THE SCEPTICAL CONSERVATIVE DISPOSITION:
ALEXIS DE TOCQUEVILLE AND MICHAEL OAKESHOTT
ON THE LIMITS OF POLITICS

NISHANTHA DOMINIC COORAY
(B.SOC.SCI.(HONS.) NUS)

A THESIS SUBMITTED
FOR THE DEGREE OF MASTER IN SOCIAL SCIENCES

DEPARTMENT OF POLITICAL SCIENCE

NATIONAL UNIVERSITY OF SINGAPORE

2011
ACKNOWLEDGEMENTS

There were several times along the process of writing this thesis when I was at a loss on how to proceed and tired at the lack of good progress. Obviously, therefore, there are several people to whom I owe much gratitude and without whom completing this thesis on time would not have been possible.

I am grateful to the National University of Singapore, my alma mater for seven years, for giving me the opportunity to pursue a Masters degree under a generous research scholarship and for being my first full-time employer.

My thesis evolved out of an interest in the writings of Alexis de Tocqueville, whom I read for my Honours Thesis (under Dr. Kate Nicholls, whom I thank for nurturing this initial interest). It was my supervisor, Professor Terry Nardin who first suggested the idea of comparing Tocqueville with Michael Oakeshott. To Prof. Nardin I owe a huge debt of gratitude for his advice and comments during the formulation and writing of this thesis. He should not, however, be considered responsible for any of this work’s shortcomings. Thank you, Prof, for your patience and generosity. I owe you for helping me meet my deadlines – and I’m sorry for the last-minute drafts I handed in! Thanks for taking it with your characteristic good humour. I have benefitted much from getting to work with you – both on this thesis, in the modules I have taken with you, and from interacting with you in general. I admire your skilfulness as an academic and also your commitment to the students you teach, and would like to develop both these qualities myself.
I’m grateful to Dr. Luke O’Sullivan who pointed me to useful and interesting material when I was hunting for a research topic two years ago. I’ve enjoyed interacting with him as an undergraduate and working as his teaching assistant as a graduate student. I also thank him for sharing with me Oakeshott’s notebooks.

Thank you Ms. Sham, Ms. Jaya, Ms. Angeline, Mr. Sani, Ms. Mumtaj, Ms. Lillian and Mr.Cavin and from the Political Science General Office for always being available when we need advice regarding academic and administrative matters. You all have been most helpful!

I have been blessed with good friends and I know that this would have been even harder without them. Thank you to Greg Teo for editing a portion of this thesis that I found too difficult to edit myself. I’m grateful for my classmates, some of whom I met as a Masters student, and a few whom I have known from my undergraduate years. Thank you to many friends who have prayed for me; thanks also for your company. Dear friends from Ravenahl and the Legion of Mary, our weekly encounters are always a source of rejuvenation! Thanks, particularly Ferninda for your perennial cheerfulness and your encouragement, especially during the last, tiring days of writing. And thank you so very much Brigitta for your constant prayers and care.

A million thanks to my parents. You are far away physically, but I am aware of and deeply appreciate your unconditional support and love. You two are such a strength. Thank you, too, my dear sister for your care and company: I don’t always express my appreciation, but know that I’m grateful.
# CONTENTS

Abbreviations .................................................................................................................. iv
Summary ............................................................................................................................. v

Chapter One: On Comparing Tocqueville and Oakeshott ........................................... 1
Chapter Two: Scepticism in Politics .............................................................................. 21
Chapter Three: The State and its Proper Limits ......................................................... 57
Chapter Four: What is Politics? ..................................................................................... 79
Chapter Five: Conclusion .............................................................................................. 105

Bibliography .................................................................................................................. 109
ABBREVIATIONS

Works by Tocqueville

DIA Democacy in America
OR The Old Regime and the French Revolution

Works by Oakeshott

RP Rationalism in Politics and Other Essays
OHC On Human Conduct
VMES The Vocabulary of Modern European Politics
PFPS The Politics of Faith and the Politics of Scepticism
SUMMARY

Although strains of modern political thought have lost sight of the dignity and especially the fallibility of human beings (focusing instead on social and economic structures), the writings of Alexis de Tocqueville and Michael Oakeshott display a strong focus on human character. This thesis argues that the insights gained from an understanding of the human character lead both thinkers to adopt a sceptical conservative disposition towards politics and the state. Oakeshott and Tocqueville are pessimistic because of the pride and sensuality (the two poles between which the human character swings) which colour politics, but also seek to protect and give expression to the moral agency or free will that gives humankind its unique dignity. This leads them to hold conservative attitudes both towards the state, being critical of state actions that impose on the individuals a substantive common goal or enterprise, and towards politics, being suspicious of attempts to rid politics of its uncertainties by seeking to base political decisions on proof rather than on persuasion. They warn us that when politics does not know its limits – when it aims to be what it is not – what results are oppression and the destruction of the reasonable hopes of countless individuals. Appreciating this sceptical conservative disposition therefore adds some much-needed balance into the discourse and habits of current politics.
ONE

ON COMPARING TOCQUEVILLE AND OAKESHOTT

Modern politics and Western liberal democracy in particular seems to be in crisis and the discontent with democracy has been a fruitful topic in academic literature. Michael Sandel in *Democracy’s Discontent* wonders whether, at a time when democratic ideals are spreading across the world, Americans ‘have lost possession of them at home.’¹ He identifies two core fears that reach to the core of democracy’s discontent: fears of the loss of self-government and the loss of moral fabric of community. These lie at the basis of other topics of national debate, like the scope of the welfare state and the extent of rights.² Stephen C. Craig, in a volume titled *Broken Contract*, details the crisis of legitimacy that the American political institutions – the President, Congress and the two-party system – were facing in 1996.³ This crisis has deepened over the intervening decade. Among respondents to a 2011 Gallup Poll, 36% said that they had very little or no trust in the presidency and 48% indicated very little or no trust in Congress (with a dismal 12% saying they had a great deal or quite a lot of trust in the latter).⁴

Mark Ellingsen proposes a somewhat paradoxical analysis of the state of democratic politics: there has been too much unrestrained optimism – occasionally bordering on utopianism – surrounding political action. Ellingsen argues that an

² Ibid.
Augustinian realism informed the framing of the US Constitution and that present practice and discourse neglects this realism. A Gallup poll conducted in 2008 showed that while trust in holders of or aspirants to political office had dropped to an all-time low of 49%, there has been, since the 1970s, a consistently high level of trust in ‘the American people as a whole when it comes to making judgments under our democratic system about the issues facing our country’. Although optimism seems harmless in politics it leads to serious and complex problems. The two major results of optimism in politics and the state are the growth of state power and the danger of totalitarianism on the one hand and the disappointment on the part of citizens when hopes aren’t realized on the other. American politics, Ellingsen says, has capitulated to the belief in the fundamental goodness of human nature and the priority of the immediate gratification of individual wants over the common good. However, when the actual dynamics of politics fail to live up to these beliefs and when citizens do not get all that they now expect from government, they become cynical: a ‘negative, nihilistic cynicism’.

