s experience. These “stands” or “positions” do not arise independently of the agents that reason and transform them. Their location is external to the individual agent in the matrix of, in Taylor’s term, the “web of interlocutors.”²¹⁷

There is, therefore, Taylor argues an objective world out there comprised of the collective moral ontologies which, owned by no one, exist independently of anyone in particular. From this “web of interlocutors” one has both gained one’s moral ontology and taken a part in modifying and evolving it. If one’s views should later radically differ from those one had previously inherited, they still imply the inheritance nonetheless. An individual not so located within such an evaluative framework would not be an agent, Taylor argues: he would in Aris-

²¹⁶Taylor, Charles. “Interpretation and the Sciences of Man” in *Philosophy and the Human Sciences: Philosophical Papers 2* (Cambridge: Cambridge University Press, 1985) p.15

totle's memorable line "be a beast or a god." The view that a moral framework is optional is impossible.

The presupposition from which the rest of Taylor's argument derives, is the denial of the claim that it is possible to conceive of the agent as the atom of political philosophising without also specifying "the good" of that self. A corollary of this is that this good must arise from the community of the "web of interlocutors" from whom the account derives. (This is, in other words, a repetition of MacIntyre's attack on the emotivist self.²¹⁸) Under this view, the base unit of normative political theorising cannot be the single agent, but must be the plurality of agents within which a single agent's understanding of "the good" is derived.

If this account of agency were true, it would have great consequences for contemporary normative political theory, for it indicates that the self cannot be usefully employed without also specifying its understanding of the good. To theorise normatively would therefore require an account of the particular beliefs about the good shared by his "web of interlocutors." Any normative political theory dependent on an understanding of the atomistic subject prior to the "the good" would be suspect. A satisfactory account of agency would have to include the self-interpretations of the moral-reasoners whose conduct we wish to understand. This may all be true, but is so self-evident as to be almost a tautology.

8 – 5 Taylor & Procedural Accounts of Justice

Rawls and Kant argue that particular conceptions of the good are contingent and are to be excluded from political theorising to maintain neutrality between competing conceptions of the good. Rawls and Kant are not, however, arguing that moral agents do not reason about conceptions of the good. They argue rather

²¹⁷ Taylor believes this removes the charge of simple relativism from him. I am not sure that it does. It only places it at one farther remove.

²¹⁸ In this case, as Taylor admits, the account given in "Atomism" is Nozick. "Interpretation and the sciences of man" in *Philosophy and the Human Sciences: Philosophical Papers 2* (Cambridge: Cambridge University Press, 1985)

that principles of normative philosophy should neither derive from, nor favour any particular conception of the good beyond that of a certain conception of self-interested personal autonomy. Taylor argues that this cannot be. The self and the good, for Taylor (and the other Communitarians) are “inexorably intertwined” and the distinction between individual agent and collective good that Kant and Rawls make is incoherent at root.²¹⁹

If it should be the case that the self and the good are “inexorably intertwined,” the consequences for normative political philosophy would be enormous. Instrumental accounts of moral reasoning that attempt to sever moral reasoning from the character of the good that the agent reasoned about, must, in fact, for the Communitarians, “covertly” employ a culturally and historically specific conception of “the good.” For example, this covert use of a conception of the good would make the products of utilitarianism less than neutral between competing conceptions of the good.²²⁰ If this were true, at a stroke, justice as impartiality, with all the attendant ahistoricism and universalism that the phrase implies, would be a fraud – as Charles Taylor and Alasdair MacIntyre do in fact contend.

Charles Taylor clearly has a point when he argues that Liberal theories of justice have too narrowly defined the nature of the modern subject and its relation to the community, the *Sittlichkeit*, of which he is a part. Unfortunately, the object of Taylor’s animus, “the atomist,” the one who believes that man is logically independent and prior to society and not dependent on society for his successful self-actualisation, appears no-where in today’s debate.

Taylor’s more “holist” or “Communitarian” understanding of agency does, however, serve to deflate some of the more rationalist universalising and ahistoricist normative pretensions of today’s Liberal theory. It does so by shifting the focus of a theory’s attention away from a transcendental kingdom of ends, or its modern variant in Rawls’s original position, towards a more fulsome articulation of

²¹⁹ See Sandel’s *Liberalism and the Limits of Justice*.

²²⁰ Examples of such a product are Rawls’ two principles of justice.

the conditional character of the *Sittlichkeit* in which the norms of conduct necessary for an agent's successful self-actualisation find their place. In addition, it highlights the way in which the prevalence of the self-conscious pursuit of ideals is at the expense of the morality of custom and habit upon which it indeed depends, further undermining our ability to engage in truly Rational Conduct so far as the regulation of our polities is concerned. As I have previously said, what tends to differentiate the Liberals from the Communitarians, is more a matter of political disposition than a difference of kind. And in this disposition is to be understood the degree to which they participate or do not participate in the practices of Rationalism in Conduct and the morality of the self-conscious pursuit of ideals with which it is underwritten.

However, Taylor further diminishes the force of his criticism by incorporating rationalist tendencies in his own theory. What his normative instructions are, Taylor (like other Communitarians) is quite recalcitrant in saying, save for a plea for civic republicanism, community and, of course, "the ethics of authenticity."

However, I should like to point out that Taylor's understanding of agency does not force us (necessarily) to embrace a substantive, "politics of the good" as he maintains. For Communitarian accounts of agency do not require that we adopt a "substantive politics of the good." Similarly, we can articulate Liberal theories of justice without resorting to the contract tradition, or employing "atomist" theories of agency.

How this may be, I will try to show later when I discuss *On Human Conduct*, but I would like to note here that questions of advocacy and ontology are much less closely related than the debate assumes. The difficulty with Taylor, as with most participants in the debate, is that he is confusing questions of ontology, such as: how ought we to understand agency? with questions of advocacy such as: what sort of politics ought we to promulgate? Nevertheless, I contend, what unites the Liberals and the Communitarians, consists not in their political dispositions, but rather in the nature of their inherently Rationalist Politics and the morality of the self-conscious pursuit of ideals.

However, differing from the other Communitarians – in sharp contrast to Alasdair MacIntyre’s valiant attempt at restoring the good of Thomism – Taylor, instead of restoring a fixed and external conception of the good, argues for an “ethics of authenticity.” This ethic of authenticity is designed to steer a middle-course between the radical romantic ideal of self-creation (that Taylor considers to be most distinctive of our age) and the Aristotelian apprehension of a pre-existing social order, which we examined in the previous chapter. In other words, as we have seen, between the Scylla and Charybdis of Hegel and Kant.

The (mixed in my opinion) success of such an endeavour I shall examine in due course. Nevertheless, in terms of the Liberal-Communitarian debate its implication is clear. We must, if we accept Taylor’s arguments concerning agency, turn away from the abstract theorising of the procedural jurists as evinced by Rawls and his followers, and turn toward history and the constitution of the modern moral ontology as our only possible guide to moral and political conduct. We must come to know the history of how we came to be in order to know whom we are and how we are to act. And it is this double-thrust that gives shape to Taylor’s most important work, *The Sources of the Self: the making of the modern identity*, the first part of which details an account of practical reason, while subsequent parts examine what Taylor understands to be the history of the modern moral self. In this way, we can see *Sources of the Self* to be Taylor’s own, as it were, *Phenomenology of Spirit* as is Oakeshott’s *Experience and its Modes*.

However, as I shall argue in my conclusion, to go from an account of practical reason to an articulation of the history of the modern moral ontology, for the purpose of deriving norms of moral and political conduct, is illegitimate. In doing so (as I argue Taylor has done) Taylor has elided what can only be properly understood as descriptive into that which is normative. And in this shift from the descriptive to the normative, what was in the first part an examination of history, has in the second part become an example of Rationalism in Politics.

Now, as I will argue, while Taylor’s analysis of modernity has great merit, his desire to restore “the good” – in this case his quasi-Herderian “Ethics of Authen-

ticity” – to the privileged focus of our lives is not only impractical and thoroughly rationalist, but indeed also incoherent.

This is so for three related reasons:

we are in what we may call “the situation of deep pluralism”;

consequent to this pluralism, divergent social goods are often incompatible, and;

norms of conduct, especially those of “the ethics of authenticity,” which Charles Taylor derives from his descriptive analysis of the history of the modern self, are inherently Rationalist and thus susceptible to Michael Oakeshott’s critique of “Rationalism in Politics.”

Taylor has made history of a piece with rationalist practice through violating its status as an autonomous mode of discourse. My argument is (essentially) that it is impossible in the first place to derive from an articulation of the modern self norms of conduct such as Taylor’s ethics of authenticity involve in terms of a set of self-conscious ideals, both because of society’s deep pluralism, and because history can never provide such norms without itself ceasing to be history.²²¹

However, as far as this dissertation is concerned, there is therefore not one single conception of the good and the good life that we all share and that can be articulated so that we may satisfactorily be governed. Moreover, history is *necessarily* polyphonous and there is not *one* history that we may articulate. Moreover, even if history could be understood as speaking to us with a single and ascertainable voice, we still could not derive rationalist norms of conduct from it, such as is the case in the self-conscious pursuit of ideals, for the reason that history may never serve as such a guide.²²² History is fundamentally dialogic in

²²¹ By “a situation of deep pluralism,” I do not mean a transcendental fact about human agency – which as Rawls remarks “may well be true,” but with which I am not here concerned – but rather the condition of our modern polities, composed as they are by the inheritors of so many different rival traditions of thought and practice.

²²² I have not the time to go into this at the moment, but it is a central contention of my thesis, which I derive from Oakeshott’s rumination upon history in *Ex-*

character, and therefore, as Oakeshott shows, we may participate in The Conversation of Mankind at any time, but philosophy as such, while it may provide us a partial escape from the conversation, cannot supply us with normative rules of conduct of the rationalist kind that we may enforce upon the conversation.

This is not, however, to say that the study of history is completely without merit for our political practice. Indeed, the study of history is essential and takes the lion share of what Oakeshott understands as our political education. History is in fact all that we may go on. For in it, we may better learn the intimations and traditions inherent in the present that we must pursue in political conduct for it to be truly rational and effective.

8 – 6 What is Going on Here; What Kind of Politics does Taylor Advocate?

What sort of politics does Taylor advocate, how does Taylor understand agency, and what is the relation between the two? I think I have the answer, though this assertion is to one side of my dissertation and I shall not defend it. As I have already suggested, underlying Taylor's thought is the Marxist vision of a heaven brought down to earth, where Hume's circumstances of justice no longer apply. Justice is no longer the first virtue of social institutions. And man is without remainder fully integrated into the common life of a conflict-less society. Only in such a society may he develop to the full extent of his inborn capacities.

The late Isaiah Berlin goes right to the point when he makes such an observation in a recent collection concerning the writings of Charles Taylor that I find so relevant I must quote:

What, for example, attracts Taylor to Marxist ideas, I believe – and he seems to me to have been influenced by these in a fascinating fashion in both his metaphysical and social views – is the notion that human beings can only rise to their full stature and develop all the potentialities which belong to them as human beings, if human society is liberated from oppression, exploitation, domination,

perience and its Modes, "The activity of being an historian" in *Rationalism in Politics and On History and Other Essays*, (New Jersey: Barnes & Noble Books, 1983)

which are inevitable consequences of indeed, embodied in, modern capitalism, but with their roots in various formations in the past. He believes, unless I am much mistaken, that such liberation can be obtained only by the creation of a rational society in which human beings understand the world, both animate and inanimate, themselves and the causal factors of the material world with which scientists deal. In this enlightened state and in it alone, they will be free to pursue the ends for which they are created both individually and above all socially. The vision is of a human society acting in a harmonious and interactive fashion, in which citizens bound together by the common use of untrammelled reason, free communication and mutual understanding, can alone live freely and progress. I wish I could believe this, but I do not.²²³

This brings me to my last and final criticism of Taylor, which centres on his conception of positive freedom underlying his “Ethics of Authenticity.” Though Taylor’s “Ethic of Authenticity” supposedly does take account of the deeply pluralist nature of contemporary society, at its heart lies a conception of positive freedom constituted by the romantic ideal of self-creation. These ethics undoubtedly have a distinguished pedigree – originating in Rousseau, systematised by Kant, criticised and refashioned in Hegel and Herder, they are tied up with the romantic ideal of the subject as a self-created artefact, in every case uniquely fashioned from the available moral resources and the particular constitution of that unique subject.

But whatever else may be said of pluralism, what lies at the bottom of such an account – the demand of romantic self-creation – is nonetheless still a rationalist conception of positive freedom and a particular and partisan conception at that. Although there is nothing inherently wrong with conceptions of positive freedom, there is, as Oakeshott shows, something inherently wrong in rationalist attempts to promulgate them.²²⁴

²²³ Berlin, Isaiah in *Philosophy In An Age of Pluralism: The philosophy of Charles Taylor in Question*, edited by James Tully with the assistance of Daniel M. Weinstock (Cambridge: Cambridge University Press, 1994) p.2-3 Interestingly, Charles Taylor does not dispute this characterisation in his “Reply and Re-Articulation” at the end.

²²⁴ Thomas Hobbes, I believe, best accommodates these essential features of our Post-modern condition (the situation of deep pluralism and the resultant rejection of any single conception of positive freedom) for the purposes of securing

With this ultimately rationalist vision before our eyes, we may then identify who and what it is that Taylor is actually arguing against: it is not Kant, Rawls, Dworkin, Kymlicka or any other “Deontological Liberal.” It is rather Thomas Hobbes – his vision of life being “nasty brutish and short” in the state of nature and his solution to this state: unconditional submission to a Sovereign. Taylor is concerned, therefore, on my account, not only to refute “the fool “who “hath said in his heart, there is no such thing as Justice.” Thrasymachus or Machiavelli, say. Rather, he wishes to refute Hobbes’s own answer that “the definition of INJUSTICE, is no other than *the not Performance of Covenant*. And whatsoever is not Unjust, is *Just*.”²²⁵ Taylor’s fear is nominalism.

Taylor’s argument therefore seems to be of the form (as was the case in Hegel’s criticism of Kant and Sandel’s criticism of Rawls) that if Taylor can show Hobbes’s understanding of agency to be faulty, the doctrine of civil association that he erects upon these foundations is similarly erroneous. The idea here, somehow, is that Hobbes is, ultimately, responsible for Rawls *and* the present day “malaises of modernity.” That there are difficulties with Hobbes’s theory of agency and its allegedly scientific method, there can be no doubt; and that Hobbes’s understanding of civil association has not been universally well received is also not in question.²²⁶

the greatest amount of negative freedom. This is perhaps not so surprising considering the civil and religious wars that form the background of Hobbes’s thought. And it is perhaps he, with the possible exception of Machiavelli, who has, I would argue, the most to say to us in this pluralist age. But what is perhaps most significant in terms of this dissertation, is that it is the spectre of Hobbes, for and against, that has animated so much of political thought in the twentieth century, from the controversies of interpretation waged by Strauss, Macpherson and Oakeshott to the Liberal-Communitarian debate of today.

²²⁵ Hobbes, *Leviathan*: edited and with an Introduction by Macpherson, C. B. (London: Penguin Books, 1985), I, 15, p.202. Quantitative analysis of book indices rarely reveal anything worthwhile, but it is, I think, interesting to note that in *Sources of the Self* Hobbes gets 12 references, compared to 4 for Rawls. In *Human Agency and Language: Philosophical Papers 1*, Hobbes gets 9 references while Rawls receives none, and in *Philosophy and the Human Sciences: Philosophical Papers 2*, though Rawls does get 9 citations, Hobbes receives 24.

²²⁶ Oakeshott himself notes that Hobbes “has “an unsatisfactory theory of voluntarism.” And I believe this is the important defect in Hobbes that Oakeshott seeks to remedy in *On Human Conduct*.

In addition, Taylor's critique would be devastating if modern social science actually understood the agent in the way Taylor thinks it does, but it simply does not. This being so, his account applies only to Locke, perhaps Nozick and Thomas Hobbes – and even this is highly questionable. More to the point, such an argument only tangentially applies to Rawls, insofar as the contractors in the original position are not atoms separate from their social context, but rather (in line with the “thin theory of the good”) they, being social animals, are endowed incontrovertibly with this context, as well as having the deep theory of the good used to characterise the original position.

What the original position prevents, then, is principles of justice being chosen that would embrace comprehensive, regulatory conceptions of the good. The original position, after all, does not prevent associations of the mutual pursuit of conceptions of justice occurring within the terms of the comprehensive association. Moreover, even in Hobbes, the Sovereign only acts if the peace of the *civitas* is threatened. The Sovereign is indifferent to the activities of the *cives* provided they do not threaten the *civitas*.

If, as Taylor says, the good and the self are inexorably intertwined, how must we articulate the good in order to understand human conduct? I believe the account of human conduct that Taylor gives can be fully given *without* also specifying the good of the self; we can speak of the good and the self, but nowhere do we have to articulate what that good is. We can simply acknowledge its place in an adequate account of human conduct without also articulating its specific character. I think Taylor is right to say that any account of normative political theorising necessarily presupposes a conception of the good; but I do not see that an account of political theorising which is not normative, must include one. A normative account of political philosophy would have to accommodate an understanding of the good. However, an exercise in understanding human conduct, such as that provided by Oakeshott in the first essay of *On Human Conduct*, does not require such a concept of good in order to function.

The purpose of Kant and Rawls's political theorising is to develop political principles that agents could agree upon which are value-neutral. As we have seen though, what Taylor argues is sound: any account of normative political theorising, as the good and the self are inexorably intertwined, is necessarily less than neutral. But the reason that it is less than neutral is precisely because it is also normative. This distinction constitutes, I argue, the main problem of the contemporary Liberal-Communitarian debate. The Communitarian criticism of the Kantian variety of Liberalism that Rawls espouses calls into question normative political theorising of the rationalist kind. It does not provide a better way of generating normative political principles; it merely opens-up a whole variety of new ones.

As I have said, the normative principles that the Communitarians espouse are not normative principles of political philosophy at all, but are rather normative *political* principles. As we have seen, the theorist who best keeps this difference in the forefront of his theorising is Oakeshott. Unlike Taylor, Oakeshott keeps his model for understanding human conduct separate from the character of the good, because to trespass from one to the other, as Taylor and the other Communitarians do, is illegitimate. Though the Communitarians are right in their criticisms of Deontological normative political theorising, they do not recognise the rationalist implications inherent in their own normative political theorising.

Chapter 9 – Richard Rorty, Michael Oakeshott & Liberalism without Foundations

The difference between a search for foundations and an attempt at redescription is emblematic of the difference between the culture of Liberalism and other forms of cultural life. For in its ideal form, the culture of Liberalism would be one which was enlightened, secular through and through. It would be one in which no trace of divinity would be left over, either in the form of a divinized world or a divinized self. Such a culture would have no room for the notion that there are non-human forces to which human beings should be responsible. It would drop, or drastically reinterpret, not only the idea of holiness but those of “devotion to truth” and of “fulfilment of the deepest needs of the spirit.” The process of de-divination would, ideally, culminate in our no longer being able to see any use for the notion that finite, mortal, contingently existing human beings might derive the meanings of their lives from anything except other finite, contingently existing human beings. In such a culture, warnings of “relativism,” queries whether social institutions had become increasingly “rational” in modern times and doubts whether the aims of Liberal society were “objective moral values” would seem merely quaint.

– Richard Rorty²²⁷

9 – 1 Rorty et les Philosophes

Richard Rorty is the day’s leading *Philosophe* in the discipline of political philosophy. By calling Rorty a latter day *Philosophe*, I mean that Rorty shares much in common with the French *Philosophes* of the eighteenth century such as Diderot, Voltaire, Helvetius and d’Alembert. Like them, Rorty has attracted great popular attention, becoming one of the days most fashionable (and popular) proponents of postmodernism. Moreover, Rorty displays the same curious self-confidence in his method and results that the *Philosophes* did in theirs. He does so by applying his rather eccentric understanding of philosophy and knowledge to any and everything that his post-modern gaze alights on. Freudian psychoanalysis, sociology, philosophy, literature and literary theory, art, intellectual history, and what is of most concern in this paper, political philosophy and the Liberal-Communitarian debate all bear his post-modern examination.