One need not accept Ellingsen’s assertions to agree that political discourse is in need of the countervailing weight of scepticism – something very different from this cynicism – regarding both human nature and political speech and action. This strain of political understanding once enjoyed a relatively strong presence but has retreated, especially in the face of some strands of Enlightenment rationalism (despite the setbacks that this rationalism has since faced). In this thesis, I argue that Alexis de Tocqueville and Michael Oakeshott, two modern thinkers who seem

---

7 Mark Ellingsen, *Blessed are the Cynical* (2003), 69.
dissimilar superficially, share a common sceptical conservative disposition and that such an understanding of their work contributes to a more balanced political discourse.

Oakeshott has been compared with several prominent philosophers, including Plato and Aristotle, St. Augustine, Michel de Montaigne, Hegel, and unsurprisingly, given his careful attention to the seventeenth-century thinker, Thomas Hobbes.⁸ He has, however, not been studied in conjunction with another influential political thinker: Alexis de Tocqueville. Tocqueville and Oakeshott have indeed been placed side by side at least once: Steven M. DeLue’s chapter on Burke’s, Tocqueville’s and Oakeshott’s ‘Conservative View’ of civil society is an example.⁹ DeLue’s chapter looks at the most prominent facets of Tocqueville’s and Oakeshott’s writings – the former’s promotion of associations of civil life and the latter’s understanding of the state as a human association. But DeLue’s discussion does not go deep because his aim in comparing Tocqueville and Oakeshott (and Burke) is only to demonstrate the diversity of thought present among the conservative views of civil society.¹⁰ Nor, though he mentions Tocqueville several times in different writings, and each time treats him with great respect, does Oakeshott himself give Tocqueville sustained attention.

Underlying each philosopher’s worldview, however, is a shared understanding of the human character. Both hold that human beings possess the unique dignity of being free moral agents and this must be protected and given expression in our politics; yet the human character also bears several ‘faults’ which

---


must not be ignored when thinking about politics. In combination, these two beliefs lead them to adopt what this thesis calls a sceptical conservative disposition: an attitude which accommodates both the dignity and the fallibility of humankind.\textsuperscript{11}

Oakeshott and Tocqueville reject the modern tendency in politics to focus on social and economic structures of a society at the expense of an awareness of the intricacies of the individual and on human character. Modern politics exhibits a considerable faith in human affairs and in the ability of politics and the state to solve the problems that beset human society. A sensitivity to human pride and sensuality lead Oakeshott and Tocqueville to reject this modern optimism and cause them to oppose attempts both to concentrate power in the state and to impose on individuals a common substantive goal or enterprise. It also leads them to criticize efforts to rid politics of its uncertainty by seeking a politics of proof rather than of persuasion. The former endeavours, though perhaps born out of noble intentions (but often not), are prideful and are bound, at best, to lead to failure. At worst they lead to oppression and the destruction of the mundane and realistic hopes of countless individuals who find themselves involved (willingly or unwillingly) in such projects. By placing Oakeshott and Tocqueville side by side, this thesis aims to contribute to the effort of introducing into the political ‘conversation’ more voices of scepticism, thus helping counteract an excessive optimism and faith in politics.

\textbf{Is Tocqueville Still Relevant?}

Alexis de Tocqueville has been called a moralist, an anthropologist, a legal historian, a philosopher, a prophet.\textsuperscript{12} His influence on the academic fields of history,

\footnote{11 Timothy Fuller uses the term ‘skeptical conservatism’ to describe Oakeshott’s thought, but does not offer an in-depth explanation of the label. Timothy Fuller, ‘Foreword’, \textit{Rationalism in Politics and Other Essays} (Indianapolis: Liberty Fund, 1991), xv.}
and especially sociology and political science has been immense and he has left a lasting impact on our understanding of the concepts of democracy and civil society, freedom, equality, individualism, among others. Praise of the Frenchman has been glowing, and he is widely considered one of the most significant of the modern political thinkers, taking his place with Machiavelli, Hobbes and Marx. He is considered, along with the latter, as the most important social thinker of the nineteenth century.\textsuperscript{13} Two centuries since his birth, which was celebrated in the United States, Italy, Belgium, Germany, Poland, and Canada, interest in Tocqueville’s intellectual legacy is still high. Since 2000, five new English translations of his most famous work, \textit{Democracy in America}, have been published and new translations of \textit{The Old Regime and the Revolution}, his second most important book, have appeared as well.\textsuperscript{14} One reason for the general enthusiasm and praise of Tocqueville could be that he is so often quoted but so infrequently read in his entirety. It could also be because what is most obvious in Tocqueville’s writing are descriptions of concrete, practical political institutions that he believes are necessary for freedom. These suggestions are prophetic but are not as controversial as, say, the Hobbesian or Lockean views on human nature. The ambiguity of his metaphysical ideas is perhaps why Tocqueville is not as divisive as these other early-modern political writers. In the wake of his institutional suggestions, and his famous quotes, however, a valuable aspect of Tocqueville’s writing is forgotten. Tocqueville does express a more metaphysical understanding on human affairs than he is often given credit for and his views on democracy and his institutional design have a

\textsuperscript{12} Whitney Pope, \textit{Alexis de Tocqueville: His Social and Political Theory} (Beverly Hills: SAGE Publications, 1986), 11-12
\textsuperscript{13} \textit{Ibid.}, 12.
deeper foundation. Unlike many other political thinkers, however, this foundation is often not obvious, and is not the first thing the reader notices when encountering Tocqueville’s writing.

James Abbott points out that while there was a boom in Tocqueville studies a few decades ago with preeminent American sociologists applying Tocqueville’s thought to contemporary American social and cultural realities, today, Tocqueville is rarely encountered in professional sociology.\(^{15}\) While Abbott is commenting on the field of sociology – and indicates that the same drought of Tocqueville references has not occurred in political science – the reason he gives is interesting. He proposes that since the 1960s profession sociology had ‘abandoned the very essence of the Tocquevillian enterprise: critical analysis of democracy itself.’\(^{16}\) Sociologists have turned from a critical analysis of democracy to espousing a faith in democracy ‘according to which all the ills of democracy can be solved by having more of it.’\(^{17}\) This approach is deeply at odds with Tocqueville’s approach to democracy. Tocqueville is able – due partly to the trauma his family experienced during the French Revolution and his own personal experiences as a politician, but surely also thanks to his skills as a scholar – to maintain a critical distance from the phenomenon of democracy. However, ‘[b]linded by faith in a particular vision of democracy, namely egalitarian democracy, sociologists are unable to come to terms with the corpus of Tocqueville’s works.’\(^{18}\) For example, it is not a given that the increased equality found in America would lead to liberty. Even at the last line of his book, he is ambivalent on this: ‘it depends on [the nations themselves] whether


\(^{16}\) Ibid.

\(^{17}\) Ibid.

\(^{18}\) Ibid.
equality leads them to servitude or freedom, to enlightenment or barbarism, to prosperity or misery.¹⁹

Writing in the nineteenth century, Tocqueville observed that ‘the same democracy reigning in American societies appeared to me to be advancing rapidly toward power in Europe.’²⁰ Though a preeminent writer on democracy, he was not certain about the phenomenon he was observing. He writes of a ‘religious terror’ produced in his soul at the sign of the unrelenting march of democracy in Western Europe and North America.²¹ Democracy, Tocqueville laments, has ‘been abandoned to its savage instincts.’ What was called for was ‘To instruct democracy, if possible to reanimate its beliefs, to purify its mores, to regulate its movements....’²²*Democracy in America* is aimed less at preaching democracy than tempering and managing something that he believed was becoming an undeniable fact of western society.

It is easy to wonder whether Tocqueville’s fears of tyranny and despotism are relevant today. The importance of a vibrant civil society has now entered conventional wisdom in liberal democratic countries. Freedom and human rights are common as slogans and watchwords. However, Frederic Fransen thinks there is cause for concern – and argues that Western Europe today ‘poses a striking challenge to Tocqueville’s normative positions.’ This could mean either that freedom can exist in conditions radically different from those Tocqueville proposes,

---

or that ‘the long-term future of liberty in Western Europe is grim.’

Re-examining the essence of Tocqueville therefore does have crucial implications today.

**Categorizing Tocqueville**

Cheryl Welch talks about Tocqueville’s timelessness: though he was born two hundred years ago into a now extinct (and quickly waning even in his own time) aristocracy, he seems normatively more relevant today than many of his contemporaries. Tocqueville exerts a paradoxical influence on modern readers who are both many and varied in their intellectual allegiances. The paradox, Welch points out, is that while his writing is based on detail and context and ‘resists too great an abstraction from that context’, such abstraction is often the prerequisite for timelessness.

She believes that, to understand Tocqueville, one must read his texts in light of his ‘life and times’ and that this requirement is even more imperative for Tocqueville than for many other thinkers. She also considers Tocqueville to be ‘less of a general theorist of democracy’ than as a scholar of certain key issues that he observed in his political world and that have ‘since turned out to present intractable tensions in democratic politics and culture.’

Certainly Tocqueville is famous for his diagnosis of what would later turn out to be stark problems of democratic society and politics. However, this does not mean that there was no general theory underlying and motivating Tocqueville’s diagnosis of these issues. My aim is to illuminate this underlying pattern that made Tocqueville write the way he did.

---

A second puzzle lies in the fact that, despite Tocqueville’s pre-eminence as a social and political theorist, a recurring theme in Tocqueville studies is the apparent difficulty – or even impossibility – of placing the French thinker within any of the conventional labels used to categorize political thinkers. Tocqueville has been labelled, among others things, an apologist for the aristocracy, a conservative, a conservative liberal, a nationalist, a conservative Marxist. John Lukacs finds Tocqueville to be unclassifiable, transcending the liberal and conservative labels. Jack Lively argues that the very labels are artificial. Hayden White points out Tocqueville made contributions to both liberalism and conservatism, which explains why both sides adamantly claim him for themselves. Roger Boesche points out that there is enough in Tocqueville to allow would-be allies to selectively find evidence that would aid a particular categorization. For instance, Tocqueville had as contemporaries and associates several of the great nineteenth century liberals such as Pierre-Paul Royer-Collard, Victor Cousin, and John Stuart Mill and shared with them a concern about protecting individuals from encroachments by the state. Harvey Mansfield and Delba Winthrop note that Tocqueville is quoted approvingly by intellectuals and politicians on the ‘Left’ for his thoughts on community and civic engagement and for his warnings ‘against the appearance of an industrial aristocracy

and against the bourgeois or commercial passion for material well-being. As examples of his conservative leanings, Boesche mentions that Tocqueville was born and remained an aristocrat (though I am unconvinced about the importance of this as a conservative credential), his comfort in talking with royalists about his beliefs in the dangers of equality, and his respect for tradition and religion. The ‘Right’ also lauds him for his critique of ‘Big Government’ and his support of administrative decentralization, as well as for ‘celebrating individual energy and opposing egalitarian excess.’ In short, it is evident, even from this briefest of surveys, that the terms being used are neither precise nor definite enough to be useful in a scholarly sense.

The difficulty in pinpointing where Tocqueville’s allegiances lie is understandable. Tocqueville himself was disdainful of conventional labels, claiming to go further than the parties and careful ‘not to be confounded with our ordinary modern democrats.’ He describes himself as a liberal; liberty is indeed his clarion call and he expresses his ‘desire to see it carried into every political institution in my country’. However, lest one is inclined to conclude that he was a liberal in the conventional sense of the word, Tocqueville qualifies his description: “I shall be discovered to be a liberal of a new kind” and puts forward his ‘respect for justice, ... sincere love of order and law [and] deliberate attachment to morality and religion’ as features that distinguish himself from the ordinary liberal. Tocqueville also did not provide a clear and complete outline of his fundamental political convictions; he left

---

34 Harvey C. Mansfield and Delba Winthrop, ‘Editors’ Introduction’, *DIA*, xxiv.
36 Alexis de Tocqueville, *Memoir, Letters and Remains*, trans. The Translator of Napoleón’s Correspondence with King Joseph (Boston: Ticknor and Fields, 1862), 381.
no definitive political statement and his many, strongly-held political opinions are greatly dispersed among his writings. Finally, Boesche reminds us that if we are to study Tocqueville, we cannot afford ‘the intellectual luxury of clinging to the twentieth-century categories’ since Tocqueville himself certainly did not have this luxury and gropes about for the terminology that best expressed the changing political landscape around him.