²²⁷ Rorty, Richard. *Contingency, irony, solidarity*, p.45

I will argue that the comparison with the eighteenth century *Philosophes* goes further. This is insofar as Rorty, like them, is also a thorough-going “Rationalist” in thought, word, and deed, even if the postmodernism he employs is itself born out of an anti-rationalist, anti-enlightenment critique. For just as the *Philosophes* wished to rebuild and reclassify all the world’s knowledge anew as the encyclopedists endeavoured to do, Rorty also wishes to rethink and re-erect all of the world’s knowledge along firm anti-foundational, post-modern lines, self-contradictory as this endeavour would seem to be.

Moreover, residing in Rorty’s Pollyanna-like hope for a post-foundational Liberal utopia, (a place safe for poets and revolutionaries whose purpose is none other than to provide the framework for Mill’s “experiments in living”) lies the same emancipatory, humanist dream of personal autonomy, and freedom from the shackles of history, tradition, nature and contingency, that so illuminated the writings of the *Philosophes*. In following this goal, Rorty has thus become for some a visionary “prophet” of post-modernism, while for others, a traitor to the cause of proper philosophy.²²⁸

And while originally, the focus of Rorty’s attention was the more traditional concerns of epistemology and metaphysics, in recent years Rorty has shifted his attention to literature and political philosophy, especially the debate between the Liberals and the Communitarians. With this change, many have noted, Rorty himself included, that he has exhibited a decided similarity of philosophical outlook and political philosophy to that of Oakeshott.

Both are “anti-foundationalists”, who eschew universalism for a “relativist” “historicism,” found their argument upon a critique of enlightenment rationalism, and can loosely be called “Liberals.” Moreover, they are both a peculiar kind of “Liberal.” This is so insofar as they, unlike the Deontological Liberals

²²⁸ Rorty, Richard. *Prophet of the New Pragmatism*. Taylor, Charles. “Rorty in the Epistemological Tradition,” Sorrell, Tom. “The World from its own point of view.” Davidson, Donald, “A Coherence Theory of Truth,” etc. in *Reading Rorty. Reading Rorty: Critical Responses to Philosophy and the Mirror of Nature (And Beyond)* edited by Malachowski, A. R. (Oxford: Blackwell, 1990)

such as Kant, Rawls or Nozick, deny that the historic body of practices characteristic of Liberal western practice can be philosophically justified as the best form of political practice independently or prior to practice.²²⁹

There is nothing extreme in this last point. It would seem also to be the position of Walzer, Taylor, Hegel, Wittgenstein and so forth. But, Rorty's identification of Oakeshott as a fellow "post-modern bourgeois Liberal," as well as his adoption of Oakeshott's conception of "conversation" for how philosophy and political discourse ought to understand and conduct themselves, have done much to popularise Oakeshott, and have led some to equate the two theorists.

Doing so, however, would be a mistake and a grave one at that. For though on the surface there are great similarities between these two thinkers, there are even greater differences. Though Rorty and Oakeshott somewhat agree on the content and practice of philosophy, the consequences for political practice that they derive from their anti-foundationalism profoundly differ. Whereas Rorty passionately believes in the possibility and desirability of establishing a post-foundational, Liberal utopia that has much in common with the humanist emancipatory ideal, Oakeshott's sceptical conservatism mitigates against both the possibility and desirability of bringing about such a cosmopolitan and ultimately, I will argue, "rationalist" eventuality. Instead, Oakeshott's understanding of politics as "The Pursuit of Intimations" his critique of Rationalism in Politics undercuts such grandiose, emancipatory plans, suggesting that they are both impractical and pernicious.²³⁰

²²⁹ "Oakeshott As a Contract Theorist?" Political Theory Workshop. Or, as Barry ambitiously writes in his new book *Justice as Impartiality*, he continues "to believe in the possibility of putting forward a universally valid case in favour of liberal egalitarian principles," and that his theory will start, "...from the premise that Burke perceptively attacked as fundamental: the denial of the authority of prescription. Once we ask for some justification of social and political institutions that can be presented for the approval of each person's reason, we are launched on a journey that must, I contend, proceed along the lines of this book." *Justice as Impartiality* p.6

²³⁰ Gray, *Enlightenment's Wake*, p.146

And whereas Rorty ultimately understands philosophy as merely another genre of edifying literature, and literature itself as an instrumental tool of socialisation and persuasion for the achievement of a cosmopolitan Liberal utopia, philosophy and education for Oakeshott both retain a task and a self-contained purpose that for Rorty they must renounce. In the end, Rorty, post-enlightenment protests notwithstanding, becomes himself, I contend, an exemplar of what Oakeshott has identified so clearly in his post-war essays, as the Rationalist in Politics and the *Philosophe* in philosophy.²³¹

For “Rationalism” and the project of Enlightenment, have other aspects too, and are not simply identified with “giving reasons,” as Rorty seems to so characterise them. “Rationalism” and the “Project of the Enlightenment” are, as well, associated with, as I said before, a liberationist ideal of a person, but also with an overpowering belief in the efficacy of ideas to change the world for the better through the self-conscious pursuit of “rationalist ideals” in our social thought and practice (according to a peculiarly western model of the good society and ideal of the good individual). On all these counts, I submit, Rorty is alike guilty.

9 – 2 The Argument of this Chapter

The argument of this chapter is as follows: I take it (this will not be argued) that any political philosophy which promotes rationalist principles with which to regulate our polities must give reasons as to why the norms it espouses are to be regarded as normative. If a political philosophy fails to give such reasons, it cannot be normative political philosophy, but must therefore be something else, say of a piece with political polemic – this, ultimately, being my conclusion with regard to the “political philosophising” of Richard Rorty. This is different from the previous theorists whom we have examined in this dissertation (with the exception of Oakeshott) who do give reasons, though reasons we have found to be ultimately wanting. In Rorty’s case, as Rorty expressly gives no reasons as to why we should pursue the norms he espouses, Rorty’s contribution to the Lib-

²³¹ For my discussion of what a *Philosophe* is, I am drawing upon Oakeshott’s

eral-Communitarian debate, I contend, cannot therefore be considered political philosophy; for he cannot maintain both that philosophy as such can give no such reasons, and that nonetheless an ideal of a Liberal utopia (where cruelty and humiliation are minimised, and ideals of persons as poets and revolutionaries are maximised) should merit our most serious theoretical and practical attention.²³²

To the end of achieving Rorty's perhaps laudable, though definitely impractical ideal of a Liberal utopia that has at its centre the humanist emancipatory ideal, a description of which I will provide shortly, Rorty goes on to detail methods and strategies by which we can realise such a utopia in practice. For instance, according to Rorty, the writing, reading and promulgation of imaginative and other "edifying literature" (such as that which we generally consider to be philosophy) which can sensitise us to and make us aware of the myriad ways in which we can knowingly and unknowingly inflict cruelty upon and humiliate others through our private pursuits of self-perfection, and the defects of our social institutions.

Indeed, it would not be too much to say that like Marx and his treatment of Hegel, Rorty stands the contemporary practice of political philosophy on its head, but in a rather different way. Instead of providing us with norms of practical conduct justified by philosophical demonstration, which if we accept the argument, it is then incumbent upon us to implement, Rorty *only* provides us the methods for achieving his Liberal utopia but does *not* provide the reasons for the superiority of his Liberal ideal.

How can we explain this rather bald contradiction: Rorty on the one hand presents us with Liberal, poetic norms which we are to follow, and on the other

essay, "The New Bentham" in *Rationalism in Politics*.

²³² It is not my intention to say that political theory must produce norms, or that something without norms cannot be political theory. It is only that if a political theory promotes, suggests or proffers norms of practical conduct, it must give reasons as to why.

hand, he does not provide us with reasons for embracing these norms. Rorty does not however see any difficulty.

Rorty does not believe he has to justify his norms, as his post-modernism absolves him of all such responsibility. As John Gray has noted, Rorty's "post-modernism – like most post-modernism – is the modernist humanist project without its foundationalist matrix."²³³

As such, Rorty has no *reasons* for why we should work towards establishing a world in which there is less cruelty and humiliation and more poets and revolutionaries. Neither has he any need to give any either. What he claims to be doing, like Hegel, is articulating the norms inherent in our current political practice – what Rorty calls "Liberalism." However, when we go to unpack what Rorty considers Liberalism to be, and the ideal of a person that this presupposes, we shall find, I contend, only truisms, banalities and platitudes which do not accurately reflect (if such a thing could be accurately reflected) something so nebulous and protean as "the Liberalism of the rich North Atlantic democracies."²³⁴ Moreover, we shall find that these truisms, banalities and platitudes have the character of the self-conscious pursuit of ideals that Oakeshott so rails against in the essays of *Rationalism in Politics*, and in practice have the effect of undermining the morality of custom and habit upon which such ideals depend.

What are these truisms, banalities and platitudes? I believe they are caught up with Rorty's philosophical *Weltanschauung* as a whole, that is, the American

²³³ Gray, John. *Enlightenment's Wake*, p.146

²³⁴ This "liberalism of the rich north Atlantic democracies" of which Rorty speaks is, of course, a very different kind of liberalism which presupposes a different ideal of a person than that espoused by such deontological Liberals as, say, Rawls and others who argue for the primacy of right on the basis of liberal, egalitarian ideals and an ideal of a person and hypothetical choice situation which they regard as capable of generating such norms. It is, however, a kind of liberalism, and a kind of ideal of person every bit if not more controversial, and substantive than their own. In a comparison between a society in which the pursuit of justice is pre-eminent, and another where the existence of cruelty and humiliation is minimised, and the presence of poets and revolutionaries maximised, there will surely be overlap, but they will certainly not map one on to the other.

pragmatism that Rorty is so steeped in, which indeed goes so far as to provide a reason, anti-foundational protests notwithstanding, for his ideal Liberal utopia.

Whereas for the pragmatist a “true” belief is a belief that “is good for us to believe,” Rorty’s reason (or at least shadow of a reason) for why we should adopt his Liberal utopia is that such a utopia will be “good for us to live in,” because it is one in which there will be “less cruelty and humiliation,” and more poets and revolutionaries, of which it is always better to have less and more respectively. A Liberal *simply is* the kind of person who, says Rorty (employing Judith Shklar’s definition), understands that the infliction of cruelty and humiliation upon others is the worst thing that we do. The best kind of person *simply is* for Rorty a poet or a revolutionary.

I think there is something else going on here too. There is a fatal instability in Rorty, such that for reasons that Rorty himself gives, it would seem as if anyone would be permitted to pursue any political program he or she desired, Liberal or illiberal. There is nothing to constrain them in the absence of any foundations (or what for Rorty amounts to the same thing, reasons) that establish the superiority of Liberal practice to other forms of social practice.

Oakeshott does not face this problem. For according to Oakeshott, in the absence of such reasons, we must fall on the traditions and practices that constitute our ethical patrimony. If there are moral ambivalences and ambiguities to resolve in these traditions and practices, we must use these traditions and practices as best we may, knowing that no tradition or practice is incapable of change and refinement in the face of present and future eventualities.

Returning to Rorty, unless we suppose such a pragmatist view of the good society and an ideal of a person from whence it is derived, and that it is “good” for us to live in such a society, it is my contention that Rorty’s views on political philosophy can only be a recipe for anomie and conflict. This is because there is nothing, no legitimate arguments made, to constrain anyone from pursuing any sort of utopia or any ideal of a person whatsoever, regardless of an ideal’s palat-

ability, or effects upon others. This would of course contradict Rorty's belief that he has no need to provide such reasons, yet I think they are here nonetheless.

But this is not my main quibble with Rorty, and is the place where I believe Oakeshott's account of politics shows itself superior to Rorty's. I believe there is a serious evasion in Rorty. Rorty either refuses to acknowledge, or very awkwardly attempts to overcome a crucial distinction between acting upon norms that will not admit of the possibility of justification, whose consequences (beneficial of or otherwise) are only relevant to the actor, and acting on the basis of norms where the consequences of so acting involve others to a highly significant degree. The result of this equivocation in Rorty is the advocacy of what we might term the "blue-print" theory of politics – the politics of having a "blue-print" of what society and the individuals who compose it should be like. It is also the attempt to implement this "blue-print" upon society and the people who compose it, regardless of their present constitution or the character of their social practices.²³⁵ This is precisely the difference that Oakeshott highlights between Rationalism in Politics, underwritten as it is by the morality of the self-conscious pursuit of ideals, and truly Rational Conduct, depending as it does on the morality of custom, habit and tradition.

Now Rorty may not be the sort of rationalist who believes in the efficacy of instrumental reason to provide us with reasons for the imperative norms with which we should regulate our social practices. Still, Enlightenment Rationalism has other aspects: an overwhelming belief in the power of ideas to change the world in which we live for the better, through the self-conscious pursuit of rationalist ideals. And if this is true of Rationalism, Rorty, therefore, becomes every bit the "Rationalist" that he is so at pains to identify others as, and to personally overcome in his own philosophising.

9 – 3 Rorty & the Idea of "Philosophy"

²³⁵ More conventionally, such a theory of politics is utopian, as indeed Rorty calls his theory of politics utopian.

To understand Rorty's peculiar amalgam of Anglo-American political philosophy and continental post-modernism, it will prove wise to go back to some of his earliest work in the theory of knowledge and language. In *The Linguistic Turn* and *Philosophy and the Mirror of Nature*, Rorty issued what amounted to a polemical broadside at how philosophy presently conducted itself within the environs of the academy.²³⁶

In it, Rorty pleaded for a radical revision of philosophic practice. Therein, he denied that Philosophy – with an uppercase “P” – had any privileged access to a non-empirical world “out there” which it could employ to judge the truthfulness of lesser forms of inquiry. Philosophy, Rorty maintained (even if it hardly ever did) could no longer claim for itself the mantle of “master discipline,” dictating the terms in which subsidiary and subservient forms of intellectual inquiry should regard themselves.

Rorty argued for this (really rather less than radical thesis) by relentlessly attacking the doctrine of “the given” in the theory of knowledge, residual Cartesian mind/body dualism present in philosophy of mind, and the scientific paradigm of hypothesis and verification for how philosophy should conduct itself.

As Rorty boldly stated, his aim was therefore nothing less than:

. . . to undermine the reader's confidence in “the mind” as something about which one should have a “philosophical” view, in “knowledge” as something about which there ought to be a “theory” and which has “foundations,” and in “philosophy” as it has been conceived since Kant.²³⁷

The history of philosophy, Rorty argued, has above all been dominated by the mistaken conviction that the mind was a mirror in which was found reflected the reality “out there.” Moreover, that the task of philosophy was to judge the accuracy of the reflection so presented.

²³⁶ Rorty, Richard. *Philosophy and the Mirror of Nature* (Princeton: Princeton University Press, 1979)

²³⁷ Rorty, Richard. *Philosophy and the Mirror of Nature*, p.7

This mistaken understanding of mind as a mirror of nature, Rorty contends, has its roots in ancient Greek ocular metaphors. It is variously taken up, embellished and modified by the whole tradition of western reflection on thinking, reaching its apotheosis in the “Enlightenment Rationalism” of the 17th and 18th century. In addition, it has now become all but inexorably woven into how we think of the world and ourselves. It is an understanding, however, that we must wean ourselves from, because it is wrong, Rorty contends, and to continue to follow it, is to throw good money after bad, and further involve ourselves in a faulty metaphysic.

In support of this bold thesis, Rorty marshals an impressive variety of names in Anglo-American thought, among them James, Pierce, Dewey, Ryle, Kuhn, Davidson, Sellars, and Quine. Rorty uses each of these thinkers for a different purpose: Ryle to undermine our belief in the mind as a Cartesian “Ghost in the machine “of our body; Davidson to provide a non-correspondence account of language and meaning; Kuhn for his historicist understanding of the practice of science and, by implication, other forms of inquiry, as a series of intermittent “paradigm shifts” from one “scientific” paradigm to another; Sellars for the language of ethics and morality; and Quine, for blurring the distinction between the necessary and the contingent, and for his understanding of knowledge as “a web of belief” constantly adjusting and re-weaving itself to absorb new “facts” according to old “beliefs,” or as he puts it, to “confront the tribunal of experience as a whole,” and for his showing the search for foundations to be a misguided endeavour.²³⁸

²³⁸ For Rorty, this new conception of philosophy, and human progress, as one language-game supplanting another, and truth “the outcome of free uncoerced discussion,” has great practical consequences. As each succeeding language game employs a different vocabulary and grammar than the one it succeeds, it is not always straightforwardly possible for one language game to interact with another on the same terms. This has the practical advantage of not requiring Rorty to substantively engage with theorists who he claims not speaking his language. By putting such theorists aside when thinking about our public culture, indeed calling them “mad” – Rorty reintroduces them in the private sphere – Rorty neatly side-steps all those who would, like Foucault, or Derrida, Schmidt or Heidegger, disagree with him.

James, Dewey, and Pierce are drawn upon for the peculiarly American philosophy of pragmatism, which equates truthfulness with utility, true beliefs being those beliefs which when acted upon hold out the greatest possibility for our continued success as persons and as a species.

As Rorty puts it the Pragmatists:

. . . view truth as, in William James's phrase, what is good for *us* to believe. So they do not need an account of a relation between beliefs and objects called "correspondence," nor an account of human cognitive abilities which ensures that our species is capable of entering into that relation. They see the gap between truth and justification not as something to be bridged by isolating a natural and trans-cultural sort of rationality which can be used to criticise certain cultures and praise others, but simply as the gap between the actual good and the possible better. From a pragmatist point of view, to say that what is rational for us now to believe may not be *true*, is simply to say that somebody may come up with a better idea . . . *For pragmatists, the desire for objectivity is not the desire to escape the limitations of one's community, but simply the desire for as much inter-subjective agreement as possible, the desire to extend the reference of "us" as far as we can.*²³⁹

In place of the mistaken conception of philosophy of the mind as a mirror of nature, Rorty suggests a turn towards something like a post-foundational hermeneuticism. This is an approach concerned only with charting the changes and shifts of language games that we use to describe the world, our place within it, and ourselves.

I say "something like hermeneutics" because Rorty is careful to distinguish his sense of hermeneutics from that of say Gadamer, or Habermas, who Rorty suggests, maintain much of "the epistemic paradigm."

If epistemology is a constraint against knowledge, as Rorty suggests, then hermeneutics, for Rorty, is what is left when this "constraint" is unfulfilled. To leave such a constraint unfulfilled, Rorty argues is to abandon the problematic

²³⁹ Rorty, Richard. *Objectivity, Relativism, and Truth*, p.22 as quoted in Roger Scruton's *Modern Philosophy: Introduction and Survey* (London: Sinclair-Stevenson, 1996) from which I derive my account of Pragmatism. The italics are mine.

Rationalism of the Enlightenment for, say, a holist pragmatism of practice: to adopt a neutral monist conception of mind, and make a turn towards behaviourism.

Truth, therefore, for Rorty, following James, Dewey and Quine, is that which “works,” and “what is best for us to believe,” rather than that which corresponds with ultimate reality; and philosophy (with a lower case “p”) is no longer considered a master arbiter of knowledge and culture. Philosophy should, therefore, says Rorty, employing Oakeshott’s famous metaphor, usher the “conversation of mankind” along, and not be concerned with achieving once and for all deductive proof of an insensible and eternal world “out there,” which it can then employ to judge the truthfulness of other forms of scientific and cultural practice.

Language, for Rorty rather, is a contingent matter, with no meta-language available in which to arbitrate between the various language games that we employ. Philosophical inquiry is, in Oakeshott’s terminology, a “conversation” within which we continuously interpret and reinterpret our relation and ourselves to our environment.²⁴⁰ Rorty, in effect, wants to shift the self-understanding of philosophers as seekers of unchanging, realist essences of things, to that of historicist and nominalist literary critics. In so doing employing a shift from epistemology to hermeneutics, where the reality-appearance distinction is considered an obsolescent relic of an outdated vocabulary, the idea of mind a contingent irrelevance, and philosophy merely another genre of imaginative literature.

What concern is this (if any) to political philosophy? Firstly, according to Rorty, if his critique of philosophy has merit – for if it was true it could not be true in a “strict” sense – a corollary of it is that it is therefore neither necessary, profitable, nor even possible to give philosophical foundations or justifications for the superiority of Liberal practices. In recent years, however, Rorty has shifted his energies away from his earlier concerns of epistemology and metaphysics to-

²⁴⁰ For a very good critique of the pragmatist view, see Scruton’s attack upon pragmatism in his *Modern Philosophy: Introduction and Survey*.

wards drawing out the consequences of his anti-foundationalism for political thought and practice.²⁴¹

9 – 4 Rorty’s Contribution to the Liberal-Communitarian Debate

Rorty’s contribution to the debate is twofold. In the first place, he gives a rather idiosyncratic reading of the debate through the lenses of his critique of foundational epistemology and metaphysics. Secondly, he offers an account of a political theory that he believes both meets the challenge of anti-foundationalism, *and* paves the way towards establishing a Liberal cosmopolitan utopia.

I will first describe Rorty’s own understanding of political philosophy, especially with regard to the Liberal-Communitarian debate, and then move on to describe his own contribution to it.

9 – 5 Rorty’s Understanding of the Liberal-Communitarian Debate

According to Rorty, the contemporary debate in political philosophy is three-cornered, between “Kantians,” “Hegelians,” and a subset of the Hegelians, the “post-modern bourgeois Liberals.” Theorists such as the early Rawls and Dworkin, who found their political philosophy on ahistoric, universal criteria and make the distinction between morality and *phronesis* as Kant did, Rorty calls the “Kantians.”²⁴²

²⁴¹ As I earlier remarked, differences in understandings of agency, and foundations, do not always equal differences in politics. The links between these are much less strong than often supposed.

²⁴² Later, Rorty feebly argues in “The Priority of Democracy to Philosophy” in *The Virginia Statute for Religious Freedom: its evolution and consequences in American history* edited by Peterson, M. D. Vaughan, R. C. (Cambridge: Cambridge University Press, 1988) that he was “wrong” in his early assessment of Rawls, and that Rawls should really be understood as “a Post-modern bourgeois liberal,” such as himself, Oakeshott and Dewey. Whether you believe the earlier Rawls to be a realist, and it is far from clear that he is, or subscribe to the historicist nominalist Rawls of the later writing, it is a matter of some ambiguity, due, at least in part, to ambiguity in original text.

The Post-modern “Hegelians” are those such as Michael Oakeshott and John Dewey, and in Rorty’s latest writing, John Rawls. They are those who wish to preserve the institutions of contemporary political practice, but to do so on non-Kantian, prudential foundations. Rorty calls these theorists “bourgeois” because he believes those who would defend the institutions and practices of Liberalism without Kantian-like foundations, would have no quarrel with those inspired by Marx, who would understand the institutions and practices that constitute them as characteristic of a particular bourgeois time and bourgeois place.²⁴³

What Rorty means by post-modernism he borrows from Jean François Lyotard, who defines post-modernism as the “distrust of meta-narratives.”²⁴⁴

For the “Hegelians” who are not “post-modern bourgeois Liberals”, Rorty cites Alasdair MacIntyre and Roberto Unger. They, like the “post-modern bourgeois Liberals”, reject the Kantian attempt at founding correct political practice upon universal, ahistoricist criteria of morality. Unlike them (and mistakenly according to Rorty) the “post-modern bourgeois Liberals” wish to abandon Liberalism because of its failure to secure philosophically impregnable foundations.

To this end, Rorty provides the following classificatory schema, a classificatory schema that I introduced in Chapter 1.

Table 2 – Rorty’s Taxonomy of Political Philosophy

	<u>The Kantians:</u>	<u>The Hegelians:</u>
	Those who believe in an essential nature of the self upon which the morality/phronesis distinction can be made and correct political practice grounded. They are “ahistoricist,” “univer-	Those who believe in a self without foundations upon which a morality/phronesis distinction may be made, and correct political practice be grounded. They are “historicist,” “relativist,”

²⁴³ See also what Wittgenstein understood as “bourgeois philosophy, ” philosophy which sought foundations in which to justify the superiority of current social and political practice over other forms of practice.

²⁴⁴ Lyotard, Jean François. *The Post-modern Condition: A Report on Knowledge* (Minneapolis: University of Minnesota Press, 1993)

	salist,” and “metaphysicians “who employ “unembedded “or “emotivist “conceptions of the self.	and employ “embedded,” “situated” conceptions of the self.
<p><u>The Liberals:</u></p> <p>Those either in favour of, or who attempt to justify the continuance of “bourgeois,” “Liberal” practices, and the bourgeois selves that these presuppose.</p>	<p>The early Rawls, Dworkin, and Kant.</p>	<p><u>The Post-modern Bourgeois Liberals:</u></p> <p>Those who believe that Foundations may not be found for Liberalism, but think that we should continue to engage and to promulgate these practices none the less: Rorty, Dewey, the later Rawls, and Oakeshott.</p>
<p><u>The IILiberals:</u></p> <p>Those who would wish to reject bourgeois political practice and bourgeois selves.</p>		<p><u>The IILiberal Hegelians:</u></p> <p>Those who believe that as foundations cannot be found for Liberalism, we should reject Liberalism outright. Examples: Unger, MacIntyre, and perhaps Sandel.</p>

A number of criticisms can be made in relation to Rorty’s taxonomy: one principal problem is that Rorty’s anti-foundational obsession has, to a very large degree, infected his understanding of the contemporary debate.

Rorty’s anti-foundational obsession is such that Rorty overlooks common ground between theorists and likewise exaggerates differences; he seems to think that nothing much distinguishes them, other than their method of justification, which is both untrue and deceptive. The effect is to caricature these theorists, almost to the point that they are unrecognisable and to neglect important differences in politics and principles that they hold.

For, according to Rorty, there would seem to be really rather little that distinguishes John Dewey, the American social democrat of the New Deal, from the profoundly Conservative Oakeshott, the trenchant critic of the post war welfare state. Similarly, Rorty makes bedfellows of MacIntyre and the early Unger, two fundamentally different theorists: the former a Thomist, the latter certainly not.

A further difficulty that Rorty presents us with is in ascertaining who (if anyone) could be correctly placed into Rorty's Kantian category other than Kant himself. On the matter of Rawls, who is regarded as being the paradigm Kantian in today's debate, Rorty equivocates. Ultimately, Rorty grants Rawls a place in the light of his post *A Theory of Justice* essays among the post-modern bourgeois Liberals, writing that he had originally "misread" Rawls.

Perhaps what is most important about the Kantian category of Rorty's, however, is that it is the category that best identifies the respective emphasis or disposition that the theorists of Deontological Liberalism maintain, even if they do not themselves subscribe to Kantian foundations. In this case, even if it is an empty set – or a set that *only contains Kant* as I believe it must – it still helps us to distinguish the disposition of the early Rawls which I have earlier called the Kantian disposition in the previous chapters, from that of an Oakeshott or a Rorty.

In terms of the Hegelians, it is not so clear that Hegel would or could meet the criteria for inclusion in this category. For what in Hegel is *Geist* other than a non-contingent, progressively actualised manifestation of the necessary in history?

All that said, nonetheless, in terms of the Liberal-Communitarian debate specifically, Rorty has some interesting observations and suggestions about the debate, most of which he makes in his paper "The Priority of Democracy to Philosophy."

Rorty says of the Communitarians that they are wrong in supposing that Liberalism, or contemporary bourgeois political practice – and Rorty is at least as am-

biguous about it as I am here – is incapable of surviving the loss of belief in the foundations in which it is traditionally justified.

As Rorty puts it, the Communitarians “often speak as though political institutions were no better than their philosophical foundations.” Rorty, by contrast, contends that even if the project of justifying Deontological Liberalism in the manner that Kant is impossible – providing a universal and trans-historical criterion for just political practice denuded of any partial conception of the good – we may still believe in and engage in the institutions and practices that are present within this Liberal theory.

This is to go against the thesis made famous by Horkheimer and Adorno in *The Dialectic of the Enlightenment* that once we no longer believe in the worth of the manner of philosophy in which Liberal practice has been traditionally justified, we will no longer continue to be able to engage in these practices either. As Horkheimer and Adorno put it, this view dictates that “every specific theoretic view succumbs to the destructive criticism that it is only a belief – until even the very notions of spirit, of truth, and, indeed, enlightenment itself become animistic magic.”²⁴⁵

As to the sustainability of our current political practices in the absence of secure or even believed philosophical foundations, Rorty notes in passing that the decline in the widespread belief in God experienced in the twentieth century did not, as Dostoevski prophesied it would, result in absolute license or concupiscence.

In light of this, Rorty goes on to say of the Communitarians that they are furthermore wrong in supposing that the political institutions and practices of society require philosophic justification. As Rorty has it, echoing Oakeshott, it is not only impossible to give such a philosophic justification independent of social practice, it is also undesirable. In any event, such a view of philosophy has the relation between practice and philosophy backwards. For Rorty, on occasion (as

²⁴⁵ Rorty, Richard. *Contingency, irony, solidarity*, p.57

for Hegel and Oakeshott always) “the owl of Minerva flies at dusk.” Moreover, the task of philosophy is to “apprehend one’s moment in time.”

Lastly Rorty argues that justifying a political system simply by means of the practices and beliefs current in the public culture is not to simply “beg the question,” as many contend, but has an important therapeutic or explanatory purpose. To do more than simply “beg the question” is, I would submit, to go beyond what philosophy is capable of doing. The Communitarians, Rorty argues, would do better to criticise the sorts of individuals that coexist in Liberal polities, as MacIntyre has it, “the therapist,” “the aesthete,” and “the manager,” and not the foundations in which Liberalism is justified.²⁴⁶

9 – 6 Liberal Political Philosophy & Rorty

Liberal political philosophers’ felt-need to provide reasons for the norms which they wish to effect in our social practices, Rorty suggests, arises because it was natural that the practitioners and proponents of “Enlightenment Rationalism” should seek to underwrite the Liberal egalitarian principles in which they believed with a new authority based on reason, in replacement for the theological authority that is regarded as under-girding pre-Enlightenment thought and practice. Today, however, for Rorty in this “Post-Enlightenment Age,” we must abandon such a misguided search for “foundations” in terms of natural law, substantive conceptions of the good, or what is rationally acceptable to all who are reasonable.

For Rorty, to discover or invent norms of conduct which would be acceptable to all who are reasonable – the avowed object of endeavour of the contemporary social contract tradition – would *only* make sense if the self was bifurcated be-

²⁴⁶ Rorty believes, as with philosophy, that the debate should actually be put on its head. He supposes that, what is most probably the case, that the description of the person that underlies Rawlsian liberalism should best be described as a re-description in another idiom of the account of politics present in the work, and not the foundation for the politics. If such is the case, and it is not at all clear

tween a contingent and a necessary part: the contingent part a product of our socialisation, the necessary part our sharing in the faculty of reason. This is, however, a distinction that Rorty will not recognise. Indeed, such an endeavour to find foundations is not truly suited for a Liberal society. For, according to Rorty “*A Liberal society is one which is content to call ‘true’ whatever the upshot of such encounters [of free speech in the public realm] turns out to be.*”²⁴⁷

For Rorty rather, the constitution of the self as well as the community or communities of which one is a part, are purely contingent affairs, the product alone of chance and circumstance.

By virtue of being in the world, Rorty has it, one contingently finds oneself a member of various complementary and contradictory communities. These may include tribe, city, nation, or religious group. The constitution of one’s selfhood is a contingent product of socialisation into the authoritative norms of these overlapping communities. Following Sellars, for Rorty, what is morally good or right in a particular community is simply and only what “we think/do/believe” as members of that particular community. What is morally wrong, are the sorts of things that as a community “we do not do.” Moral intelligence is (Rorty says, citing Oakeshott) felicity in the practice of these norms – a matter of *phronesis* and not reason.

As there is no independent standard of morality that we may turn to independent of local practice, Rorty’s official point about selfhood and community is that there is, therefore, no essential, intrinsic nature of selfhood or community, no self or community prefigured in the womb of time, nor any essential nature that can serve as an independent standard for what is good or right.

Like Hume, but unlike Kant, the self for Rorty *simply is* a centre-less concatenation of beliefs and desires with nothing that stands above or behind it. To give an

that it is, such descriptions of the person are unnecessary, because they add nothing to the account.

²⁴⁷ Rorty, Richard. *Contingency, irony, solidarity*, p.53 Rorty’s italics.

impression of the extreme degree that Rorty officially believes this to be so, I quote him at length:

The crucial move in this reinterpretation [of philosophy and political philosophy that Rorty wishes to effect] is to think of the moral self, the embodiment of rationality, not as one of Rawls's original choosers [sic], somebody who can distinguish *her* self from her talents and interests and views about the good, but as a network of beliefs, desires and emotions with nothing behind it – no substrate behind the attributes. For purposes of moral and political deliberation and conversation, a person just *is* that network, as for purposes of ballistics she is a point mass, or for purposes of chemistry a linkage of molecules. She is a network that is constantly re-weaving itself in the usual Quinean manner – that is to say, not by reference to general criteria (e.g. “rules of meaning” or “moral principles”) but in the hit-or-miss way in which cells readjust themselves to meet the pressures of the environment. On a Quinean view, rational behaviour is just adaptive behaviour of a sort which roughly parallels the behaviour, in similar circumstances, of the other members of some relevant community. For some purposes this adaptive behaviour is aptly described as “learning” or “computing” or “redistribution of charges in neural tissue,” and for others “deliberation” and “choice.” None of these vocabularies is privileged over against another.²⁴⁸

Though there is no intrinsic nature to be brought out, i.e. one is socialised “all the way down,” Rorty is concerned to make clear that the task remains for the self to effect its own creation out of the mores of the various communities that it has been socialised into. One creates oneself out of the resources conferred on one by one's socialisation in the use, refinement and modification of one's “final vocabulary.”

As Rorty describes it:

All human beings carry about a set of words which they employ to justify their actions, their beliefs, and their lives. These are the words in which we formulate praise of our friends and contempt for our enemies, our long-term projects, our deepest self-doubts and our highest hopes. They are the words in which we tell, sometimes prospectively and sometimes retrospectively, the story of our lives. I shall call these words a person's “final vocabulary.” It is “final” in the sense that if doubt is cast on the worth of these words, their user has no non-circular argumentative recourse. Those

²⁴⁸ Rorty, Richard. *Contingency, irony, solidarity*, p.73

words are as far as he can go with language; beyond them there is only helpless passivity or a resort to force.²⁴⁹

A person's "final vocabulary," Rorty has it, is made up, of both "thin," "flexible" and "ubiquitous" words like "truth" and "justice," or more "parochial," "rigid" terms like "church," "kindness," or "progressive." These latter terms do most of the work: the more general a term for Rorty, the less its force. An individual may treat one's final vocabulary either as an ironist concerned to carry on the conversation of selfhood describing and redescribing themselves and their surroundings in a continuous narrative that only ends in death (as Alasdair MacIntyre would have it) or as a metaphysician attempting to discover the unchanging essence of selfhood of community.

There is no prize for guessing with which account Rorty's sympathies lie. Unlike the metaphysician, the ironist is someone who always entertains doubts about his final vocabulary and knows that anything can be made to look better or worse through re-description. And, unlike the metaphysician, the ironist does not believe that these final doubts may ever be dissolved by getting at the "truth" that lies at the "bottom" of "selfhood" or "community." As Rorty writes:

I call people of this sort "ironists" because their realisation that anything can be made to look good or bad by being re-described, and their renunciation of the attempt to formulate criteria of choice between final vocabularies, puts them in the position which Sartre called "meta-stable": never quite able to take themselves seriously because always aware that the terms in which they describe them are subject to change, always aware of the contingency and fragility of their final vocabularies, and thus of their selves.²⁵⁰

The key for Rorty in his positive political philosophising – not simply his analysis of the debate or current political practice, both of which I submit are lacking, but his project for bringing about a cosmopolitan Liberal utopia – is to keep the truth of the ironist's quest for self-perfection in the private sphere, while encasing this private pursuit of self-perfection in a framework of public, *metaphysical-like* Liberalism. This is in other words, to make Liberalism strictly political by not resorting to Kantian or Kantian-like foundations or any comparable appa-

²⁴⁹ Rorty, Richard. *Contingency, irony, solidarity*, p.73

²⁵⁰ Rorty, Richard. *Contingency, irony, solidarity*, p.74

ratus in principle acceptable to all as reasonable. As Rorty writes in *Contingency, irony and solidarity*:

This book tries to show how things look if we drop the demand for a theory which unifies the public and private, and are content to treat the demands for self-creation and of human solidarity as equally valid, yet forever incommensurable.²⁵¹

On how this is to be done, Rorty is depressingly vague. But by so radically cleaving the political sphere from the private sphere, and dropping the demand found in Kant and the early Rawls, for example, that the rationale used to justify the political and private spheres be commensurable, Rorty believes he has managed what was once thought impossible: to encase the private pursuit of self-perfection within a sphere of a system of neutral public right without reliance on a metaphysical conception of the self. This allows Rorty to say that:

Ironist theorists like Hegel, Nietzsche, Derrida, and Foucault seem to me invaluable in our attempt to form a private self-image, but pretty much useless when it comes to politics.²⁵²

[And that] Authors such as Marx, Mill, Dewey, Habermas and Rawls are fellow citizens rather than exemplars. They are engaged in a shared social effort – the effort to make our institutions and practices more just and less cruel. We shall only think of these writers as *opposed* if we think that a more comprehensive philosophical outlook would let us hold self-creation and justice, private perfection and human solidarity in a single vision.²⁵³

Although Rorty does not believe his Liberal utopia may ever be philosophically justified as superior to any other form of political practice (that would be to fall into the errors of the metaphysicians which he is so eager to castigate) he nevertheless believes it may be established. We may establish this cosmopolitan, Liberal utopia, where the private goal of the ironist – self-perfection – is hived off from public, political Liberalism, by establishing Liberal solidarity among diverse people who share nothing essential.

Rorty argues solidarity between individuals who form communities has traditionally been justified through recourse to something common which they all

²⁵¹ Rorty, Richard. *Contingency, irony, solidarity*, p.xv

²⁵² Rorty, Richard. *Contingency, irony, solidarity*, p.83

share. In the extreme case, this community is the whole of humanity. Kant's Kingdom of Ends, the paradigm political theory example, is justified by the belief that all those who share in the faculty of rationality, including angels and devils, are by virtue of this faculty deserving of the equal dignity and respect that one as a rational being would demand for oneself.²⁵⁴

As an awkward example, Rorty cites the case of the Jews during the Second World War. He suggests that why more Jews in Denmark proportionately were saved from extermination than in Belgium was because they shared commonalities that are more parochial with the Danes. Rorty's assertion, which is far from uncontroversial – it is perhaps even fatuous – is that one is more likely to feel solidarity with someone else the more parochially they are associated with you. A baker, by this argument, would have more in common with (and therefore a greater chance of extending solidarity to) a proximate baker than a far away candlestick maker.

Solidarity is therefore achieved not through the discovery of what makes us universally the same, such as our use of reason, as Rorty contends no such thing may be found. Rather, solidarity is created through imagining and becoming acquainted with the suffering of others. Rorty's supposition is that if we deny that humans share something by nature by which we can ground Liberal practices, we can still engage in Liberal practices by instilling Liberal solidarity. This is to say, for Rorty, that those who are presently understood as outside of "we" may be brought into the category of "we" and out of the category "them" or "other" by extending the boundaries of solidarity into a *focus imaginarius*.

²⁵³ Rorty, Richard. *Contingency, irony, solidarity*, p.iv

²⁵⁴ Similarly, in communities which are less than universal, solidarity, Rorty maintains, has been justified by something that all the members of the community are thought to hold in common, i.e. they share a common language, common cultural heritage, religion or history. The strength of solidarity for Rorty, just as in the motive force of the words that compose one's final vocabulary, is inversely proportional to the parochialness of the commonality putatively shared.

Rorty goes on to argue (borrowing from the feminists of care such as Bayer) against Kant that Kant in so privileging moral obligation to fellow rational beings, and denigrating feelings of compassion, pity, or fellowship felt for particular people or groups of people as somehow less than fully moral, has prevented us from seeing how particular moral obligations and particular feelings of solidarity can be made in the absence of secure foundations. Rorty, in effect, wants to continually expand “we Liberals,” as far as possible so that they eventually include the whole race, so that all may then share in this Liberal, ironic utopia. As Rorty puts it:

We see no reason why either recent social and political developments or recent philosophical thought should deter us from our attempts to build a cosmopolitan world society – *one which embodies the same sort of utopia which the Christian, Enlightenment, and Marxist meta-narratives of emancipation ended.*²⁵⁵

Philosophy, therefore, should no longer understand itself as a tribunal of reason, but rather as instrumentally crucial in the service of fostering Liberal solidarity among individuals who share nothing otherwise essential. Likewise, literature itself should no longer be considered an autonomous discourse of artful expression. Rather it should come into the service of fostering Liberal solidarity among disparate people by imaginatively describing and redescribing others who we do not understand as “we” so that we may sympathise with them, see “them” as fellow comrades in the goal of achieving Liberal solidarity, gradually bringing them into membership in our Liberal utopia. This, along with what he have hitherto understood as philosophy, should only be understood as branches of edifying discourse. This is discourse that is meant to make us believe not because of the soundness of its arguments, but rather because of the skill of its rhetoric.