The difficulties raised in the previous paragraphs are salient ones. There is, however, a consistency in Tocqueville’s works and it is possible to identify the essence of his political thought. Since he certainly does not fit neatly into what is today conventionally understood as conservative and liberal, and because these labels do not mean today what they meant in Tocqueville’s time, merely sticking a label on Tocqueville is not of much use. Categorization would thus have to include precise definition of the categories proposed.

It is Tocqueville’s views on the human character that underlie his other, more famous, views on democratic institutions and mores and give them coherence. They also give Tocqueville the timelessness that Welch observes. Tocqueville sees man’s dignity as an individual moral agent, capable of greatness; he also sees evidences of man’s failings – his folly and his lust for power – in man’s political activity. This awareness leaves Tocqueville sceptical about human affairs: man’s capabilities often do not match up to his political ambitions. His inherent belief in the dignity and nobility of the individual however, prevents disillusionment and bitterness about human affairs. He is cautious, not despairing. A further contribution of this study, then, is that the sceptical conservative disposition accommodates the

---

claims of both liberals and conservatives regarding Tocqueville’s allegiance to each camp.

**What is the Conservative Disposition?**

Like Tocqueville, Oakeshott has also proven to be difficult to neatly parcel into any of the conventional categories of political ideology. He is also dismissive of political parties, talking about the ‘unpleasing spectacle’ that is politics in general:

‘The obscurity, the muddle, the excess, the compromise, the indelible appearance of dishonesty, the counterfeit piety, the moralism and the immorality, the corruption, the intrigue, the negligence, the meddlesomeness, the vanity, the self-deception...offend most of our rational and all of our artistic sensibilities.’

Political parties were a component of an unsavoury development of modern European politics – the rise of the ‘anti-individual’ or the ‘mass man’ – and contributed to the modern illusion of giving the masses choice without burdening them with having to choose anything. The problem of categorization is not as acute concerning Oakeshott as it is with Tocqueville because Oakeshott does identify himself with a particular brand of what he calls the conservative disposition (as opposed to Conservatism as a political party or ideological category).

When Oakeshott talks about ‘conservative conduct’ and the ‘conservative attitude’ he does not mean Conservatism as a political ideology or political party. His theme ‘is not a creed or a doctrine, but a disposition.’ This is reminiscent of his

---

understanding of practical discourse (of which political discourse is a subset) in general:

‘In reflecting upon a response to a practical situation, or in justifying a response proposed or made, what we bring with us is a variety of beliefs – approvals and disapprovals, preferences and aversions, pro- and con- feelings (often vague) moral and prudential maxims of varying application and importance, hopes, fears, anxieties, skill in estimating the probably consequences of actions, and some general beliefs about the world.’

These beliefs can be normative, but not as a self-consistent set of principles that can unequivocally tell us what we ought to do: ‘they often pull in different directions, they compete with one another and cannot all be satisfied at the same time....Even to think of them as a “creed” gives them a character they have not got.’

Oakeshott calls such a belief a ‘tradition’ and it is as such a ‘tradition’ that Oakeshott’s conservatism takes shape. Tocqueville also exhibits his conservative nature in this way. He too holds no doctrine and preaches no creed. His conservative manner must be teased out and inferred by examining his preferences and his fears.

At its root the conservative disposition stems from an attachment to the present and the familiar. This is different from the common assumption that conservatism involves idolizing the past. There might be gratitude for what the past has gifted the present, but the past is not the motivation for Oakeshott’s conservative disposition. ‘What is esteemed is the present; and it is esteemed not on account of its connections with a remote antiquity, nor because it is recognized to be more

---


45 Ibid.
admirable than any possible alternative, but on account of its familiarity.” The conservative also has a particular attitude towards change:

‘To be conservative... is to prefer the familiar to the unknown, to prefer the tried to the untried, fact to mystery, the actual to the possible, the limited to the unbounded, the near to the distant, the sufficient to the superabundant, the convenient to the perfect, present laughter to utopian bliss.”

There is regret in the face of change and change always appears as a deprivation. A conservative therefore must accommodate himself to change; he ‘suffers’ change. Contrary to the spirit of the modern times, the conservative ‘is not worried by the absence of innovation’ because he is most fully occupied with the present. He realises that innovation does not necessarily mean improvement and is mindful of the problem of unintended consequences. ‘Innovating is always an equivocal enterprise, in which gain and loss...are so closely interwoven that it is exceedingly difficult to forecast the final up-shot: there is no such thing as an unqualified improvement.” It is worth noting that Oakeshott’s conservative disposition draws a great deal from the spirit of Michel de Montaigne: ‘I do not change easily, for fear of losing in the change.” Furthermore, there is the concrete possibility of excessive change, unequal distribution of gain and loss and the risk that gains could be off-set by changes for the worse. Regardless of political rhetoric to the contrary,

---

humankind’s march is not always forward to ever greater heights; man’s path is, to quote Montaigne, ‘staggering, dizzy, wobbling’.

Contrary to popular belief, though, there is no stubborn, blanket rejection of all change. The conservative ‘believes that the more closely an innovation resembles growth (that is, the more clearly it is intimated in and not merely imposed upon the situation) the less likely it is to result in a preponderance of loss.’ Also, ‘an innovation which is a response to some specific defect, one designed to redress some specific disequilibrium, is more desirable than one which springs from a notion of a generally improved condition of human circumstances, and is far more desirable than one generated by a vision of perfection.’ He also prefers slow changes and calculated adjustments to rapid pace. A conservative therefore prefers small, limited changes, made in response to contingency rather than grand innovations based on the indefinite desire for an ever-improving condition.

The objection may be made that Oakeshott never actually calls himself a conservative in his essay. He speaks with detachment about the ‘conservative disposition’ and always refers to the conservative in the third person. Perhaps this is an instance of him saying too little out of the fear of saying too much; he might be taking pains not to be identified with a political platform. However, it would not be too much of a stretch to conclude that Oakeshott does, in fact, identify himself with the disposition that he takes such care in detailing. The conservative, Oakeshott says, believes that changes in politics must be incremental corrections rather than sudden innovation. A conservative also sees the proper role of government as being the enforcement of ‘general rules of procedure upon all subjects alike....a specific and

54 Michael Oakeshott, ‘On Being Conservative’ in RP, 411
55 Ibid. 411–412.
56 Ibid. 431
limited activity; not the management of an enterprise, but the rule of those engaged
in a great diversity of self-chosen enterprises." This corresponds with Oakeshott’s
own views on government and politics. For instance, he favours the understanding of
the state as a civil association in terms of non-instrumental rules of conduct which,
unlike the rules that define an enterprise, do not promote the achievement of a
particular substantive purpose. Regarding change too there is an overlap between
Oakeshott’s own view and the ‘conservative disposition’: Oakeshott is very critical
of the Rationalist who falls into the error ‘of identifying the customary and the
traditional with the changeless.’ Change must occur, but what is required is ‘a
principle of continuity: authority is diffused between past, present, and future;
between the old, the new, and what is to come.’

Tocqueville also writes approvingly of tranquillity in politics. A republic,
for example, is a long-enduring institution because it is based on the ‘slow and
tranquil action of society on itself....It is a conciliating government, in which
resolutions ripen for a long time, are discussed slowly and executed only when
mature.’ The problem, however, is that democratic nations have an almost inherent
yearning for change. Speaking of the constant evolution of the English language in
America, Tocqueville notes, ‘Even when they do not have the need to change words,
they sometimes feel the desire to do it.’

Tocqueville’s own ascent into national politics took place in a time of great
flux: ‘Whichever way I looked, I could see nothing either solid or durable amid the
general malaise affecting the nation; everybody wanted to get rid of the Constitution,

57 Ibid. 428, 429. This aspect of the conservative disposition will be discussed at length in
Chapter Three.
61 Alexis de Tocqueville, DIA I 2.10, 379.
62 Ibid. II 1.16, 453.
some through socialism, others by monarchy.’

Though critical of the Socialists, he was clearly not of the Conservative faction which supported the monarchy either. Like Oakeshott, therefore, he was not of an existing Conservative Party although his was a conservative disposition and, in practical politics, his (and his associates’) main aim was to establish and prolong a republic ‘by governing in a methodical, moderate, conservative and completely constitutional manner.’ In fact, Tocqueville foresaw that this form of conservative disposition would not make him popular among the ‘official’ conservatives: the Monarchists.

Why be Conservative?

The motivation for Oakeshott’s and Tocqueville’s discomfort with innovation and their distrust of ‘progressive’ programmes of change is a form of scepticism. This scepticism too is a disposition, not a well-articulated and definitive creed or doctrine. Indeed it would be apt to call it a personality. There are three ideas that people often conflate: ‘scepticism, the idea that no position is demonstrable; relativism, the idea that there is no absolute truth; and nihilism, the idea that all ideas are of equal value.’

A sceptic, however, need not be a relativist or a nihilist. Oakeshott and Tocqueville are not relativists and have values which they defend strongly. In a discussion on understanding and conduct (which will be taken up in detail towards the end of this chapter), Oakeshott states that although human understanding is independent from external forces, this ‘does not release his understanding from judgement in which it may be pronounced a

---

64 Ibid. 192.
65 Joseph Agassi and Abraham Meidan, Philosophy from a Skeptical Perspective (New York: Cambridge, 2008), ix.
In other words, there is room for judgement and criticism of the understanding of others. Both Oakeshott and Tocqueville take definitive stances on several issues – they express value judgements and wish to convince others of these judgements too. Neither does Oakeshott’s and Tocqueville’s rejection of rationalism mean that they disparage reasoning. Oakeshott talks about ‘prudent diffidence rather than...radical doubt.’ Reason has a proper – and important – place in politics: it is Rationalism itself that is unreasonable. In his reply to Professor Raphael defending his criticism of rationalism, Oakeshott denies that he holds that reason is foreign to politics. What he believes is that the reasoning apt for politics, and other forms of practical discourse, ‘will be of a different sort of explanatory reasoning – it will be of the sort appropriate, for example, to diagnosis, prescription and justification.’ The error of rationalism is that it advocates an improper and highly exaggerated faith in a particular type of reason. Finally, on a practical level, their scepticism does not mean that Oakeshott and Tocqueville despise political (or religious) authority. Here also, like Montaigne, they value the authority of stable institutions and laws and the social order that comes with traditional mores. This is also the origin of their conservatism.

Oakeshott is inspired by Michel de Montaigne in his attitude towards reason but Tocqueville also invokes Montaigne in his discussion of ‘self-interest well-understood’. Both Tocqueville and Montaigne are pessimistic about the human ability and desire to follow virtue for virtue’s sake and thus both recommend linking virtue with happiness and profit, as a more effective way of promoting the former. Though this is admittedly not a lofty ideal, it is ‘marvellously accommodating to the

---

69 Michael Oakeshott, ‘Rationalism in Politics: A Reply to Professor Raphael’ in *VMES*, 181.
70 Alexis de Tocqueville, *DIA II* 2.8, 501.
weaknesses of men’, frailties which both authors were keenly aware of.\textsuperscript{72} In fact, Tocqueville’s tone becomes strikingly similar to Montaigne’s when Tocqueville ‘wonder[s] at the imbecility of human reason’ and fickleness of our opinions.\textsuperscript{73}

In conclusion, society, like the individuals who compose it, is full of imperfections. Montaigne thinks these imperfections are an indispensable part of the natural order. Attempting to weed out every ill that society possesses would be destroying the ‘fundamental conditions of our life’.\textsuperscript{74} What would result would not be progress: ‘instead of changing into angels, they change into beasts; instead of raising themselves, they lower themselves.’ The results of these ‘transcendental humours’ which attempt to make men into angels frightens Montaigne.\textsuperscript{75} Like Montaigne, Oakeshott and Tocqueville are suspicious of grand programmes of change – politics that promise massive improvements to the human condition that aim at is some sort of temporal ‘salvation’. They are wary of the dangers of upheaval and the overthrowing of the status quo not because the past and the present is inherently nobler, nor because of considerations of some mystical ‘golden ages’ long gone and nostalgia for the past, but rather because of a lack of trust in man’s ability to control and guide tumultuous forces of change, and because of what such programmes of change might demand from the ruler and the citizen. Their conservatism therefore needs the ‘sceptical’ qualification. Calling them unqualified conservatives is unsatisfying and this is evident in the reluctance of many scholars in labelling them such. Chapter Two will examine Tocqueville’s and Oakeshott’s