How is normative political theory to be done with no essential element of the self available to serve as a foundation upon which reasons for following norms may be justified? Rorty’s answer is in fact that there is no important difficulty here, real or imagined. Reasons for acting in conformance to particular norms are not required. “Rational performances” – those performances which are based

on justified norms – are not the only kind of acceptable performances. As Rorty has it, approvingly quoting Berlin (who is himself approvingly quoting Schumpeter):

“To realise the relative validity of one’s convictions and yet stand for them unflinchingly, is what distinguishes a civilised man from a barbarian.” To demand more than this is perhaps a deep and incurable metaphysical need; but to allow it to determine one’s practice is a symptom of an equally deep, and more dangerous, moral and political immaturity.²⁵⁶

This is to go directly against the famous thesis of Horkheimer and Adorno in *The Dialectic of the Enlightenment*, which Rorty suggests, with some justification, riddles the whole of the Liberal-Communitarian debate: that once we no longer believe in the philosophy with which Liberal practice has been traditionally justified, we will no longer be able to continue to engage in Liberal practices.

This anti-enlightenment view of Rorty’s, that we may nevertheless pursue norms of conduct in our practical lives even when we understand them to be contingent, relative, and unjustified, is the other key to understanding Rorty. Prove it incorrect and there is not a lot farther we can take Rorty.

That is not quite my intention though; for I believe there is a great deal of truth to Rorty’s contention, though I think its consequences are not what Rorty supposes them to be. Moreover, it is this distinction that lies between rationalism and politics and Rational Conduct. Indeed, one could say that the difference between Rationalism in Politics and Rational Conduct in a post-metaphysical world is the difference between Rorty and Oakeshott. I shall elaborate upon this in the following two chapters.

It is easy, for example, to imagine a whole menagerie of practices that we engage in, the norms of which will not admit of the possibility of rational justifica-

²⁵⁵ Rorty, Richard. *Objectivity, Relativism, and Truth: Philosophical Papers* (Cambridge University Press, 1994; 1st 1991) p.209 Emphasis mine.

²⁵⁶ Rorty, Richard. *Contingency, irony, solidarity*, p.46. Originally from Berlin, Isaiah. *Four Essays on Liberty* (Oxford: Oxford University Press, 1969) p.172)

tion. But the Rationalist, for Rorty, is one who believes that a norm without rational justification is not an acceptable norm of practical conduct. While this may be true or not true of the Rationalist, I do not see, if it is true, that the consequences of rejecting this assumption of the Rationalist are as Rorty supposes they may be. There is a whole host of things that we stand for, act upon, and believe, for which no rational reasons can be given.

Moreover, I would like to say, and this is where Rorty gets it most wrong, that as the consequences of actions differ by degree, so does the degree of justification which norms for actions require, and it is this difference of degree that Rorty ignores by treating all norms as if they were the same. An example:

Each evening I lay outside my door a saucer of milk for the neighbourhood felines to have a drink. Though I have never seen a cat drink from the saucer, the saucer is most often empty by morning, and I assume that cats drink the milk. For all I know, however, the tooth fairy may have helped herself to it. Though I may not be justified in my belief that cats come by my door at night to sate their thirst, nothing much is affected by my leaving milk outside my door, whether or not these cats do in fact exist, much less drink from my saucer. I do not in fact require much in the way of justification for the beliefs that I act upon, as the practical consequences of my actions for me are private and for others negligible. The world remains – however I do or do not act, justify or do not justify my actions – pretty much the same: neither much the better nor worse for it.²⁵⁷

In the case of the norms with which we are to regulate society, however, the matter is very much different. In a case such as this, if the norms for actions are to be understood as anything more than brute subjectivist utterance, we do in fact require reasons, indeed very good reasons for conforming to them. What I am saying is: Rorty sees no difference between the continued worship of a god whose existence, much less whose demands, may not be justified, and the prose-

²⁵⁷ Of course, if I laid out the milk each night for the sake of the cats but had come to believe that all the cats that had formerly graced my door had come to be killed, then I would have no reason to go on laying milk outside my door.

lytization of a religion that cannot be justified. The difference is crucial and it is that which divides Rational Conduct from Rationalism in Politics.

It is as if Rorty sees no difference between the following three cases. In the first case, an elderly man continues to believe in god, and regularly attends church though he has no proof of god's existence. He consoles himself with the thought that such a proof is in principle possible and may soon be provided. In another case, someone else who has all his life regularly attended church continues to do so, though he believes that proof for the existence of god is in principal impossible. If you should ask him why he continues to go, he might say something to the effect that he has regularly attended church all his life and is not about to stop now, but that is about it. In the last case, a young man does not believe in god, does not believe that it is in principle possible to find a proof for the existence of god, but does in fact preach of this god and his demands to all and sundry, and argues that everyone like him should also attend church to do as he believes god demands. In this case, the young man persuades, even forces, everyone he can to live by the religion he has no rational reasons for believing in.

The difference is in these cases a function of the consequences of the actions undertaken on the basis of beliefs, regardless of the possibility of their justification in the absence or presence of "philosophical foundations," "justifications," or "reasons." In the first two cases, nothing much hangs on whether one does or does not attend church, having or having not justified reasons for doing so. The matter is here a strictly private affair, confined to the private life of one man. The last case is very different, however. What is at stake here is nothing less than the legitimacy of enforcing a particular substantive conception of the good, in the absence of legitimate reasons for it, upon others. What looks like moral and political latitudinarianism turns out to be precisely the opposite.

This fatal instability, whose severity is a function of the magnitude of the action, is the point where the "hidden spring" of Rorty's pragmatism comes in, a "hidden spring" that Rorty can use to protect himself from such particularly illiberal consequences. In the first two cases, as I tried to show, not a whole lot rides on

the consequences of the man's continuing to worship a god that he no longer believes in, whether or not proof for the existence of God is in principle possible. However, when it comes to the associational principles of a polity, there are few cases in which "getting it right" is more pressing, and it is only reasonable that in this public sphere we demand reasons – very good ones in fact – for the pursuance of norms that will affect us. In addition, this is where Oakeshott's idea of Rationalism in Politics comes in.

For while it may be that a civilised man should stand unflinchingly for his convictions, though he knows them to be relative, it is not at all clear why these relative values ought to be in fact Liberal or even quasi-Liberal values. One can, by Rorty's argument, just as well imagine a civilised Nazi explaining that though he knows that the racist convictions of his National Socialism are relatively valid, historically and locally contingent, he still unflinchingly stands for them, and he is therefore permitted – just as you may oppose – to persuade, cajole, and in extreme cases force others to act on the basis of these same beliefs. Rorty might object that he only means "civilised discourse," (as he would) thus excluding the use of force, but I fail to see how he can make this distinction between persuasion and force, as they exist on the same continuum. Obviously, this is not what Rorty intends; but Rorty's political and moral theory is, I submit, directly vulnerable to just such an objection.

9 – 7 Rorty's Response to this Charge of Radical Instability

How in fact does Rorty counter this at first glance fatal vulnerability, whose importance is magnified by the magnitude of the consequences of the activity – in this case the norms by which a society is to act and believe? Rorty, I contend, has a trump card.

The belief in this case meant to trump this instability is, for Rorty, that we ought to aim to achieve a society where cruelty and humiliation are minimised, and the presence of poets and revolutionaries is maximised. This is because these are (essentially) bad and good things in and of themselves respectively. These are

the ultimate, and I would argue for Rorty, universalist, non-relative values, upon which Rorty hangs a consequentialist theory of politics, and they lie at the heart of Rorty's conception of agency and society. Cruelty is included because that is the worst thing we can do to each other; humiliation, because the feature that for Rorty essentially (and I choose this word carefully) separates humans from animals is our ability to be humiliated. You may be cruel to a dog, Rorty suggests, but you cannot humiliate him.

Of course, this runs counter to Rorty's alleged anti-foundationalism; yet a close reading of such works as *Contingency, irony, and solidarity* and others shows numerous places where he speaks as if he were employing such essentialist assumptions, anti-foundational protests notwithstanding. If these were not at the base of Rorty's theory, I cannot see how Rorty's theory could be anything more than a recipe for anarchy and conflict.

If this was all there was to Rorty, we would be unable to go on any further, because all we would have would be a recipe for violent anarchy. Any civilised person (or barbarian) could legitimately stand unflinchingly for their convictions, aware of their relative validity, and impose these norms upon others. We would in effect be returned to a kind of Hobbesian state of nature where the will to power reigned, and everyone had the opportunity and legitimacy to compel others to hold to their personal theory of the good life and the good society. The self for Rorty cannot however simply be the centre-less concatenation of beliefs and desires, of the kind that he tells us he actually considers it if he is to be insulated from just such an objection.

Now officially, Rorty cannot claim this to be the case. According to Rorty the self is a pure concatenation of contingent beliefs and desires with no essential foundation that lies above or below it that we can employ to judge the rightness of particular kinds of actions or beliefs independent of their local and contingent practice. That Rorty does not actually believe the subject to be of this wholly contingent character he shows throughout the text. Indeed, he goes much further, ascribing all sorts of things to his conception of the self which fly in the face of

his alleged anti-foundationalism. The ability to inflict and suffer humiliation as well as the goal of self-creation are just two examples; the romantic task of self-creation is another.

As Rorty has such non-relative, dare I say universalist reasons (though he does not give them) he in fact becomes just the proponent of Enlightenment Rationalism that he believes he overcomes with his Postmodernism – i.e. he promotes an Enlightenment-emancipatory ideal of a Liberal egalitarian society with the same sort of unjustifiable Enlightenment reasons that Rorty accuses Enlightenment philosophy as having produced.

9 – 8 How Rorty is himself a Rationalist

There are many criticisms that may be made of Rorty's dream of establishing a cosmopolitan Liberal utopia of negative freedom safe for "poets and revolutionaries" to conduct their positive freedom of personal "experiments in living." One can point out difficulties in his understanding of the self, which in Rorty would appear to have no resources left over for its self-creation. Or, one might note that if the self can engage in its own act of self-creation, it probably also has the capacities to imaginatively place itself within the hypothetical thought experiment of Rawls's original position. Therefore, it might have reasons for acting upon Liberal, egalitarian norms. One could also point out the problems that inherently reside in so strictly drawing a distinction between the practice of public political Liberal pragmatism, and the goal of private romantic self-perfection. Finally, one can ask whether, if there is no such thing in the debate as the realist metaphysician (as I have tried to show elsewhere that there really is not) Rorty's idealist, post-metaphysical conception of political philosophy is a suitable alternative.²⁵⁸

²⁵⁸The problem for Rorty is not just that his imagined opponents appear nowhere in the debate, but that the alternative he presents seems similarly far-fetched.

There is also room to criticise Rorty's denigration of philosophy as merely another branch of edifying discourse, with no power to determine what is good and right, and his characterisation of imaginative literature as an instrumental tool of socialisation and persuasion, not an expression of delight and artful imagination.

Indeed, over the course of this chapter we have also examined the inadequacy of Rorty's understanding of Liberalism, which so effortlessly conflates the variety and miscellany of practices of France, Britain, America, Canada, and so forth into something so nebulous, and protean as "the Liberalism of the rich north Atlantic democracies." In addition, it seems to omit entirely from view such important facets of Liberalism as the rule of law, justice as fairness or impartiality, distributive justice, desert, the judiciary, political authority, rights and obligations. (All of these, Oakeshott includes in his account of civil association in *On Human Conduct*.) As Bernstein writes, Rorty "simply speaks globally about 'Liberal democracy' without ever unpacking what it involves or doing justice to the enormous historical controversy about what Liberalism is or ought to be."²⁵⁹

Such criticisms all have merit, but I believe they can all be subsumed within, or at least be seen to pale beside a larger one. This is that Rorty, far from being such a critic of the "Enlightenment Project" as he claims, in fact embodies this project. Having so self-consciously shed a particular foundational aspect of Enlightenment Rationalism, an aspect which indeed, as I have tried to show elsewhere, is hardly present in contemporary political philosophy, Rorty is completely blind to other more significant aspects of Enlightenment ways of thinking, insofar as Rorty has one model in mind for how the world should be reformed.

I have earlier termed this "the blue-print" conception of politics, but it is symptomatic of any such utopian politics. Rorty's Pollyannaesque dream of a cosmopolitan Liberal utopia is the same dream, or nearly the same dream, of a cosmopolitan Liberal utopia that animates Kant's ethical and political writing, which I

²⁵⁹ Bernstein, Richard. In Franco, p.233

have earlier argued in Chapter 5 was the very apotheosis of Enlightenment Rationalism.

However, unlike Rorty, Kant, Rawls, and Hegel all attempt to justify their ideals: Kant fashions his ideal of a world cosmopolitan Liberal order on a transcendental idea of a subject of experience whose rationality was such that it demanded the equal care and respect for all other rational beings similarly constituted. Rawls supports his Liberalism with a conception of an ideal choice situation within which agents decide on fair principles of justice. Even Hegel, Kant's greatest critic, grounds his conception of the self (a more hylomorphic, embedded conception of the self than Kant's) in the idea of *Geist*, and understands the nature of man (and man in political society) as embodying a continual quest for self-realisation.

Rorty, of course, dispenses with all this; but he still continues to believe in the possibility of his Liberal cosmopolitan utopia being achieved, even in the absence of Kantian, or Kantian-like grounding, and without regard to how society is actually composed. Without such grounding, or relevance to reality, Rorty's hope for a Liberal utopia becomes a species of pure ideology, and *Contingency, irony and solidarity*, a work of pure politics and not philosophy.

Rorty would perhaps not disagree with me. However, I would like to go on to suggest that it is not simply that it is practically impossible for Rorty's utopia to become realised, it is also wholly undesirable too, as it is a Liberal utopia where people have ceased to believe in truth, where philosophy and literature do not look that much different from propaganda used for the successful socialisation (or shall we say brainwashing) of its subjects. It is a Liberal utopia that instead of dealing with the pluralism of the Humean circumstances of justice, runs rough shod over the great variety of practices that people imbue their world and their selves with, leaving everything plain and homogenous in its wake. Thus Rorty's utopian dream is, I suggest, a post-modern nightmare.

Chapter 10 – *On Human Conduct* & The Liberal Communitarian Debate

In the night of thick darkness enveloping
ancient times there shines the eternal
never-failing truth beyond all doubt:
that the civil condition is certainly a
human invention and that its principles
are therefore those of human intelligences.

– Vico

10 – 0 Preface

This is the penultimate chapter of my dissertation, “The Idea of Freedom in Michael Oakeshott and the Liberal Communitarian Debate.”

Here I seek to show that Michael Oakeshott’s magisterial work of political theorising *On Human Conduct* – the summation and conclusion of a life’s reflection upon politics, philosophy and history – both answers *and* explains today’s debate between the Liberals and Communitarians.

In addition, *On Human Conduct* provides us with an ideal model for how we ought to theorise about politics in a world in which normative philosophy no longer obtains. *On Human Conduct* is not, therefore, to be seen as yet another “blueprint” for the arrangement of an “ideal state” as suggested in, say, Kant’s *Idea for a Universal History with a Cosmopolitan Purpose* or even Rorty’s *Contingency, irony and solidarity*. Nor is it an example of “bourgeois philosophy,” the attempt to provide universal foundations for the practices of local and contingent communities as, say, found certainly in Rawls’s *Political Liberalism* and as I have suggested also in *A Theory of Justice*. Rather, *On Human Conduct* serves as an ideal example for how we *must* philosophise about politics if we

agree that philosophy may *never* be used to direct practice, as this dissertation has from beginning to end so contended.²⁶⁰

How then does Oakeshott's *On Human Conduct* answer the debate? *On Human Conduct* in a thoroughly non-normative, non-rationalist and non-foundationalist manner does so by showing the possibility of combining without contradiction a Communitarian account of agency with a Deontological Liberal and procedural account of association. A tall order to be sure, but one that Oakeshott in *On Human Conduct*, I have suggested, uniquely accomplishes.

Oakeshott's historical understanding of the modern European state and the character and morality of the subject with which it is underwritten are, furthermore, immune to the important Liberal and Communitarian criticisms of each other's respective theories. These range from Kant and Rawls's concern that teleological conceptions of the good allow the violation of the rights of the few for the greater good of the many. As Rawls writes, "Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override... the rights secured by justice are not subject to political bargaining or to the calculation of social interests."²⁶¹; Hegel's critique of Kant's "abstract freedom" as the "freedom of the void" which in practices rises "to the fanaticism of pure destruction – the destruction of the whole subsiding social order – as the elimination of individuals who are objects of suspicion to any social order and the annihilation of any organisation which tries to rise anew from the ruins"; Taylor's identification of the "malaises of modernity" which Taylor contends result in a "narrowing and flattening" of our souls; and MacIntyre's suggestion that we are presently at a cross-roads between Nietzsche and Aristotle and must choose between a Nietzschean future of unrestrained will or a rebirth of classical rationalism in the form of a historicised Thomism. As ever, Richard Rorty provides the idiosyncratic exception.

²⁶⁰ That philosophy may not direct politics may today seem a radical position, but has in fact been the dominant orthodoxy in the history of political philosophy.

²⁶¹ Rawls, *A Theory of Justice*, pp.3-4

I will also attempt to show that Oakeshott's account of political theorising is superior to that of the Communitarians insofar as Oakeshott understands that the employment of an embedded conception of agency does not necessarily require the advocacy of "a politics of the common good." Neither does Oakeshott show it to be the case that the promulgation of the Liberal ideal of "the neutral state" necessarily requires the promulgation of the unembedded, atomist individual, the bane (according to that of the Communitarians) of all Deontological Liberal theorising. Nor, as I will show, is the account of neutrality that lies at the centre of Oakeshott's ideal character of civil association a "fraud," such as the Communitarians accuse the Deontological Liberals of maintaining at the centre of their theories. Oakeshott's ideal character of civil association has at its centre an explicit and very particular moral ontology. The ideal character of civil association is simply the articulation of the association relevant to that ontology.

Lastly, *On Human Conduct* shows us that if we understand and practice "Liberalism" correctly though the carrying on of "The Conversation of Mankind" and not the practices of Rationalism in Politics, "Liberalism" ultimately need not be "the self-devouring entity" which leads to the deleterious social condition of "atomism."

I put the term "Liberalism" within inverted commas because I do not believe that such a term accurately captures what Oakeshott has so precisely stated in *On Human Conduct* as the civil condition. While the terms overlap, it is wrong to consider them identical.

All that said, Oakeshott's *On Human Conduct* has therefore the inherently conservative and relativist implications of directing us towards the local and contingent practices of Rational Conduct and away from the universalising and destructive practices of Rationalism in Politics. This of course makes Oakeshott in the end, more the "Communitarian" than the "Deontological Liberal." *On Human Conduct* has therefore the relativist consequence of our looking toward the particularities of our individual traditions and practices and the interconnected

nature of the self and away from the impossible project of deriving once and for all a tradition independent justification of the Liberal individualist viewpoint.

Neither label of course – “Liberal” or “Communitarian” – accurately captures the intricacies and subtleties of Oakeshott’s philosophy. Indeed, anachronistic though it may be, we may understand Oakeshott’s political theorising to occupy a place *beyond* Liberalism and Communitarianism.

If there is in fact any theorist whom we may legitimately compare Oakeshott to, it is of course Hegel and not the Kant whom I have contended informs Deontological Liberal theorising. (Rorty for reasons already discussed, Rorty’s own claims notwithstanding, is not a close analogue.) Indeed, we may see Oakeshott’s *On Human Conduct* as a precise restatement of Hegel’s *Philosophy of Right*; a restatement, however, cleansed of the “historicised universalism” as Alan Wood has termed it, which underwrites Hegel’s theory of the state. Purified of such, Oakeshott’s ideal character of civil association as presented in *On Human Conduct* is not therefore the end and conclusion of the universal process of history. Rather, Oakeshott’s ideal character of civil association is an exposition of the central features of our local, historic and contingent political traditions. Of course, as such, it has no direct normative application. Yet, it is still an invaluable aid to the understanding and clarification of our social practices and an important prolegomenon to our engaging in truly Rational Conduct, what Oakeshott considers to be the only possible salve to our current condition.