\textsuperscript{72} Ibid. II, 2.8, 502
\textsuperscript{73} Ibid.I 2.9, 273
\textsuperscript{74} Michel de Montaigne, ‘Of the Resemblance of Children to Fathers’ in The Complete Works, trans. Donald M. Frame (2003), 5
\textsuperscript{75} Ibid. ‘Of Experience’, 1044.
scepticism in greater depth: what lies beneath this sceptical attitude and what form it takes in politics.
In this chapter I will discuss how Alexis de Tocqueville’s and Michael Oakeshott’s understanding of human character contributes to their conservative disposition. Tocqueville and Oakeshott are members of a collection of modern thinkers who reject the common tendency to lose focus of some of humankind’s characteristics (and their consequences in politics) and to focus solely (or predominantly) on social and economic structures in their diagnosis and attempted remedy of the ills that perennially beset human affairs. They reject the unalloyed optimism of some strands of modern political philosophy and remind us that even with technology, and even once oppressive tyrants are deposed, man’s character can still ‘spoil’ things if we are not vigilant.

Human Character in Oakeshott and Tocqueville

The more familiar term in discussions like this is ‘human nature’ – and might almost do as well. However, ‘nature’, given its pedigree, carries with it several assumptions which do not fit very comfortably into a thesis on Oakeshott and Tocqueville.

Firstly, while Oakeshott admires Catholic political philosophy (which he identifies as one of the four major social and political doctrines of modern Europe, along with Representative Democracy, Fascism and Marxism) for its coherence and even suggests that the historic doctrine of Conservatism can trace many of its principles to Catholic doctrine, Catholic political and social doctrine is something of
a ‘stranger in the modern world’ and Natural Law theory, though ‘an element of profound importance in European tradition’, is often considered to be a relic of the past.\textsuperscript{76} Oakeshott is aware of the constant shifting of concepts, vocabulary and beliefs and perhaps is hesitant to pin his political beliefs on a concept that he considered rigid and inadaptable. Secondly, ‘human nature’, due to its close association with Natural Law theory, carries normative conclusions that I would be wary of pinning upon Oakeshott. In fact, in the essay on the conservative disposition discussed in the previous chapter, Oakeshott distances himself somewhat from the argument that this conservative disposition is a deeply-rooted part of human nature. Though there seems to be a primordial propensity to conserve and to ‘cling to the familiar’, human inclinations wary across time and geographical space. For example, while younger children in general tend to be very unwilling to accommodate to changes, most adolescents are markedly more adventurous and open in their attitude towards changes. ‘There is, indeed, not much profit to be had from general speculation about “human nature”, which is no steadier than anything else in our acquaintance.’\textsuperscript{77}

On the other hand, understanding the human person and the inner motivations of human conduct is not a task Oakeshott despises. In a 1966 book review, he describes a book which explores human nature and its relevance to human community as ‘political philosophy at its scrupulous and unpretentious best.’\textsuperscript{78} How does one reconcile this? While he is hesitant about appeals to the deep-rootedness of certain characteristic in human nature, he is not closed to the idea of human nature itself. Rather, he considers it ‘more to the point to consider current human nature, to

\textsuperscript{76} Michael Oakeshott, \textit{The Social and Political Doctrines of Contemporary Europe} (Cambridge: Cambridge University Press, 1942), xix-xx.
\textsuperscript{77} Michael Oakeshott, ‘On Being Conservative’ in \textit{RP}, 413.
consider ourselves.’\textsuperscript{79} What, then, is he driving at? Is it that he does not like to generalize? To an extent – perhaps that is what he means by ‘to consider ourselves.’ But this does not preclude making \textit{any} generalizations about human beings–‘ourselves’ to Oakeshott seems to include ‘our conduct during the last five centuries.’\textsuperscript{80}

There seems to be a paradox in what Oakeshott is saying: Looking at ‘human nature’ many people are liable to think that a conservative disposition is deeply-rooted in us. Oakeshott, however, says that our conduct in the last five hundred years shows us to be ‘in love with change’.\textsuperscript{81} Perhaps this discrepancy can be explained thus: What we should not be doing is looking at the individual to deduce his inclinations and then extrapolating it as a general law for all mankind. Instead, what we could do, and what Oakeshott is doing, in order to understand how human beings tend to behave, is to observe the general human conduct one encounters through a study of history and draw from that our conclusions about human behaviour. Human beings have some basic traits – capacities and incapacities – in common. These however interact with circumstances which thus produce some variation over time and space. This gives a general sketch and leaves us with, not necessarily a solid normative theory but a character outline, a personality. This is contingent – based on Oakeshott’s historical observation rather than metaphysical theory.

Tocqueville is also hesitant about making general statements but he recognizes the human need to rely on generalities. The very propensity to seek general explanations is a sign of man’s intellectual weakness: ‘General ideas do not

\textsuperscript{79} Michael Oakeshott, ‘On Being Conservative’ in \textit{RP}, 413.  
\textsuperscript{80} \textit{Ibid.}  
\textsuperscript{81} \textit{Ibid.}
attest to the strength of human intelligence, but rather to its insufficiency.’ Tocqueville notes that they are imperfect tools because ‘there are no beings in nature exactly alike: no identical facts, no rules indiscriminately applicable in the same manner to several objects at once.’ However, ‘If the human mind undertook to examine and judge individually all the particular cases that strike it, it would soon be lost in the midst of the immensity of detail and would no longer see anything.’ Note too that this has more than definitional implications: much of modern politics itself is based on the belief that general, abstract ideas can be directly applied to political decision-making. This point also speaks directly about Tocqueville’s scepticism towards the use of general ideas and principles in politics. But we’re getting ahead of ourselves for the moment.

The word ‘character’ is better suited to explaining Tocqueville’s understanding of the human person too. In speaking of a ‘religious terror’ at the events unfolding in Europe and North America, he is responding to concrete events that he sees unfolding before him. His conclusions on human tendencies are based on what he observed in his own political milieu in France, in his observation of the spectacle of American society and politics, and his understanding the French Revolution and history in general.