However, all that said, at the heart of Oakeshott’s theory of the state lies an agent every bit as radically free from material and causal determination as that posited by Kant. Moreover, just as I argued in my chapter upon Hegel, that while Hegel rejected Kant’s radical bifurcation of the universe into noumenal and phenomenal realms, Hegel retained the agent of Kant’s theorising, so too does Oakeshott. When we combine this agent with Oakeshott’s peerless articulation of the civil condition, his magisterial history of how such an association came to be and the character and development of the agent with which it is underwritten,

this above all, allows us to call Oakeshott (insofar as we might also call Hegel a “Liberal,” as for example Elie Kedourie does), a “Liberal.”

In *On Human Conduct*'s achievement of this monumental task, Oakeshott shows us how the debate has as much to do with politics as it does philosophy. Moreover, it shows us that the Liberals and the Communitarians are far closer in thought than either will allow. The Liberal-Communitarian debate is, as I suggested in my opening chapter, a debate *within* Liberalism *about* Liberalism. Oakeshott's understanding of politics is superior to either that of the Communitarians or Liberals because it *transcends* Liberalism and Communitarianism. It does so by correctly understanding the Liberal Communitarian debate to compose a single collection of themes or arguments *within* “The Conversation of Mankind” that is both our peculiar western inheritance and our most significant political achievement.

10 – 1 Introduction to *On Human Conduct*

Oakeshott accomplishes all that I have above enumerated – at least so far as the Liberal-Communitarian debate is concerned – in a uniquely Oakeshottian way. As ever, Oakeshott has chosen the form of the essay to expound his views, a genre that Oakeshott considers more conducive to the conditional character of his theorising than the more conventional treatise upon justice.

Oakeshott does so because he believes that the three subjects of *On Human Conduct* – agency, the civil condition and history – must properly be examined separately if we are not to be led into error or down the false trail of Rationalism in Politics.

In “On the Theoretical Understanding of Human Conduct” Oakeshott presents us with both an account of philosophy, and the application of this account to delineate “the how” of human conduct *inter homines*. Oakeshott does so without, however, specifying the content of the modern western European moral ontology or the character of the community that he inhabits. To combine them, as say

Taylor does in *The Sources of the Self* or MacIntyre with his views concerning an “emerging Thomistic conclusion” is to commit, for Oakeshott, a category error. It is to become the Rationalist in Politics through the inappropriate employment of past history for the purposes of our present practice.²⁶² Such a role, Oakeshott contends, history may never perform.

In this first essay, Oakeshott demonstrates that history, traditions, practices, and the intelligent learned responses of agents, not nature, genetic inheritance, *telos*, socio-biological or other causal explanatory means are the only appropriate way to understand human conduct. These latter systems of explanation Oakeshott believes regard the agent as something less than an intelligent being capable of free will, something that Oakeshott’s theorising will not countenance.

We will therefore see that in Oakeshott’s view of agency as “historical understanding of a limited sort,” Oakeshott has much in common with that of the Communitarians and their “embedded,” “intersubjective” accounts of agency. For at the core of Oakeshott’s theory, is a conception of agency that understands the agent as firmly embedded in the practices, traditions and understandings of the society of which he is a part. Oakeshott’s conception of agency does so however without raising to the fore the bugbear of the unembedded, emotivist self of Deontological Liberalism, the self that I have argued appears nowhere in the Liberal Communitarian debates.

In the second essay, “On the Civil Condition,” we are presented with the use of the model presented in the first essay to what Oakeshott believes to be the “civil condition,” an “ideal character” of human association abstracted from all contingent “going-ons” that Oakeshott believes are irrelevant to it.²⁶³

The last essay, “On The Character Of The Modern European State,” presents us with an account, using the model of human conduct of the first part, and the un-

²⁶² Rorty escapes such a problem by rejecting history entirely.

²⁶³ It does not do to under-estimate the great sparseness of the account – a first time reader of *On Human Conduct* is no doubt daunted, as it reads like nothing he has ever read before.

derstanding of the civil condition in the second part, of how this “ambiguous association the modern European state” came to be. This essay, a *tour de force* of historical explanation, presents us with a historical account of the genesis of the modern European State and character of the modern moral ontology that underwrites it. Here, Oakeshott presents us with a history that shows Europe wavering between two forms of association, and two species of agent embodying two forms of rival moralities, that of the morality of the self-conscious pursuit of ideals on the one hand, and the morality of custom, habit and tradition on the other, and two related forms of politics, that of Rationalism in Politics and “The Pursuit of Intimations.”

The three essays of *On Human Conduct* Oakeshott connects in such a way that the model for human understanding presented in the first part is necessary to understand the discussion in the second part. The last part is an account of how the second part came to be.

I will first present the two themes of the first essay of *On Human Conduct*, philosophy and human conduct. I will then provide a short account of the concern of the second essay, the ideal character of the civil condition. I will then for the most part ignore the details of this last essay except insofar as its function regarding the rest of the argument is concerned. The reason for this is that this last essay is a substantive account of the nature and development of the modern state and modern subject. This is an account that does not play a direct role in the Oakeshottian critique of the contemporary debate that I have developed.

The reasons I focus most of my attention on the first two essays are threefold. The first essay goes directly to the heart of the debate between the Liberals and the Communitarians by examining the character of the subject, the main battleground for the debate between the Liberals and Communitarians. The second essay goes to show how a Communitarian conception of agency is compatible with a Liberal, procedural account of the self. Thirdly, in the second part we shall also examine Oakeshott’s understanding of politics and show how it applies to the Liberal-Communitarian debate.

10 – 2 Oakeshott & Philosophy in *On Human Conduct*

Montaigne writes, “It is more of a job to interpret the interpretations than to interpret the things,” and this is always Oakeshott’s first concern.²⁶⁴

Oakeshott elaborates his manner of philosophical understanding throughout his work, but as John Gray well notes:

It is no easy matter to characterize Oakeshott’s ideal of philosophical inquiry. Even as his writing abounds with attempts to clarify the *telos* of philosophy as an intellectual discipline, they suggest a variety of conceptions of the activity of being a philosopher with the issue between them never definitely resolved.²⁶⁵

These attempts of Oakeshott at clarifying the *telos* of philosophy bring us slightly different but ultimately compatible results. *Experience and its Modes* presents us with an idealist account of a philosophy of experience in which politics plays little or no part, and in which though the mode of history is described in great detail, the work itself does not include a history.

Experience and its Modes, as I have written, is concerned to show how there can be no strict distinction between sensation and judgement, experience Oakeshott describes in terms of modes or arrests or experience closed off one from another. The purpose of philosophy, as that subject matter most aware of the presuppositions of experience, is to specify the postulates of each of these separate worlds of experience on the map of human activity and not direct practice. In the essays of *Rationalism in Politics*, philosophy recedes into the background, with politics taking the foreground. In *On Human Conduct* we see the modes of experience multiplied innumerable. The “tradition” that made up such a large part of *Rationalism in Politics* has gone overboard. Philosophy or what is now more modestly termed “theorising” retakes its mantle as superior to experience, practical knowledge or tradition, but is no way a substitute for practice.

²⁶⁴ Montaigne, Michelle. *The Complete Essays of Montaigne* translated by Frame, D. M. (Stanford: Stanford University Press, 1957) “Of Experience” III:13, p.818

²⁶⁵ Gray, John. *Liberalisms*, p.200

Oakeshott's view of philosophy in *On Human Conduct* begins with the observation that we inhabit a world that is in part already if murkily understood. Oakeshott gives a perfect one sentence reminder of what he means by philosophy when he opens the preface of *On Human Conduct* with,

Philosophical reflection is recognised here as the adventure of one who seeks to understand in other terms what he already understands and in which the understanding sought (itself unavoidably conditional) is a disclosure of the conditions enjoyed and not a substitute for it.²⁶⁶

To theorise, argues Oakeshott, is to set out to understand in other terms what is already understood. As such, it is an engagement to abate mystery, rather than achieve definite or final understanding: that is, understanding without presupposition. The engagement of theorising in *On Human Conduct*, as in *Experience and its Modes*, is not experience without presupposition (a platform of understanding without conditions or presuppositions) but rather, "the conditional recognition of the conditionality of conditions."

The engagement of understanding has three features: a "going-on" "attended to," "a reflective consciousness" attending, and the results of the engagement, a "theorem." The "going-on" attended to commences with the recognition and distinguishing of intelligibles by their "characteristics," and the detachment of these characteristics to compose "ideal characters" in which there shall remain an "imperfectly resolved tension between particularity and genericity."

To recognise an intelligible, Oakeshott argues, is to distinguish a "this" from a "that," a Peter from a Paul by, for example, their different manners of walking. To identify is to specify a "this," in terms of an "ideal character" derived from the characteristics that distinguish recognisables, which have been detached from the recognisable they characterise. Each recognition of a "going-on" is also however an "invitation" to further exploration that invites a specific order and mode of inquiry.

²⁶⁶ Oakeshott, Michael. *On Human Conduct*, vii

Though mis-identifications of recognisables by their characteristics are confusions (that is not a man, but a statue) subsequent re-identifications, if correct, for Oakeshott, do not supplant former identifications. To say that this is a performance of King Lear does not exclude saying that it is also a play. Conversely, neither do identifications in terms of ideal characters presuppose “minimal epistemological conditions.” Saying that this a performance of King Lear does not necessarily also presuppose Shakespeare, actors or even a stage. Such an identification of intelligibles in terms of ideal characters detached from the original recognisables invite further explorations.

Exploring such relations is to occupy what Oakeshott calls, a “platform of conditional understanding.” All platforms of understanding are “conditional platforms,” in so far as there can be no terminal platform of understanding that is itself without condition or presupposition. The theorist always remains poised “between heaven and earth.”

Oakeshott writes,

...the engagement of understanding is not unconditional on account of the absence of conditions, or in virtue of a supposed terminus in an unconditional theorem; what constitutes its unconditionality is the continuous recognition of the conditionality of conditions. And consequently, this engagement to be perpetually *en voyage* may be arrested without being denied. The theorist who drops anchor here or there and puts out his equipment of theoretic hooks and nets in order to take the fish of the locality, interrupts but does not betray his calling. And indeed, the unconditional engagement of understanding must be arrested and inquiry must remain focused upon a *this* if any identity is to become intelligible in terms of its postulates. An investigation which denies or questions its own conditions surrenders its opportunity of achieving its own conditional perfection; the theorist who interrogates instead of using his theoretic equipment catches no fish.²⁶⁷

To “explore” and “make a map” of the relations of a “conditional platform of understanding” requires that its postulates be regarded for the purposes of the inquiry as unproblematic.

²⁶⁷ Oakeshott, Michael. *On Human Conduct*, p.11

Oakeshott argues, to ask: “what *is the* time?” is a question at a different platform of conditional understanding than the question: “what *is* time?” In asking the question “what *is* time?” an answer to “what *is the* time?” is Oakeshott argues both philosophically and practically irrelevant.

The postulates of conditional platforms of understanding must remain unproblematic and unquestionable for an adequate understanding or “map” of the conditional platform of understanding that one is concerned to understand to be made. Questioning the postulates of such an understanding is to problematize and corrupt the endeavour, leading one into confusion and category error.

Such an interrogation of the postulates of a conditional platform of understanding, while allowing one to “escape” the “prison” of a “conditional platform of understanding,” only “releases” one into a new platform, which is likewise a “prison.” This is of course a rewriting of Plato’s cave simile. However, for the theorist to remain a theorist, and not become for Oakeshott “that most deplorable character the theoretician,” the theorist must always remain aware that the hard-won gains achieved at a new “platform of conditional understanding” have no direct practical application to the previous platform.

In the course of this perpetual voyage of exploring the conditionality of all conditional platforms of understandings, the theorist may “drop anchor,” “arrest” the voyage, and set out his “theoretic hooks and nets... to take the fish of the locality.” “The puzzle” of philosophy, for Oakeshott, is not the problem of achieving experience without presupposition but “why [anyone] should ever feel the need to leave this world of satisfying and useful verdicts.”²⁶⁸

10 – 3 On the Understanding of Human Conduct

The second theme of the first essay is the exploration of one such “arrest,” where “an unambiguous intellectual engagement is to be discerned”; namely, the enterprise of theorising human conduct.

At this platform of conditional understanding, for Oakeshott, one must distinguish without ambiguity between two sorts of intelligibles: “goings-ons” that are expressions of intelligence, i.e. capable of self-understanding, and “goings-ons” that are not; for each, according to Oakeshott, invite different orders and idioms of inquiry.

The first mode of inquiry is that of a science of intelligent learned procedures, which is to be “a historical understanding of a limited sort.” While the latter is a science of unintelligent processes: relations of cause and effect, quantity and so on.

The setting of the sun, for instance, is not an exhibition of intelligence but a process as are waves crashing onto a beach. On the other hand, a man writing at a desk is the intelligent expression of a learned procedure by a reflective consciousness capable of self-understanding. What distinguishes the sun setting from the man writing, is that the latter concerns an intelligent agent following a learned and understood procedure, conducted in a learned and understood world of *pragmata*.

The setting of the sun, by comparison, is a process, explicable in causal terms, in this case, that of momentum, gravity and the like in which learned understanding plays no part. At issue is what mode and idiom of inquiry is specific to each of these two varieties of recognisables.²⁶⁹

In the first case, it is the “choice” of an “intelligent” agent to do “a this,” rather than “a that,” free from material causation or determination. In the case of a setting sun, it is a matter of causation explicable in terms of the laws of physics and so on.

To employ an incorrect mode of inquiry is to enter confusion. A wink, as an example of a premeditated act by a reflective consciousness, is a procedure learned

²⁶⁸ Oakeshott, Michael. *On Human Conduct*, p.8

²⁶⁹ This distinction between procedures and processes corresponds to the distinction between the realm of freedom and the realm of nature in Kant.

of by a reflective intelligence and will not admit of reduction to causal processes. A blink as, for example, a result of an unconscious reflex to a mote in one's eye, is a process that is susceptible of reduction and explanation in terms of natural causality.²⁷⁰ Vulgar versions of sociology, psychoanalysis, and other social sciences which attempt to explain exhibition of intelligence in terms of processes commit, Oakeshott argues, an *ignoratio elenchi*, or category error. They do so by their incorrect identifications, and, hence, fallacious explorations. Such category errors result in confusion if kept on the level of the theoretical. If, however, they are elevated to the level of the practical, they become pernicious.

Conduct, argues Oakeshott, is the understanding and diagnosis of a specific dissatisfaction by an intelligent agent who is what he understands himself to be which invites a response to abate the dissatisfaction to achieve an "imagined or wished for satisfaction." This is what Oakeshott understands as "transactional association." As such, human conduct postulates an intelligent "free agent."

As in *Experience and its Modes*, the postulate of freedom is not, however, to be identified with the quality of being "self-directed" or "autonomous" in the Rawlsian or Kantian sense. As Oakeshott writes,

Intelligence is not merely concerned to understand physiological processes. Mind is made up of perceptions, recognitions, thoughts of all kinds; of emotions, sentiments, affectations, deliberations, and purposes, and of actions which are responses to what is understood to be going on. It is the author not only of the intelligible world in which a human being lives but also of his self-conscious relation to that world, a self-consciousness which may rise to a condition of self-understanding. This inherent "freedom" of a human being lies not only in his ability to make statements expressing his understanding of himself, but also in the world's being for him what he understands it to be, and in his being what he understands himself to be. *A human being is "free," not because he has a "free will," but because he is in himself what he is for himself.*²⁷¹

²⁷⁰ Oakeshott, Michael. *On Human Conduct*, p.13

²⁷¹ A place of learning, p.19 in *The Voice of Liberal Learning* (New Haven: Yale University Press, 1989) emphasis mine.

The Oakeshottian agent is neither “un-encumbered” or “radically encumbered.” He is *always* free to choose a “*this*” over a “*that*.” Will, argues Oakeshott, is nothing more than “intelligence” in “doing.”

The self-understanding of an agent who is both the subject and the object postulated in conduct may be small, his power of self-determination may be modest, he may easily be duped, but he is what he understands himself to be, his contingent situations are what he understands them to be, and the actions and utterances in which he responds to them are self-disclosures and enactments. He has a “history” but no “nature”; he is what in conduct he becomes. This history is not an evolutionary or teleological process. It is what he enacts for himself in a diurnal engagement, the unceasing articulation of understood responses to endlessly emerging situations which continues until he quits the diurnal scene. And though he may imagine an “ideal” human character and may use this character to express his self-enactments, there is no ultimate or perfect man hidden in the womb of time or prefigured in characters who now walk the earth.²⁷²

The “*this*” or “*that*” which the agent chooses as a response to a present dissatisfaction is, Oakeshott argues following Aristotle, always a means toward an end and not an end in itself.

The “imagined or wished for satisfaction” is the “meaning” or “intent” that we give to an action. This meaning or intent cannot be deduced *except* by the agent in question from the situation of the agent concerned. To deduce his activity according to instinct, nature, or the like would be to change his action from that of a procedure which involved deliberation to a process that did not and would be to commit a category error in using the wrong order of inquiry. Each “doing” is unique, and is not generalizable under causal laws as the events of processes are.

Happiness as an example of a formal end cannot be achieved, Oakeshott argues, by a substantive performance of an agent. Rather, it is a formal condition derived from the continual successful pursuance of such means that is much akin to Hobbes’s notion of “felicity.” “I cannot *want* ‘happiness,’ ” Oakeshott writes, “what I want is to idle in Avignon or hear Caruso sing.”

²⁷² Oakeshott, Michael. *On Human Conduct*, p.41

10 – 4 Conduct *Inter Homines*

Human conduct, for the most part does not occur in the absence of other agents, but between agents, *inter homines*. Conduct *inter homines*, is an agent perceiving a present dissatisfaction, seeking to achieve an “imagined or wished for satisfaction” through solicitation of responses in others. In other words, a ‘transactional association.’”

Such transactional associations between reflective intelligences Oakeshott calls “self-disclosures,” as the agent discloses himself to other agents to persuade him or her to help him achieve his “imagined or wished for satisfaction” and they likewise. Such transactional relations are especially fragile because they do not merely rely for the abatement of perceived dissatisfactions on the predictive regularities of causal processes, but on the responses of free and reflective intelligences. These sorts of relations Oakeshott terms practical, for they are always performed with the intent of achieving particular substantive satisfactions.

Conduct *inter homines*, however, includes more durable relations, which are to be distinguished from individual practical transactions, as they prescribe not the simply substantive satisfactions pursued, but the conditions under which such transactions are to be conducted. They are “formal.” As such, they are not simply used up with each transaction, but persist in being used, and are reconstituted and modified in use.

Oakeshott makes another very important distinction here between instrumental and moral practices. Instrumental practices are durable practices for the realisation of substantive satisfactions adhered to by a plurality of agents on a plurality of occasions. While non-instrumental practices (practices not for the attainment of substantive satisfactions) Oakeshott terms moral practices, the “*ars artium* of conduct.”

Moral practices, like instrumental practices, are any set of considerations, manners, conventions, or maxims that govern conduct, or qualify performance. But

unlike instrumental practices, their formality prescribes no substantive purposes to be achieved, but instead dictate “the how” of conduct. Such adverbial, non-instrumental qualifications, Oakeshott argues, unlike those of instrumental practices, do not compromise (or, at least compromise the least) the freedom inherent in agency, argues Oakeshott. Practices, argues Oakeshott, are like languages, insofar as they must be learned, and by their use evolve and are reconstituted.

A moral practice then is a language of self-disclosure whose existence is co-terminus with its use, whose character its practitioners evolve, and whose authority is reconstituted in use. A moral language is like a language “in being an instrument of understanding and a medium of intercourse, in having a vocabulary and having a syntax of its own, and in being spoken of well or ill.”²⁷³

Moral practices, however, not only contain the formal procedures – the adverbial prescriptions acted upon by intelligent agents that qualify but do not direct conduct – but also contain similar prescriptions for virtuous self-enactments. Self-enactments are to be distinguished from self-disclosures, because self-enactments are subject to considerations of “virtue” which are also present in the “languages” of moral practices. Facility of conduct Oakeshott likens to that of literacy in language, which is itself in no way grounded in “the good” for its intelligibility. It is a historic achievement of man. A practice is a language of self-disclosure. It,

...does not impose upon an agent demands that he shall think certain thoughts, entertain certain sentiments, or make certain utterances. It comes to him as various invitations to understand, to choose, and to respond. It is composed of conventions and rules of syntax, and it is continuously invented by those who speak it, and using it is adding to its resources. It is an instrument to be played upon, not a tune to be played.²⁷⁴

²⁷³ For example, the meaning of “I am hungry” and “J’ai faim” is the same, but the way in which these expressions are written are very different. Neither French nor English made me hungry, but adverbially qualify how I am to disclose my hunger. In the case of a musical instrument, the instrument does not dictate the tune, the player dictates.