The following overview of modern political thought aims to highlight how the topic of human nature or human character has increasingly been neglected in Western political discourse in favour of a refocusing of attention on the social and the structural, perhaps exacerbated by the belief that advances in technology allow

---

82 Alexis de Tocqueville, DIA II:1.2, 411.
83 Ibid.
84 We take this idea up again in Chapters Two and Four.
85 Alexis de Tocqueville, DIA, Introduction, 6.
us to dispense of the caution that a keener awareness of human character would inspire.

The Modern Optimist and the Side-lining of Human Character

C.S. Lewis supports an increased flexibility in our conception of history and our idea of the lines of demarcation between various periods of history. Actual temporal process, Lewis notes, has no divisions. ‘Change is never complete, and change never ceases. Nothing is ever quite finished with; it may always begin over again....And nothing is quite new; it was always somehow anticipated or prepared for. A seamless, formless continuity-in-mutability is the mode of our life.’ Lewis admits, however, that certain strands of thought wax and wane at various times in history and it is possible to identify and observe the changes in the dominant ideas over particular aggregations of temporality.

In his discussion on repositioning the frontier that had been drawn between the medieval and the renaissance, Lewis considers three possibilities before proposing his own: between Antiquity and the so-called Dark Ages, between the Dark Ages and the Middle Ages, and in the seventieth century between the Middle Ages and (let’s call it) the scientific age. None of these transitions brought with it as great a shift in political, religious, aesthetic, technological and psychological understanding as did the transition Lewis believes marks the Great Divide which he places ‘somewhere between us and Persuasion’, Jane Austen’s novel, published in 1817.

---

What marks this transition is a change in psyche, best exemplified by the way we use the word ‘stagnation’, ‘with all its malodorous and malarial overtones’ for what used to be called ‘permanence’.\(^{88}\) Darwinism and the theory of evolution (as well as similar pre-Darwinian notions) contributed to this. But Lewis also argues that ‘what has imposed this climate of opinion so firmly on the human mind is a new archetypal image. It is the image of old machines being superseded by new and better ones.’\(^{89}\) This also explains the modern, perturbing assumption that everything is provisional and must be superseded, ‘that the attainment of goods we have never yet had, rather than the defence and conservation of that we have already, is the cardinal business of life.’\(^{90}\)

However, the changes that were evident in the nineteenth century had their roots centuries earlier. Though Lewis argues for the ‘Great Divide’ to be drawn somewhere in the nineteenth century, he does also admit that a marked change took place a century earlier. Why he did not go ahead and use the seventeenth century as the era of the Great Divide was because, though a great transition took place in that century, the changes were more or less limited to the area of philosophy and did not affect the ‘common mind’. They would have profound effects – but these were delayed and were not evident during the seventeenth century.\(^{91}\) While passing it over as a candidate for the great dividing line of history, Lewis does admit, however, that ‘if we were considering the history of though (in the narrower sense of the word) I believe this is where I would draw my line.’\(^{92}\) This thesis, however, is concerned with the history of thought in this narrower sense. So this seventeenth-century dividing line is an extremely useful one for us. The changes that began taking shape

\(^{89}\) *Ibid.* 16-17.
\(^{90}\) *Ibid.* 17.
during this time have been echoing down the centuries affecting both philosophy and practise among both the thinkers and the ‘common man’.

Part of the change in thought that occurred around the sixteenth and seventeenth centuries concerned the way we looked at the human person and human activity. Prior to this period the concept of human nature was a primary concern of philosophy. This led thinkers – from Socrates to Augustine and Aquinas to Montaigne – to acquire at least a tinge of pessimism with regards to human affairs. The human person was ‘fallen’, his mental capacities were not perfect, he was ruled by his passions – these and similar idioms are representative of such a mindset. The modern philosophical age, on the other hand, is characterised by greater optimism concerning human ability, or at least potentiality. The concerns of this age have shifted away from pondering the human person and the limitations of his character and lie more on the structural issues – diagnosing the defects of society and aiming to solve these social problems.

Again, let me reiterate that history cannot be neatly divided such that the first half is pessimistic and the second half is not, or with the first half being concerned about human nature and the second being enamoured by social issues. Both manners of thought are to be found throughout history. Pelagius’ optimism – his denial that human nature was wounded by original sin – led him to clash with St. Augustine of Hippo and other Catholic theologians. Realist thinkers like Reinhold Niebuhr and conservative philosophers like Edmund Burke preserve the pessimistic mindset in the modern context. They are, however, not the dominant voices – they are critics. The luminaries of each age mirrored the dominant philosophy of that age. The luminaries of the first age – thinkers like St. Augustine, Michel de Montaigne, and Niccolo Machiavelli – exhibited a pessimistic bent. And this pessimism was the
result of a great awareness of man’s historical and interior character. The luminaries of the modern age – a few of whom I will briefly examine in the next section – displayed a much greater interest in the condition and the moulding of society, a task which they were optimistic about because of an increased confidence in man’s his material (especially technological) capacity.

An interesting formulation of this shift is seen in the writings of Jean-Jacques Rousseau (1712-1788) who, unlike later philosophers, is not unconcerned with human nature: ‘It is of man that I have to speak...’ 93 Neither was he an unrestrained optimist of the kind one encounters later on. On the contrary, he was well aware of the evils around him: it was precisely the ‘intense awareness of man’s evil’ that motivated his philosophical endeavours. 94 Rousseau’s anger at man’s condition is very palpable. 95 It is his diagnosis that forms a point of departure from most of his predecessors. The source of evil, Rousseau believes, is not within man; man is naturally good.

The break from his predecessors is made all the more evident when one considers the theories against which Rousseau pits himself. Though, in a sense, Rousseau can be considered to be attacking everyone who preceded him, Arthur Melzer identifies three primary opponents that Rousseau directs his criticisms against: ‘Christian thought, and especially the doctrine of original sin; early modern political theory, particularly the thought of Thomas Hobbes; and classical political philosophy, especially in its Platonic strain, with its starkly dualistic theory of human

nature.’ Melzer comments that these three categories do, indeed, cover nearly all of the Western tradition until that time.\textsuperscript{96}

Man is born good; it is society and civilization that corrupts him: ‘nature made men happy and good but society depraves him and makes him miserable.’\textsuperscript{97} Thus while Rousseau shares some part of his predecessors’ pessimism, he champions two novel elements – the belief that humans are, by nature, essentially good, and that society is the source of human misfortune. What follows is that, when tackling social problems, one can, and in fact must, ignore human nature. To successfully improve the human condition, attention must be focused on fixing society. Obviously, this implies that society can be fixed and that is nothing intrinsically broken about the human condition that cannot be fixed.