²⁷⁴ Oakeshott, Michael. *On Human Conduct*, p.58

The performer's *persona* is constituted by the moral language that he finds (and chooses) by way of his status as father, church elder, or railway timekeeper. His *persona* he exercises and cultivates through his skill, and connoisseurship in exercising such moral language. Moreover, just as with Wittgenstein's language games, for Oakeshott there is polyphony of moral languages, just as there are of speakers. There can as well be a women's moral language, as there are differing moral languages between friends, business partners, citizens and between different cultures.

These moral languages, Oakeshott notes, are vernacular, colloquial, exist within us, not in any way over or above. As Robert Grant notes,

In the end, and despite their anti-teleological and anti-essentialist thrust, Oakeshott's ethics are much like Aristotle's (and many would say, Hume's.) What should be done in a given case is a matter for *phronesis* or practical wisdom, the "knowing how" of the morally literate agent immersed in practice.²⁷⁵

The important features of Oakeshott's understanding of human conduct concerning the Liberal Communitarian debate are threefold. One, Oakeshott's account of conduct, while delineating the character of conduct between agents *inter homines* in no way depends on any particular account of the good, explicit or implicit. Neither does it succumb to the Kantian or Kantian-like cavil of supposing you can usefully imagine an agent for the purpose of deriving normative principles of political philosophy without also presupposing a comprehensive conception of the moral good.²⁷⁶

²⁷⁵ Grant, Robert. *Oakeshott: Thinkers of Our Time* (London: The Claridge Press, 1990) p.77

²⁷⁶ This is one of the principal charges made by the Communitarians against Rawls. Charles Taylor and Michael Sandel suggest that Rawls' account far from being neutral between conceptions of the good for the production of normative principles, relies on a particular comprehensive conception of the good that is far from neutral. Taylor goes on to argue that normative political philosophy must not only rely on a comprehensive notion of the good, but actively enforce it. The task then comes to be for Taylor to articulate the character of this good, which then opens him up to a whole variety of new difficulties: how widely shared is this good, is it fair to impose it on people who do not share it. Oakeshott gets around these difficulties by not drawing normative implications from his account of the agent, but by keeping his articulation of the character of "that

Secondly, Oakeshott's account of the self in no way succumbs to the "unencumbered-ness," or "negative individualism" which leads to the social condition of "atomism" (to use the Communitarian terminology) as the Deontological Liberals are accused by the Communitarians of doing. Oakeshott avoids this charge because his account of the self is a fully intersubjective account of the self that understands the agent as fully embedded in local and contingent intersubjectively held practices.

Lastly, the understanding of human conduct that Oakeshott presents is an historical one (where the articulation of this history is left to later). It does not fall prey to the Communitarian criticism of the Liberal subject as historically particularist because of its reliance on the contract tradition or the essential nature and constitution of the self.

10 – 5 The Ideal Character of Civil Association

In the second essay "On the Civil Condition," Oakeshott is concerned to specify the "ideal character" of what he terms "the civil condition." As we will see, the essay is an application of the philosophic method given in the first part to that of human association.

The civil condition, Oakeshott argues, is not the articulation of a plan shored up in the heavens, or embraced in the womb of time but rather it is an abstraction from experience. As an "ideal character," namely an identity in terms of its postulates abstracted from all contingent "goings-on," it is, Oakeshott argues, neither "a wished for ideal," but an "abstraction" for the purposes of understanding. It is in no way understood as a normative or regulative ideal.

However, that said the postulates of Oakeshott's ideal character of civil association correspond in important respects to that of Rawls's conception of the just polity in *A Theory of Justice*. Indeed, I would even go so far as to suggest that

ambiguous association" we call the state and the character of the modern agent, separate from his political philosophy proper.

the rules of *lex* which govern Oakeshott's "ideal character" of "civil association" could in fact be chosen by individuals subscribing to the conditions of the original position.²⁷⁷ We should perhaps not be surprised at this, insofar as *On Human Conduct* and *A Theory of Justice* are both reflections of and upon the modern polity. John Gray, indeed, has been disposed to term Oakeshott's ideal of civil association the very "kernel" of Liberalism. Rawls in *Political Liberalism* has remarked similarly.²⁷⁸ Furthermore, Oakeshott's "ideal character" of civil association does not succumb to the problems that Barry identifies inherent in Hobbes's conception of justice as mutual advantage or Rawls's understanding of justice as reciprocity. It is an association recognised solely according to the authority of the laws or *lex* which govern it, and not according to its rationality or conformity with an external or prior standard of right.

²⁷⁷ Of course, I am putting to one side Rawls' second principle of justice, as Rawls himself seems increasingly to have done, as well as the fact that Rawls' principles of justice are derived prior to the association for which they are designed. Of course, there is much controversy concerning this point, but no one can deny that Rawls' principles of justice are normative, insofar as it is our responsibility – if we agree with the rationality of their derivation – to conform society to the principles, rather than the principles to the society, even if ultimately it can be shown that the principles do in fact derive from the society — as of course they must.

²⁷⁸ However, Rawls', Oakeshott's, and indeed any other normative liberal theorists' methods of derivation and intended use and application of such models could not be more different. Whereas Rawls' two principles of justice are premeditated normative rules of conduct such that if we agree with the rationality of their derivation we are compelled to promulgate them in our political practices, such normativity is wholly alien to Oakeshott. The purpose of Oakeshott's "ideal character" of civil association is merely that of the exploration of the postulates of a form of association that Oakeshott has singled out for our special examination as particularly relevant to our age. It has no normative pretensions or intentions whatsoever. The *lex* of Oakeshott's "ideal character" of civil association are, nevertheless, compatible with Rawls' conceptions of justice as fairness and impartiality. This is so because the *lex* of the "ideal character" of civil association embody the conditions in the original condition that constrain the use of power, instrumental considerations, partiality, and inter-subjective theories of the good. However, and as I have tried to show, Rawls' first principle of justice is in complete contradiction with his second principle of justice, the former principle of justice embodying what Oakeshott understands as *Civitas*, the latter principle of justice *Universitas*.

One of Oakeshott's principal concerns in the essay is to distinguish the understanding of the civil condition from other understandings that, Oakeshott believes, have mis-identified the civil condition with a mode of association in many ways contradictory to it, that of enterprise association or *Universitas*. Examples of such mis-identifications would be that of Rawls (anti-teleological protests notwithstanding) and his understanding of the state as a purposive association to attain "democratic equality;" the utilitarian understanding of the role of the state to increase aggregate utility; the Communitarian demand for a "politics of the common good;" Rorty's ideal of a post-modern Liberal utopia; or the understanding of the state as an organisation to increase material wealth.

As we shall see then, the second essay of *On Human Conduct* is not directly a criticism of the Communitarians and their "politics of the good" or Rawls's *A Theory of Justice*. Rather, it is a criticism, following from the first essay, of the rationalist means that they employ in deriving and bringing about such rationalist states of affairs.

In delineating the ideal character of the civil condition in terms of its postulates, Oakeshott is to employ what he refers to as a "trifle old fashioned" vocabulary, to better distinguish the very different senses he is to give these terms from the more commonly employed terms of citizen, state, law, justice, and so on that he believes to be mired in confusion.

For Oakeshott, "*civitas*" is to stand for the "ideal character" of the civil condition. "*Cives*" for the "*personae*" related. "*Lex*" for the rules authoritative governing (though not directing) the association. "*Respublica*" for "the comprehensive association." "*Jus*" for "justice." "Ruling" for the maintenance of the association. "Politics" for the practice of modifying the rules (*lex*) that govern the association by way of their desirability through an authoritative and recognised procedure.

Oakeshott's starting place for understanding the ideal character of the civil condition is the model for understanding human conduct he presented in the first essay.

As will be recalled, Oakeshott there described two ways in which agents conduct themselves. The first is transactionally: that is, one-off intelligent performances for the achievement of wished for or imagined satisfactions. The second manner is that of practices, that is, agents subscribing to learned authoritative procedures for the achievement of substantive and non-substantive satisfactions.

Of practices, there are two sorts. Practices concerned with the achievement of substantive satisfactions, and formal practices, the *ars artium* of conduct, that do not prescribe a substantive satisfaction to be achieved. Rather, they "adverbially" govern the conditions under which such satisfactions are to be pursued. They do not prescribe which satisfactions should be pursued.

Unlike instrumental practices, where agents disclose themselves according to understood procedures for the achievement of substantive satisfactions, moral practices are subject to "self-enactments." Moral practices provide the means for virtuous self-enactment, according to considerations of "virtue" that Oakeshott believes to be dispersed in the "language" of moral practices.

With this model for understanding human conduct in place, Oakeshott presents the "ideal characters" of two in some way contrary manners of association, that of civil and enterprise association. An enterprise association is an association where agents in common seek substantive satisfactions according to an authoritative procedure whose terms are conditional on the pursuit of the satisfaction craved. The mode of discourse in which the terms of such associations are deliberated – to better achieve the substantive satisfactions pursued – is argumentative and rationalist. A civil association, by contrast, is where agents are associated solely according to authoritative procedures whose terms, with no substantive satisfaction to be pursued, are independent of any particular substantive satisfactions. Civil association is to be understood as entirely composed of rules.

‘Civitas’ is a rule articulated association. The rules of *lex* or laws are moral rules insofar as they are not for the purposes of achieving substantive satisfactions, but rather are considerations to be taken account of in the performances of practices. As there are no substantive satisfactions pursued by a civil association, the manner in which the rules of such an association are deliberated according to their desirability is through “participation in The Conversation of Mankind.” Such *cives* are recognised solely in their recognition of rules of civil association. Civil association is above all non-purposive association.

10 – 6 Enterprise Associations

Enterprise associations, the contrary of civil associations, postulate three conditions: a common substantive satisfaction or satisfactions to be pursued, the voluntary choice of agents to be associated for the purpose of realising the substantive satisfaction or satisfactions concerned, and a body of rules governing the engagement.²⁷⁹ However, as an enterprise association, its members related for the purpose of securing a substantive satisfaction, the terms that govern the association, unlike that in a civil association, are always open to continual modification according to their efficacy for promoting the achievement of the particular substantive satisfaction or satisfactions in question. In this way, the association is managerial, as the associates are “managed,” and the rules instrumental for the achievement of the substantive satisfaction or satisfactions sought. The mode of discourse in which the terms of an enterprise association are modified is demonstrative and rationalist. The morality which underwrites it is the morality of the self-conscious pursuit of ideals.

Because Oakeshott believes the substantive pursuit of an enterprise association cannot be deduced from the contingent activities of its members, enterprise associations are not distinguished from civil association by the substantive pur-

²⁷⁹ Someone associated in an enterprise association has the ability to disassociate himself, and the relation or association that includes him, terminates. A compulsory enterprise association, Oakeshott argues, is a self-contradiction. Civil asso-

poses pursued. Rather, an enterprise association may only be identified by the managerial component of the relation, which differs in kind from that of a civil association.

10 – 7 Civil Association

The contrary of enterprise association is of course that of civil association. Civil association, as with other “moral” practices, are formal practices not for the pursuit of any substantive satisfaction, but an association where the *personae* are related by a comprehensive moral relationship that has no substantive end or organising principle. It is a purely formal association whose associates are bound together only by “watery civility.” It is an association composed *entirely* of rules not instrumental to the achievement of any particular substantive satisfactions. The *Cives* that compose such an association are recognised solely in terms of their acceptance of the authority of the rules of civil association. They are *cives peregrina*, fellow adventurers, each pursuing their own and diverse adventures within a framework of rules which allows, but is not instrumental to the achievement of any particular substantive satisfaction or satisfactions.

However, whereas civil association may incorporate enterprise associations within them, as a secular state may incorporate religious communities, enterprise associations do not so easily absorb other enterprise associations. A state organised for the purposes of worshipping and proselytising a particular religion does not so easily absorb associations that do not.

However, this again is not enough to distinguish the civil association from the great variety of other non-instrumental moral practices. What distinguishes civil association from all other practices is that it is an association governed entirely by *lex*. Civil association is, unlike other moral practices, composed “entirely of

ciation, as it has no substantive purpose, (i.e. is moral) does not need to postulate disassociation.

rules; the language of civil intercourse is a language of rules; *civitas* is a rule articulated association.”²⁸⁰

As such civil association postulates an authorised procedure for the alteration of *lex*, a way of determining whether an agent has or has not adequately subscribed to the terms of *lex*, a system of known penalties for non-compliance, and a method of enforcement. Civil association therefore also postulates an apparatus of rule.²⁸¹

The authority of *Lex*, however, unlike that which governs enterprise associations, is not, for Oakeshott, dependent on its instrumental efficacy at achieving substantive satisfactions, as civil associations do not pursue any substantive satisfactions collectively, but consists in recognition of its authority, and not its desirability. *Lex* as such cannot be regarded as fit or unfit for achieving a substantive goal, as civil association does not have a substantive goal. That is what distinguishes it from *Universitas*. *Lex* must thus be purely formal rules that advertorially qualify but do not direct conduct. As such, because the rules of *Lex* are general and abstract, they must be impartially related to contingent and emerging situations. *Lex* therefore necessarily also presupposes methods of adjudication and legislation.

Lex is further distinguished as a body of rules rather than commands. A command, by contrast, is extinguished after use, and commands a specific case. A rule on the other hand is general, and subsists through use.

Ruling is not mere application of *lex* to contingent specific cases, that is adjudication, the relating of general *lex* to specific cases where the ambiguity of the

²⁸⁰ Oakeshott, Michael. *On Human Conduct*, p.124

²⁸¹ Ruling here is to be contrasted with lordship. Aristotle argues that a virtuous regime is a regime in which those who rule (whether they be one, some, or all) rule for the common good of the regime. A corrupt regime is where the ruling faction rules in its own self-interest. For Oakeshott, lordship exists when the ruling apparatus is used to pursue an enterprise, and society is understood as an enterprise association.

genericity of *lex* is resolved. *Lex* is, however, a living practice in so far as the meaning of *lex* changes with each successive application.

A subset of *lex* is that of *jus*. It,

... includes not merely *lex* justified (i.e. validated) in terms of *lex* but the other attributes intrinsic to association in terms of non-prudential rules, such as the quality of legal subjects; rules not arbitrary, secret, retrospective, or awards to interests; the independence of judicial proceedings (i.e. all claimants or prosecutors, like defendants, are litigants); no so-called “public” or “quasi-public” enterprise or corporation exempt from private liability for wrong, no offence without specific prescription; no penalty without specific offence; no disability or refusal of recognition without established inadequacy of subscription; no outlawry, etc., etc.: in short, all that may be called the “inner morality” of a legal system.²⁸²

There is not as much freedom inherent in enterprise associations, Oakeshott suggests, because one has to consciously join such a association, and the terms of the association evolve according to the success of the association at achieving the substantive satisfaction. A civil association better “preserves the link between belief and conduct” for those individuals of the modern European state who embody the moral ontology appropriate to it.

10 – 8 Politics

Although the desirability of the rules, Oakeshott argues, that govern civil associations have nothing whatever to do with the recognition of their authority, there is yet a way we may yet regard such rules as desirable or not. Consideration of rules according to their desirability Oakeshott understands here as “politics.”²⁸³ Politics is then, for Oakeshott, the engagement to deliberate the conditions of civil association in terms of their desirability and not their authority.

²⁸² Oakeshott, Michael. *On Human Conduct*, p.153n

²⁸³ There is, however, no incompatibility, as might be thought, with the definition that Oakeshott gave in the essays of *Rationalism in Politics*, wherein he wrote, “Politics I take to be the activity of attending to the arrangements of a set of people whom chance or choice have brought together. In this sense, families,

What this requires for Oakeshott is,

...a disciplined imagination. It is to put by for another occasion the cloudy enchantments of *Schlafraffenland*, the earth flowing with milk and honey and the sea transmuted into ginger beer, it is to forswear the large consideration of human happiness and virtues, the mysteries of human destiny, the rift that lies between the aspiration of human beings and the conditions of human life, and even the consideration of the most profitable or least burdensome manner of satisfying human wants, and to focus attention upon civility; that is, upon a practice of just conduct and the conditions which should be required to be acknowledged and subscribed to under threat of civil penalty or sentence of civil disability.²⁸⁴

Rules that govern civil associations cannot be derived, Oakeshott again makes clear, from general principles, Kantian categorical imperatives, the original position, the dictates of natural law, or the assertions of God. This is because such moral principles, howsoever understood or understood to be derived, are for Oakeshott only the spectral abridgements of existing political practices. They are in fact ideologies, and belong to the ideological style of politics. Political conduct cannot be the following of general principles. Rather, political conduct, good or bad, is always the pursuit of the intimations inherent in our political practices. Such political conduct is ill if misunderstood as in the Liberal Communitarian debate, well if understood and practised correctly in the manner of truly Rational Conduct. Politics is always engagement in the Conversation of Mankind.

Now remember, Oakeshott's point is not that pure Rationalism in Politics is possible, that is the context independent derivation and promulgation of ethical norms of conduct. That is not Oakeshott's point. Oakeshott's point is that if we

clubs, and learned societies have their "politics." But the communities in which manner of activity is pre-eminent are the hereditary co-operative groups, many of them of ancient lineage, all of them aware of a past, a present, and a future, which we call "states." For most people, political activity is a secondary activity – that is to say, they have something else to do besides attending to these arrangements. But as we have come to understand it, the activity is one in which every member of the group who is neither a child nor a lunatic has some part and some responsibility. With us it is, at one level or another, a universal activity." Oakeshott, Michael. *Rationalism in Politics*, p.45

²⁸⁴ Oakeshott, Michael. *On Human Conduct*, p.164

continue to behave as if Rationalism in Politics (in pure or diluted forms) is possible, we do not govern ourselves well. To pursue something that cannot be pursued is always a misguided endeavour.

10 – 9 Societas & Universitas

Societas and *Universitas*, Oakeshott understands as two rival ways in which associates may be associated in a state. The first is that in civil association, where the state has no end or purpose other than that of providing for the carrying on of “The Conversation of Mankind” through the “watery practices of civility.” Whereas, *Universitas* is the state understood as a purposive association for the achievement of a particular substantive satisfaction or satisfactions. While the latter is inherently rationalist, Oakeshott is concerned to make clear, the former is not.

10 – 10 On the Character of the Modern European State,

In this last essay of *On Human Conduct*, Oakeshott gives us a history. Oakeshott writes, “The history of modern Europe is the history of Poland, only a little more so.”²⁸⁵ And it is in this last essay, “On the Character of the Modern European State,” that the various themes of *On Human Conduct* come together, that of agency, mode of association, authority and history.²⁸⁶

The details of this history are not in themselves important. What is more important is the use (and non-use) that Oakeshott makes of history.

The first thing noticed, however, in Oakeshott’s history is the historical and cultural specificity of the account. For many, this explicit concentration upon Europe to the exclusion of the rest of the world would look like “euro-centrism,” or pretensions to universality. This exclusion, however, is more due

²⁸⁵ Oakeshott, Michael. *On Human Conduct*, p.186

²⁸⁶ The function that Oakeshott makes of history, I think, has much in common with the historical part of Charles Taylor’s *Sources of the Self*.

to Oakeshott's extreme scepticism, historicism, and manner of understanding, than it is to "cultural arrogance." Oakeshott is very carefully trying to bracket what he says of society through his conscious and explicit confinement of it to Europe. Moreover, this history is a contingent history that may well have happened otherwise. There is not a suppressed "Universalist historicism" here.

Oakeshott narrates his history of modern Europe through the lenses of authority, mode of association, and character of agency.

The precipitating factor for the change in agency and the character of the modern association is the dissolution of the medieval realms, and the resultant fracturing of the pre-modern, tradition bound societies. This brings about a change in moral vocabulary and vernacular language, according to Oakeshott. "Every practical undertaking now became an opening to self-enactment, even religion a matter of choice."²⁸⁷

Through these three axes of change, Oakeshott sees modern Europe as having wavered between two polarised modes of association, as a response to the needs of two new species of agent. Oakeshott writes,

In short, the circumstances of early modern Europe bred, not a single character, but two obliquely opposed characters, that of the individual and that of the individual *manqué*; and in one idiom or another they have been with us ever since those times.²⁸⁸

This individual *manqué*, unable to embrace his new found freedom brought about through the decline of his traditional community, is resentful and suffers moral defeat. He bands together with others in collective purpose, whose terms of association are always more than purely formal to relieve his perceived less than satisfactory condition. The individual *manqué*'s counterpart, the individual, embraces his new found freedom, relishes it. For him the task is forward, and pleasures are found in the present.

In one of Oakeshott's few unqualified statements, Oakeshott writes,

²⁸⁷ Oakeshott, Michael. *On Human Conduct*, p.240

²⁸⁸ Oakeshott, Michael. *On Human Conduct*, p.275

What we have to do with, then, is a disposition to cultivate the “freedom” inherent in agency, to enjoy individuality, and added to this the disposition readily to concede the to this exercise personal autonomy, acquired in self-understanding. And we are concerned with them because this is a historic disposition notably not only in the *moeurs* of modern Europe but also reflected in the character attributed to states and the office attributed to governments.²⁸⁹

As I have written, Oakeshott gives an account of this in the last essay of *On Human Conduct*, “On the Character of a Modern European State,” and tells us how civil association has historically come to be. Oakeshott, however, differs from the Communitarians, who, like Charles Taylor, also give us such accounts, in that he keeps his account of the genesis and development of the Modern European State separate from his analysis of human conduct. In addition, unlike Rawls, who, (caveats notwithstanding) attempts to determine principles of justice and the equity of the distribution of social and material goods by specifically foreclosing by means of the veil of ignorance the possibility of determining principles of justice which can embrace constitutive conceptions of the self, Oakeshott conceives the conditions of *lex* being continually adjusted to fit circumstance, by way of a continuous authoritative procedure of legislation and adjudication.

10 – 11 Oakeshott & the Ideal Character of Civil Association

For Oakeshott, however, Modern European states are in fact ambiguous associations that are partly enterprise association and partly civil association and do not conform to either the ideal of civil association or enterprise association; however, they intimate both. Civil association, moreover, provides the moral resources for a subject’s successful self-actualisation in the practice of civility. However, it must be noted such an association does presuppose a particular type of individual, one who enjoys and makes use of such freedoms as he may find in

²⁸⁹ Oakeshott, Michael. *On Human Conduct*, p.239

such an association.²⁹⁰ Civil association does not fall by the canard of neutrality, because it does not maintain that it is neutral, or that it is indifferent to the moral ontology of the associates who compose it.

10 – 12 What of Oakeshott’s Ideal Character of Civil Association?

What of Oakeshott’s Ideal Character of Civil Association? What may we say of it? What is it for, ultimately? Is it simply yet another utopian ideal, as vapid as any other rationalist ideal that we have henceforth examined? Has Oakeshott in a final irony succumbed to the siren song of Rationalism in Politics? These are all heady questions, and there is little doubt that Oakeshott’s ideal character of civil association has occasionally been just so regarded as yet another utopian ideal. One must first remember Oakeshott’s own injunctions as to how the ideal character of civil association is to be understood. In the first case, Oakeshott hastens to have us know that (like the modes in *Experience and its Modes*) Civil Association is not ideal in the sense of a wished for condition, but rather is an ideal character in the sense of being abstracted from all the multitudinous, diverse and varied “goings on” of experience. It is an abstraction that Oakeshott has singled out for special examination. It however should not be mistaken for what it is not, a prescription for a utopian state of affairs.

If this leads us to ask, even so, but surely, Oakeshott’s ideal of civil association exists nowhere. We must lay this question to one side. Historically, the ideal character of civil association may have once existed, say in the late 17th and early part of the 18th century. In a very real way, however, none of this is really that important to Oakeshott’s point.²⁹¹ It is an exposition of a certain kernel of Liberalism that has been purged of all doctrinal, economic, political, historical

²⁹⁰ If the rejoinder be made that under an enterprise association such as the National Socialism of Germany there is as much or more freedom than in a civil association if those associated are all National Socialists, this may be so, but it leaves to one side the situation of deep pluralism that exist in our society.

²⁹¹ Our societies, indeed most societies that have grown up with similar traditions and histories to ourselves – and I mean by these that of modern Europe, North America and the antipodean holdouts – the ideal character of civil asso-

accretions that is for all intents and purposes unrivalled. Moreover, it is one in which Oakeshott has coherently combined an encumbered yet free conception of the self with a procedural account of the state albeit in a non-normative manner. For these reasons alone, Oakeshott's *On Human Conduct* provides an ideal model for us to use in which to understand the political associations that we live in. When we combine this with Oakeshott's understanding of Rationalism in Politics, it gives us a perspective on the debate that without which we would surely be lacking.

10 – 13 Conclusion

Oakeshott, as we have seen, has presented a very cogent and unique analysis of experience and political activity. But how does Oakeshott fare in the contemporary debate between the Liberals and the Communitarians? He does very well, I believe, in some way steering a middle path through the debate. Oakeshott has, however, done so without succumbing to the ahistoricism, or universalism of Deontological Liberalism, the doctrinal pretensions of much Liberal thinking, nor has he fallen prey to the illiberal or rationalist pitfalls of the Communitarians.

Oakeshott does so by combining the emphasis on proceduralism and justice as impartiality of the Liberals in his understanding of the civil condition with an understanding of agency that is better defended against the Communitarian criticisms of the agent. Oakeshott has shown identity and society to be historical, contingent creations of human artifice, but he has also retained a place for a notion of agency antecedent to society and conditioning and non-reducible to causation.

ciation may yet be abstracted from the goings on of these societies and cultures.

Oakeshott's Communitarianism lies in his Hegelian understanding of agency and the relation between the individual and society, his rejection, though acknowledgement of the importance, of the Deontological tradition, his understanding of the state as a historic artefact, and his seeing agency as more fully embedded within the vernacular language of moral practice. Oakeshott, however, unlike many of the Liberals or Communitarians, is not concerned to justify Deontological Liberalism as a normative ideal, but rather seeks to articulate Deontological Liberalism as but one facet in the world of our political experience.

In Oakeshott's attempt to articulate this political experience, he also identifies a second tradition that he sees arising along side that of *Societas*, that of *Universitas*, an understanding of society that has much in common with the Communitarian and their teleological, and consequentialist "politics of the common good." That Oakeshott articulates both understandings, keeping them separate, without trying to unite or enforce them, is his great advantage over the rest of the debate which, for the most part, not only tries to integrate these two irresolvable traditions into a single understanding, but as a single normative ideal.²⁹²

Whether *Societas* has application beyond the place of its creation in western Europe as a normative or regulative ideal Oakeshott says (rightly, according to his understanding of philosophy) little about. That little in the way of normative conclusions can perhaps be drawn from Oakeshott's theorising, is not so much a fault in Oakeshott, I believe, as rather a fault, in the aims of the contemporary debate. For the Liberal Communitarian debate, at heart, is as much about politics as it is about philosophy.

Where the real force of Oakeshott's understanding of philosophy comes into place is in his critique of rationalism. The Communitarians are plainly right in their disparagement of Liberal conceptions of the self as empty, and atomistic,

²⁹²The case in point is Rawls's *A Theory of Justice*. While Rawls's first principle of justice, the right over the good, conforms to Oakeshott's *Societas*, where Rawls gets into trouble is with his second principle of distributive justice, which conforms with Oakeshott's *Universitas*. As Sandel and Nozick both show,

and the effect of expressly normative conceptions of political theory upon the necessary preconditions for real, positive freedom to be actualised. Where the Communitarians go wrong is in the rationalistic proposals for countering this. Where the Liberals go wrong is their understanding of *lex* or rather the *jus* in *lex* as the exclusive moral language in which *cives* are related.

Rawls's project of integrating them into one view, even if the first principle is given lexical priority over the second, fails.

Chapter 11 – The Idea of Freedom in Oakeshott & the Liberal Communitarian Debate; Conclusion

What we have to do with, then, is a disposition to cultivate the “freedom” inherent in agency, to enjoy individuality, and added to this the disposition readily to concede the to this exercise personal autonomy, acquired in self-understanding. And we are concerned with them because this is a historic disposition notably not only in the *moeurs* of modern Europe but also reflected in the character attributed to states and the office attributed to governments.
–Michael Oakeshott²⁹³

11 – 1 Introduction

With this chapter, I conclude.

Here, I first seek to recount the arguments of the preceding chapters. Therein I argued using the examples of Kant, and Hegel, MacIntyre, Taylor, Rorty and Oakeshott:

1. That in the debate between the Liberals and Communitarians, there are no “real” Kantians, or Hegelians. No Liberal or Communitarian is in fact prepared to employ the metaphysics upon which Kant and Hegel grounded their arguments: in Hegel’s case, upon the conception of Geist, while for Kant, a supernal world of unchanging value;
2. That since no Liberal or Communitarian does actually employ the metaphysics of Kant or Hegel, we may understand their political philosophies as only clarifications and considerations of our common-sense intuitions concerning justice and the good. This makes such contemporary theorists as are surveyed in this dissertation – with the exception of Oakeshott who is not a normative theorist – above all else practitioners of what Wittgenstein called “bourgeois philosophy”;

²⁹³ Oakeshott, Michael. *On Human Conduct*, p.239

3. That political philosophy, at least of this non-realist kind, is not a normative activity, or at least, is not straightforwardly a normative activity in the way that the Liberals and the Communitarians regard it;
4. That the so-called “emotivist” conception of the self that the Communitarians criticise the Liberals of falsely maintaining is a Communitarian chimera;
5. That, following from (1) and (2), it is not important whether there is any connection between the conception of agency that one maintains, whether it be “embedded” or “atomist,” and the politics, whether it be the “politics of the right” or the “politics of the good” that one advocates. This is so because no one in this debate in fact (4) employs a purely atomist conception of the self;
6. That, following from (1), (2), (3), (4), and (5) the debate between the Liberals and the Communitarians has really much more to do with politics than it does with philosophy;
7. That following (6) the politics of the Liberal-Communitarian debate is essentially, as Oakeshott argues, an exercise in “Rationalism in Politics;”
8. That Oakeshott’s *On Human Conduct* both answers and explains the debate between the Liberals and the Communitarians. Moreover, *On Human Conduct* provides a unique model for how we ought to philosophise about politics in a non-normative way;
9. That in light of the preceding points, our only alternative is that of Rational Conduct.

This last chapter presents the only possible salve to our current condition through attempting to show the necessity of our making a radical turn towards the non-rationalist politics that Oakeshott presents us with: what Oakeshott understands as truly “Rational Conduct.” We must turn towards “Rational Con-

duct,” because the continued practices of Rationalism in Politics have the effect of both undermining the traditions and practices of our political patrimony and the morality of custom and habit upon which the practices of Rational Conduct ultimately depend.

The practicality *and possibility* of our making such a turn, especially concerning the deeply rationalist nature of our current political thought and practice, is of course slight. The traditions and practices upon which truly Rational Conduct depends may be so overwritten with the practices of Rationalism in Politics so as to make such a return impossible.²⁹⁴ This is not however so much a fault with Oakeshott’s theory, as it is the fault of our current practice. The recognition of the problem is, however, a first step towards its relief. The next step is to provide the supporting conditions necessary for the encouragement of truly Rational Conduct.

11 – 2 The Theory And Practice of Politics in a Non-Realist World

As I have written, it is a contention of this thesis that only in the ethical and political theorising of Michael Oakeshott may we correctly understand the theory and practice of political philosophy in a world without metaphysics. As I have argued, neither Kant nor Hegel ever faced such a problem. For though the character and content of metaphysics was for them and their contemporaries always controversial, a *belief* in at least the possibility of a realist metaphysic about things and about values as the necessary foundation for ethical theorising was almost always universally held.

With, however, nearly a century of anti-realist criticism and near universal acceptance of anti-realist epistemology about things and about values in our contemporary theorising, normative political philosophy, I contend, is now devoid of what was once its most important resource.

²⁹⁴ John Gray argues this in *The Undoing of Conservatism. Conservatism* (London: The Social Market Foundation 1994)

It is true of course that nearly all the contemporary practitioners of political philosophy, including those surveyed in this dissertation such as John Rawls, Charles Taylor, Alasdair MacIntyre (with the exception perhaps only of Richard Rorty) have paid lip-service to the idea of normative political theory in a non-realist era. However, as I have argued throughout this dissertation, it is only in the political theorising of Michael Oakeshott, I contend, is this task satisfactorily achieved. This is so because as Oakeshott has shown in *Experience and its Modes* abridgements of our existing political practices, such as those encapsulated in Rawls's twin principles of justice, may never in and of themselves motivate our conduct. Our motivation for following such maxims is not the maxims themselves, but intimations already inherent in our political traditions. Though this may seem a non-problem – even if we pursue such maxims by way of the wrong motivations we still pursue such maxims – it is a genuine problem as the pursuance of such maxims further involves us in the faulty metaphysic that Oakeshott contends so infuses our contemporary politics.

This therefore forces upon us a radical reinterpretation of the contemporary debate (which I have argued for throughout this dissertation). We for one thing may no longer understand political philosophy to be a straightforwardly normative activity. This is perhaps the single greatest error or false trail that philosophy has led itself down since Rawls's so-called revival of normative political theory with the publication of *A Theory of Justice*. All that we may say of Rawls then, and others like Rawls, following my Oakeshottian interpretation, is that in the two principles of justice Rawls has very successfully captured important essences of our political tradition. These are namely that of a system of bourgeois freedoms and a certain democratic conception of re-distributive justice. Rawls's *A Theory of Justice*, and other theories of justice like Rawls's are, however, in Oakeshott's understanding only ideologies, abridgements of our political practice, and belong to the ideological style of politics, underwritten as they are by the morality of the self-conscious pursuit of ideals. Laudable though these ideals may well be, they are only ideals, and we must therefore come to understand the contemporary debate in political theory as, in Wittgenstein's words, examples of

“bourgeois philosophy,” the impossible attempt to provide universal foundations for the practices of local and contingent communities.

The exemplars of contemporary political philosophy whom I have examined in this dissertation must therefore be seen as highly developed examples of ideological rhetoric and their politics very much of the ideological kind. In other words, particular, hypostatized abridgements of certain rationalist features of our common political culture that the promulgators of these philosophies wish to (illegitimately, in the opinion of Oakeshott and this dissertation) promote as regulative ideals. Illegitimate because for Oakeshott, such ideological abridgements can never in and of themselves provide the necessary motivation for truly Rational Conduct. Successful rational conduct depends on The Pursuit of Intimations already inherent in our political traditions, and not the pre-meditated derivation and promulgation of such self-conscious ideals.

In Rawls’s case these ideals encapsulate a certain ideal of American social democracy with its ancestry in Roosevelt’s New Deal. In the case of the Communitarians, a certain nostalgic ideal of community from a time and a place that most probably never was (leaving to one side its perhaps questionable desirability).

Nevertheless, the lesson here is not that we ought to abandon politics *tout court*. We may still pursue such ideals in our politics but we must do so by non-rationalist means, correctly identifying that which we truly seek, intimations already inherent in our political patrimony, and not seek it to the exclusion of all other things that are of value. To pursue such politics – the politics of “The Pursuit of Intimations,” rather than “the pursuit of self-conscious ideals,” so that we may better participate in “The Conversation of Mankind,” what Oakeshott understands as truly Rational Conduct – is our only alternative.

If all that I have argued is true, it should direct us away from the derivation and promulgation of norms of justice for the regulation of our polities. It should direct us towards the inculcation of the Liberal education and the Liberal traditions of which we are a part. We must turn therefore from the practices of Ra-

tionalism in Politics, which Oakeshott convincingly argues are both ineffective, wrong-headed, and destructive, to non-rationalist, though not, I should be very careful to point out, irrationalist, politics.

We should therefore look more to creating good citizens to carry on and protect “The Conversation of Mankind” through the “watery practices of civility” and the inculcation of “Liberal education.” This is opposed to the promulgation of the right over the good in an effort to achieve the so-called Liberal ideal of neutrality or community or other such *au courant* political ideals.

11 – 3 The Liberal Communitarian Debate as a Debate between two Rival Dispositions in Politics: Kantian and Hegelian

Henceforth, I have argued that the Liberal-Communitarian debate was one of politics and not philosophy. It could therefore best be understood by way of seeing two political, if not philosophical dispositions in the contemporary debate between the Liberals and the Communitarians. I have furthermore suggested that so-called “Deontological Liberalism” be best understood by way of understanding the political disposition if not the philosophy of Kant. Likewise, the contemporary movement Communitarianism is best understood by learning the political disposition if not the metaphysics of Hegel.

To these varied though related ends, I have so far included in the dissertation individual chapters upon the general political philosophies of John Rawls, Alasdair MacIntyre, Charles Taylor, and Richard Rorty, as well as three chapters upon Michael Oakeshott. The first concerned Oakeshott and his idealist conception of philosophy; the second, Oakeshott and his understanding of the deleterious practices of “Rationalism in Politics,” and the positive alternative of truly Rational Conduct. The third concerned Oakeshott’s conception of agency, his understanding of politics, and his ideal character of Civil Association as found in *On Human Conduct*.

To recapitulate, during my discussion of Kant in Chapter 4 I noted that while the metaphysics of Kant as a supernal world of unchanging value has been laid to one side as untenable, the political disposition that informed Kant's writing – a rarefied conception of freedom, an ideal of right and of a world cosmopolitan world utopia of federal republics – has not, and to a very great extent still animates the contemporary Liberal debate. Such a conception of right has of course in our time been taken up and given its most eloquent expression in our time in the writing of John Rawls, the subject of my fourth chapter, who I suggest few will doubt, as he is taken by all to be, *the* contemporary exponent of Deontological Liberalism.

It was therefore not surprising that a counter-movement should soon come to oppose Kant and such an opposition came in its most impressive form by way of Hegel, the author of the most significant and wide ranging political philosophy since Aristotle.

Hegel's supreme project was of course in part to facilitate the reconciliation of man to his new-found and unhappy modern condition through making him at home in the world by showing him the rationality of it.²⁹⁵

Hegel well understood that in an enlightenment age the old verities would have to be shown to be rationally defensible, because Hegel thought that unless they were, they would be torn asunder, leaving but wreckage and debris in their wake.

Oakeshott's project is, by contrast, both more radical and more modest. More modest insofar as Oakeshott, unlike Hegel, does not substitute a conception of *Geist* for the noumenal world of Kant. More radical insofar as Oakeshott attempts to reconcile us to a non-realist condition in which even a progressive theory of history of freedom has been laid to one side.

²⁹⁵ Indeed, Oakeshott's own project is a similar one.

As will be remembered, Hegel looked back (not without some qualified nostalgia) to the ancient Greek models of the *polis* for a way of restoring virtue to a world, as Alasdair MacIntyre sees it, “after virtue.” The Communitarians have of course seized on this, and replicated Hegel’s critiques of Kant in the contemporary debate. In many respects, the Communitarian project has been one of presenting a historicised Aristotelianism with a teleological conception of the good at its centre as the only possible solution to the social ills that they so readily identify in modernity.

However, with the explicit disavowal of the metaphysics of *Geist* which underlay Hegel’s theory – by both the Liberals *and* the Communitarians – much of the weight of Hegel’s original critique has of course been forsworn. Such notions as the end of history and the ultimate supremacy and inevitability of the Liberal-democratic state as the end and conclusion of history – as lately so vividly portrayed in Francis Fukuyama’s *The End of History* and even to an extent in Rorty and his ideal Liberal, utopia – still of course have force, but seem increasingly to be of the character of pipe-dreams. So too, has the metaphysical biology that lay at the heart of Aristotle’s ethical writings been found similarly wanting.

In writing upon Rawls, I went on to paint Rawls as the contemporary exponent of Deontological Liberalism, and that of the practices of Rationalism in Politics that I have argued pervade our contemporary debate. This was uncontroversial insofar as it is Rawls and *A Theory of Justice* who the Liberal-Communitarian debate has situated itself about. I went on to suggest, with the Communitarians, that the imperitival legitimacy of Kant’s Liberalism may not confer upon Rawls a similar normative legitimacy for the simple reason that while Rawls seeks to replicate in his theory Kant’s kingdom of ends and so forth, the method by which he does so differs.

In my discussion of Alasdair MacIntyre, I showed how MacIntyre mounts a significant argument against the possibility of deducing a tradition independent justification of the Liberal individualist viewpoint and other problems concerning our contemporary theorising about politics and ethics. However, his attempt at

showing Thomism to be rationally defensible is similarly farfetched. It is, at the end of the day, equally a creature of the Rationalist mind, even if Alasdair MacIntyre would very much dispute such a characterisation. If Hegel and Oakeshott teach us anything, it is that we have no option other than to reconcile ourselves to and make the best of our present condition by way of, in Oakeshottian language, “The Pursuit of Intimations” and participation in “The Conversation of Mankind.”

In my chapter upon Charles Taylor, I have argued that Taylor is a particularly slippery beast, who it is both as difficult to characterise as it is to establish precisely what Taylor is for or against. Nonetheless, I have tried to show that Charles Taylor’s attempt at finding a middle-way between Liberalism and Communitarianism is not in the end satisfactory insofar as I consider Taylor’s ‘Ethics of Authenticity’ to be incoherent at root.

Richard Rorty with his paradoxical notion of attempting the “founding” of a post-foundational ideal, Liberal utopia while laudable on the one hand, on the other hand, I have argued, results in a frighteningly unstable situation. Moreover, it is wholly impractical (even dangerous) as it gives us no way of determining the difference between an ideal Liberal utopia and an ideal ilLiberal one. Thus, I have shown that while Rorty offers us a plausible account of political philosophy in the absence of foundations, Oakeshott I contend more satisfactorily accomplishes this task. Oakeshott does so by understanding that the implications of such a foundationless philosophy in terms of normative thrust are conservative rather than radical or utopian and by Oakeshott’s retaining of a place for philosophy “on the map of human activity” that for Rorty it must properly renounce.

Whereas the previous chapters were for the most part critical, in the chapter previous to this I tried to show how Oakeshott’s ideal of civil association in the form of *Societas* both meets and supersedes the Liberal and Communitarian criticisms of each other’s respective theories. Moreover, Oakeshott’s *On Human Conduct* provides us with an ideal model for how we ought to theorise about

politics in a non-normative matter. Furthermore, through Oakeshott we may see that this debate has as much to do with politics as it does philosophy and that such politics as it is composed are of the ideological kind.

11 – 4 The Liberal Communitarian Debate as an Exercise in Rationalism in Politics

Michael Oakeshott has of course written that a situation has presently developed where today nearly all our politics are rationalist or near rationalist. I have not disputed this notion, and believe it is as true today if not more so than when it was written some fifty years ago. So, it should come as no surprise to my readers, that similarly I should find the Liberal-Communitarian debate to be so constituted.

What have I meant when I write that in the first case, what differentiates the Liberals from the Communitarians is politics and not philosophy, and that such politics are inherently rationalist politics?

At the risk of flogging a dead horse, it has been a principal contention of the dissertation that there are *no substantive philosophic differences* dividing the Liberals from the Communitarians. Protests notwithstanding, I have tried to show that both the Liberals and the Communitarians employ embedded conceptions of the self, are anti-realist, are not universalists, employ conceptions of the good and quite specific and particular and substantive moral ontologies at that. Moreover, in their respective anti-realism, both the Liberals and Communitarians base their political philosophies on our substantive conceptions of the self and the good that are held in the public community, though they, as we, of course differ as to what these may comprise.

In short, what separates the Liberals from the Communitarians turns out to be more a matter of emphasis than it is one of kind, or respective political disposition and not irreconcilable philosophical differences. It is in fact a war of competing Liberal ideologies.

However, as ought to be well known, the Liberal Communitarian debate is very much a normative debate, that is, it is a debate concerned with how we *ought* to regulate our society. The Liberals argue for the promulgation of the procedural republic and the priority of the right over that of the good, while the Communitarians argue that so-called Liberal neutrality is a fraud and instead wish to promote an Aristotelian politics of the good in its place.

If, however, what I say is true about political philosophy (that political philosophy cannot be a normative activity, because principles of justice may never motivate political activity). And secondly, that there are no *substantive* philosophical differences dividing the Liberals from the Communitarians – that it is a debate of two competing ideologies and not philosophies – this makes the debate a political and not philosophical debate. In this case, each example of Liberal-Communitarian theory becomes an example of political rhetoric and each exponent of the Liberal-Communitarian debate an actor in the game of politics after the heart and soul of the North American and British polities.

If the debate is as I contend substantially a contest of competing political ideologies – and I am not here suggesting that there is anything inherently wrong with it being so constituted, my point only is that it be so recognised – the question remains, what is the best way to understand the politics it is composed of? My suggestion for the best way that we may understand the debate is by way of Oakeshott's understanding of Rationalism in Politics, the deleterious conception of politics that has so largely captured the mind of the West in the years after the Enlightenment. Namely the manner of politics that has raised theory to the altar, made practical knowledge a kind of nescience, or at least a servant of theory, and has made our politics a self-consuming artefact. Self-consuming in the sense that the worst aspect of the practice of Rationalism in Politics is that by not accounting for the importance of practical knowledge, and raising to supremacy theoretical knowledge, the practical knowledge of our political traditions that sustains such traditions is continually weakened. As Oakeshott has written,

By drawing off the liquid in which our moral ideals were suspended (and pouring it away as worthless) the rationalists have succeeded in destroying the only living root of moral behaviour.²⁹⁶

11 – 5 Recapitulation of Oakeshott & Philosophy as the Idea of Experience without Arrest or Modification

As will be remembered, Oakeshott I have argued is, technically, an “idealist” in philosophy. In so doing, Oakeshott employs a coherence theory of truth, such that the truth of a proposition is found in its relation to the rest of the continuum of experience, and not in a one to one relation with the world because no such world, properly speaking, for the idealist exists.

Experience and its Modes, is for understanding the uniqueness of Oakeshott’s account of politics, his most important work. As Oakeshott wrote then, there can be no such thing as a theory of knowledge without there also being a theory of being.

It is, however, one thing to renounce a doctrine [what I have suggested the Liberals and Communitarians have done] and another to rid oneself of its influence [what I suggest they have not.] The notion of reality as separate is so ingrained in our way of thinking that it is not easily thrown off: and our way of talking serves only to emphasise this vicious and negligent dualism.²⁹⁷

Throwing off this vicious and negligent dualism, I have said, is the key to understanding Oakeshott’s work. *Experience standing for the concrete whole*, can therefore be understood as the fundamental thesis of Oakeshott’s idealism. This contends that nothing else can be said to exist other than that which is thought, reality is fundamentally mental, and such mental reality composes a singular, continuous whole, and that the pre-meditated maxims and rules of technical knowledge can never motivate conduct. Once we have been reminded of Oakeshott’s understanding of philosophy, we may turn to Oakeshott’s understanding of Rationalism in Politics.

²⁹⁶ Oakeshott, Michael. *Rationalism in Politics*. p.41

11 – 6 Re-Introduction to Oakeshott’s Conception of Rationalism in Politics

“Rationalism,” as it is generally understood, is the view that all practical activity ought to be guided by reason. And the bearer of such reason in Enlightenment Rationalism is that of the “instrumental mind.” The conception of instrumental reason that underlies such rationalism has at its centre, according to Oakeshott, a vision of mind as a neutral instrument, operative and in principal self-complete, independent of the materials and practices with which it is engaged.

Of course this view of mind is directly counter to the conception of mind that Oakeshott presents in *Experience and its Modes*, the essays of *Rationalism in Politics* and *On Human Conduct*. Therein Oakeshott argues that mind is inseparable from the objects of its contemplation, and that the idea of mind presupposed by instrumental reason as a neutral instrument exemplified, for example, by Descartes’ *Cogito* was and is a conceptual impossibility.

This Rationalist understanding, which suggests that all activity ought to be guided by instrumental reason, and that the mind is a neutral instrument of reason, has spawned, according to Oakeshott, a mistaken conception of the knowledge that under girds practice. This conception has illegitimately, according to Oakeshott, accorded sovereignty to technique – the knowledge that may be formulated and written within the pages of a book, as opposed to the unwritten knowledge which is passed on from master to apprentice – and in so doing has not taken sufficient account of the practical “knowing how” which, Oakeshott tirelessly argues, is an essential component of our theory and practice.

According to Oakeshott, this deleterious conception of knowledge has the effect of *both* threatening the hard-won panoply of freedoms with which we and Oakeshott associate the modern civil condition, but *also* of undermining the traditions of “knowing how” from whence such freedoms have originated.

²⁹⁷ Oakeshott, Michael. *Experience and its Modes*, p.61

But Rationalism in Politics in Oakeshott's view is more than this. It is the politics of "the felt need," the "marshalling" of "instrumental reason" to "solve" the problems and "crises" of the "moment," the politics of "uniformity" and "perfection." And it is above all else the politics of the self-contained ideology – the self-contained and premeditated ideology or blue-print presumed independent of the contingent tradition of behaviour to which, Oakeshott notes, it can only be the spectral abridgement.

Rationalism in Politics, as I have said, is therefore not only the attempt to provide, in Alasdair MacIntyre's apt characterisation, a tradition-independent justification of the Liberal, individualist viewpoint, but it is also the illegitimate attempt to impose it.

11 – 7 Oakeshott & "The Ideal Character" of Civil Association

In the last chapter, I sought to describe Oakeshott's specification of the "ideal character" of civil association. In so doing, I noted in passing how the postulates of Oakeshott's ideal character of civil association correspond in important respects to those of Rawls's conception of the ideal polity in *A Theory of Justice* and even Kant's ideal of the *Rechtstaat*. Indeed, I would go so far as to suggest that the rules of lex which govern Oakeshott's "ideal character" of civil association might in fact be chosen by individuals subscribing to the conditions of the original position. We should perhaps not be surprised at this, insofar as they are both reflections of the modern polity. But my point is also that Oakeshott's *On Human Conduct* produces an ideal model for how we ought to conduct our political philosophising in a non-normative manner.

11 – 8 What Are Non-Rationalist Politics?

If the practices of Rationalism in Politics are by nature so destructive, as is the morality of the self-conscious pursuit of ideals with which it is underwritten so inferior to that of the morality of custom, what is the alternative? Oakeshott is

well aware that as such, purely rationalist politics – those politics, which are guided by the instrumental reason of a mind, individuated and anterior to social circumstance, which seeks principles in accordance with the self-conscious pursuit of ideals – are in fact impossible. Oakeshott’s point is rather that practice misunderstood is always a corrupting endeavour. It is to throw good money after bad and further involve us in a faulty metaphysic. Our alternative is that of truly Rational Conduct and the morality of custom and habit which it is underwritten.

11 – 9 Rational Conduct

“Rational Conduct” is above all to be contrasted with what Oakeshott understands as Rationalism in Politics, that which we have already discussed at length. Truly Rational Conduct is not therefore to be seen as the derivation and promulgation of pre-meditated self-conscious moral ideals deduced through the use of instrumental reason to our social circumstances, it is rather to be seen as “The Pursuit of Intimations.”

“Rational Conduct, ” Oakeshott writes, “is something no man is required to be ashamed of.”²⁹⁸ To behave rationally is above all for Oakeshott to “behave intelligently.” It is what Oakeshott understands as that of an intelligent agent – “who is what he understands and misunderstands himself to be” – pursuing “intimations” already inherent in our social practices.

Such an agent pursues the “intimations” inherent in his world so as to make that world an ever more coherent world through the abatement of particular dissatisfactions by way of the securing of imagined or wished for satisfactions. He does so either through one off-actions for the achievement of particular satisfactions or the transactional solicitation of responses in others by way of the authoritative and enduring languages of our “formal” and “instrumental” practices. Instrumental practices, as will be remembered, are those practices employed for the purposes of achieving particular substantive satisfaction or satisfactions. Formal or moral practices, by contrast, are those practices employed not for the

achievement of any particular substantive satisfactions but rather are the adverbial precepts employed that qualify, but do not direct, the agent in conduct. There is, therefore, for such an agent, in an Oakeshottian world of practice which will not admit of realism about either values or things, no external standard of good or right, other than those intimated in our social practices, that he can make an appeal to in order to judge the rightfulness of his conduct. We may now understand what Oakeshott has meant when he so famously wrote that,

In political activity, then, men sail a boundless and bottomless sea: there is neither harbour for shelter nor floor for anchorage, neither starting place nor appointed destination. The enterprise is to keep afloat on an even keel; the sea is both friend and enemy; and the seamanship consists in using resources of a traditional manner of behaviour to make a friend of every hostile occasion.²⁹⁹

The morality of custom and habit, of which truly Rational Conduct is underwritten, is of course the earlier form of morality with which we are perhaps best acquainted from the ethical writings of Aristotle. It is of course, as we learn from Aristotle, more a matter of intelligent, adaptive behaviour to continuously emerging circumstances than the application of premeditated maxims or rules derived by way of instrumental reason to our conduct. Therein, as will be remembered, Aristotle argues for an account of morality understood as that of the inculcation of the virtues and habits of the well-educated, magnanimous man. Virtue here is a matter of acting in the right way, to the right situation to the right degree, and is more a matter of reflexive habit or behaviour than it is the conscious employment of particular, pre-meditated moral ideals as has become much more prevalent in the modern era.

As Oakeshott has written, what underwrites such enlightenment reason is practical knowledge, that is the knowledge or experience of “knowing-how” that has to be passed on through demonstration, and is not susceptible of precise, written formulation. This “knowing-how,” whether we understand it as connoisseurship, artistry, or judgement is not easily transmitted through books or other non-

²⁹⁸ Oakeshott, Michael. *Rationalism in Politics*, Rational Conduct, p.100

²⁹⁹ Oakeshott, Michael. *Rationalism in Politics*, p.60

apprentice-like means: it exists only in use, and is passed on through one to one demonstration and practice. The normal manner of its expression is in custom, habit or practice, and the normal manner of its transmission is through the apprenticeship of a student to a master. It is what Aristotle meant by *phronesis* and the bearer of such intelligent knowledge is that of the *Phronimos*.

As Oakeshott has written,

Technical knowledge can be learned from a book; it can be learned in a correspondence course. Moreover, much of it can be learned by heart, repeated by rote and applied mechanically: the logic of a syllogism is a technique of this kind. Technical knowledge, in short, can be both taught and learned in the simplest meanings of these words. On the other hand, practical knowledge can neither be taught nor learned, but only imparted and acquired. It exists only in practice and the only way to acquire it is by apprenticeship to a master – not because the master can teach it (he cannot), but because it can only be acquired by continuous contact with one who is perpetually practicing.³⁰⁰

Whereas technical knowledge is necessarily defective, abstract and less than the whole, practical knowledge is incapable of being articulated in the form of written rules. It therefore must be taught by way of example. It is not so dependent upon the learning of technical knowledge as it is through that of the continual experience of practical engagement in the ethical practices of the community of which one is a part. This is not to say that what must be learned cannot be found between the pages of the book.

What can be found within the pages of books – as say found in the canon of western reflection upon politics which has of late come under such criticism as being but “the lees and scum” of our hegemonic western Liberal inheritance – is not in fact the knowledge that is needed. It is rather the distillation and reflection in another mode of our political inheritance. But as such, it has no direct normative application to our political conduct. For such knowledge to be both understood and to be of indirect use – for it may never be of direct normative use, technical knowledge cannot motivate conduct – it depends on our ability to speak the language with which it is written. And this language is not simply to

be understood as knowledge of the meanings of the words and their relations of what is written (verbs, nouns, adjectives and so forth) but practical knowledge of the *mores*, ethical sensibilities, habits and customs that the writers refer to when writing. For us to understand what is therein written, one must already be immersed in the cultures, practices and habits that have informed the writing.

The case of Machiavelli's *Prince* is a perfect example, which Oakeshott himself employs. I shall here quote Oakeshott on the subject of Machiavelli at length so as to elaborate the point:

It has been said that the project of Machiavelli was to expound a *science* of politics, but this, I think misses the significant point. A science, we have seen, is concrete knowledge and consequently neither its conclusions, nor the means by which they are reached, can ever, as a whole be written down in a book. Neither an art nor a science can be imparted in a set of directions; to acquire mastery in either is to acquire an appropriate connoisseurship. But what can be imparted in this way is a technique, and it is with the technique of politics that Machiavelli, as a writer, is concerned. He recognized that the technique of governing a republic was somewhat different from that appropriate to a principality, and he was concerned with both. But in writing about the government of principalities he wrote for the *new* princes of his day, and this for two reasons, one of principle, and the other personal. The well-established hereditary ruler, educated in a tradition and heir to a long family experience, seemed to be well enough equipped for the position he occupied; his politics might be improved in a correspondence course in technique, but in general he knew how to behave. But with the new ruler, who brought to his task only the qualities which had enabled him to gain political power and who learnt nothing easily but the vices of his office, the *caprice de prince*, the position was different. Lacking education (except in the habits of ambition), and requiring some short cut to the appearance of education, he required a book of a certain sort; he needed a crib; his inexperience prevented him from tackling the affairs of State unseen. Now, the character of a crib is that an author must have an educated man's knowledge of the language, that he must prostitute his genius (if he has any) as a translator, and that he is powerless to save the ignorant reader from all possibility of a mistake. The project of Machiavelli was, then, to provide a crib to politics, a political training in default of a political education, a technique for a ruler who had no tradition. He supplied a demand of his time; and he was personally and temperamentally interested in supplying the demand because he felt the "fascination of what is dif-

³⁰⁰ Oakeshott, Michael. *Rationalism in Politics*, p.15

ficult.” The new ruler was more interesting because he was more likely than the educated hereditary ruler to get himself into a tricky situation and to need the help of advice. But, like the great progenitors of Rationalism in general (Bacon and Descartes), Machiavelli was aware of the limitations of technical knowledge; it was not Machiavelli himself, but his followers, who believed in the sovereignty of technique, who believed that government was nothing more than “public administration” and could be learned from a book. And to the new prince he offered not only his book, but also, what would make up for the inevitable deficiencies of his book—himself: he never lost the sense that politics, after all, are diplomacy, not the application of technique.³⁰¹

According to Oakeshott, Machiavelli’s *Prince* is a “crib,” an abridgement or distillation in very compact form of the concrete knowledge that Machiavelli had and understood to be required by newly emergent princes unacquainted with the concrete knowledge of ruling that their predecessors would have possessed. As such, according to Oakeshott, between the pages of the *Prince* was found technical knowledge, the knowledge of a technique of ruling, the only sort of knowledge that could be passed on within a book. Machiavelli well knew however that as technical knowledge, it was not in and of itself sufficient for the activity of ruling. What was needed was the concrete practical knowledge of ruling, knowledge that he himself possessed both through his own diplomatic experience and his long study of history. He therefore offered along with his crib himself as an aid to the new ruler inexperienced in the actual activity of governing. His reasons for doing so were both practical and personal. Practical insofar as he regarded his personal participation as a necessary adjunct to the inexperienced ruler ruling efficiently. Personal insofar as Machiavelli himself wished to be so employed. Technical knowledge, ungrounded by concrete practical knowledge, is but the shadow of knowledge, and as such is not itself sufficient knowledge for the activity of ruling.

11 – 10 Conclusion

³⁰¹ Oakeshott, Michael. *Rationalism in Politics*, p.29-30

We have now concluded our discussion of Oakeshott's understanding of philosophy; his diagnosis of the deleterious practices of Rationalism in Politics in our present political conduct; the misconception of knowledge which informs it; the morality of the self-conscious pursuit of ideals which accompanies it; the Liberal Communitarian debate as a debate between Kantian and Hegelian dispositions in politics and not philosophy as seen through Oakeshott's understanding of politics and philosophy; Oakeshott's *On Human Conduct* as an ideal model for how we ought to theorise about politics in a non-realist manner, and Oakeshott's conception of Rational Conduct and the morality of custom as a partial salve to our current condition.

If we discount the possibility of a tradition independent political philosophy based upon the notion of the instrumental mind or that of a realist political philosophy based upon an objective world or universal values, we are left to wonder: what form of politics are we thus allowed, and what is the relationship of philosophy to it. The answer is that of "the pursuit of intimations" and that the purpose of philosophy is only to aid in clarification and analysis of our political conduct. Never may it however be the promulgator of the principles with which it should be conducted. We must therefore turn to the practices of truly rational conduct, and away from the practices of Rationalism in Conduct. The possibility of our doing so may be slight. Nonetheless, the identification of the disease of Rationalism in Conduct is the first step towards its relief.

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