However, it is impossible – at least for the vast majority of us - to strip away civilization and return to the existence of the noble savage. This solution is available only to a few individuals and is unhelpful when considering society at large. For this one must move in the very opposite direction of collectivism.\textsuperscript{98} This is what Melzer calls Rousseau’s political – as opposed to his individualistic – solution. ‘Political rule, legitimate force, must thus be used to save me from myself, to free me from the dangers of my own inexpungeable selfishness.’\textsuperscript{99} Through the state, the citizen ‘will be forced to be free. For this is the condition that...guarantees him against all personal dependence’.\textsuperscript{100} ‘Rousseau is thus a wholehearted “statist”. By forcibly repressing (as well as partially transforming) man’s natural selfishness, the legitimate state is the true and indispensable agent of man’s salvation.’\textsuperscript{101} Also,

\textsuperscript{96} Ibid. 17.
\textsuperscript{97} Ibid. 15.
\textsuperscript{98} Ibid. 93.
\textsuperscript{99} Ibid. 96.
\textsuperscript{100} Ibid. 96, citing Rousseau’s Social Contract I.7.
\textsuperscript{101} Ibid. 96-97.
given the difficult task it has in tackling what is a natural, and intractable, characteristic of man, state force must be expanded, making Rousseau not only a statist, but also an extreme absolutist.102

Francis Bacon’s (1561-1626) New Atlantis falls under the literary genre of utopias and is an account of a distant island – Bensalem – whose citizens had managed, through science and legislation to eradicated many of the social and physical ills that plagued (and still plague today) the rest of civilized society (which to Bacon would mainly comprise the states of Europe). Iconic of Bacon’s attitude towards human nature and society (and evidence that the previously mentioned shift was underway as early as the sixteenth century) is Bensalem’s understanding of the family. Human structures are valued for the benefits they bring to society. Family is celebrated by the citizens of Bensalem precisely (or only?) because the institution of marriage provides new citizens. The ‘Feast of the Family’ is an honour granted to ‘any man that shall live to see thirty persons descend of his body all together and all above the age of three.’103 Such a man provides so great a service to King and country that he is honoured in the title of ‘well beloved friend and creditor’ – a title of great distinction and uniqueness because ‘the king is debtor to no man, but for the propagation of his subjects.’104

Bacon places in his utopia an institution called Salomon’s House (something like the British Royal Society) which is called the ‘noblest foundation...that was ever upon the earth; and the lanthorn of this kingdom’ – dedicated to the study of the ‘works and Creatures of God’.105 Its pursuit of light, ‘God’s first creature’ – is not a pursuit which is undertaken solely for the love of

102 Ibid. 97.
104 Ibid. 170.
105 Ibid. 167.
knowledge in itself, but is put into very practical use in larger society.\textsuperscript{106} It is not just in Salomon’s House that science is alive – Salomon’s House is its heart, but the entire Bensalemite society, its marriage laws for example, reflect the pervasiveness of the scientific spirit. To Bacon, then, the ills of mankind are solved through science and technology itself but also (and perhaps primarily) through an attitude of scientific rationalism. No wonder therefore that \textit{New Atlantis}, and Bacon’s lifework as a whole, is seen as an advertisement for the utility of devoting a portion of a nation’s resources to scientific endeavour.\textsuperscript{107}

Science also confers power – a power Bacon imagines is benevolent. Though the ancient King Salomona features prominently in Bacon’s travelogue, the man currently on the throne of the city is never mentioned. Those who seem to bear power are the scientists of Salomon’s House. The description of the state entrance of one such member, right from the his splendid attire and retinue to the fact that he holds up his hand in benediction as he travels through the streets lined with the people of Bensalem, indicates the power that these men possess. It is noteworthy that these men have the power of benediction. Thus, although Bensalem has Christian priests, the members of Salomon’s House seem to have annexed the role of the priest as well as the ruler.

The \textit{Magnalia Naturae}\textsuperscript{108} – attached to \textit{New Atlantis} – lists a range of discoveries that benefit mankind, ranging from the prolongation of life, the manipulation of nature and the creation of new kinds of foods and to ‘natural divinations, deception of the senses [and] greater pleasure for the senses.’\textsuperscript{109} What is

\begin{flushleft}
\textsuperscript{106} Susan Bruce, ‘Introduction’ in \textit{Three Early Modern Utopias}, ed. Susan Bruce (2008), xxx.  \\
\textsuperscript{107} Anthony Quinn, \textit{Francis Bacon} (Oxford: Oxford University Press, 1980), 30.  \\
\textsuperscript{108} ‘The Wonderful Works of Nature’.  \\
\textsuperscript{109} Francis Bacon, ‘New Atlantis’ in \textit{Three Early Modern Utopias}, ed. Susan Bruce (2008), 185. 
\end{flushleft}
missing from this list is any mention of the study of philosophy and an attempt to understand the human soul and mind. Nor was it necessary for this field of study to be emphasised for this is an era that would witness ‘the victory for art in its race against nature’. The dawn of the age of science and technology brought with it the vision of new, previously incomprehensible dominion of man over the rest of material creation. Pointing the lens inwards at oneself seemed irrelevant and even discouraging. In the midst of this new hopefulness it is understandable that mankind’s flaws and weaknesses – manifest both in Greek tragedy and the pessimistic Christian doctrine of original sin – were forgotten. Man need not await the afterlife for weakness and suffering to be banished; salvation seemed available within temporality. There is no sign of sickness in Bensalem, and, even more strikingly, no evidence of strife and violence either. In this way it is a restoration, not so much of the primeval Garden of Eden, but an Eden nonetheless: a modern paradise of science and technology.

Rousseau’s idea that we are born free and that it is society that puts us in chains, the belief that freedom, once achieved, would express itself in happiness and brotherhood, and Bacon’s faith in progress played a large role in events of the French Revolution of 1798. Roger Scruton says that it was the philosophy of Rousseau ‘that led to the following utterance of Mirabeau, who died before seeing it refuted: “General liberty will rid the world of the absurd oppressions that overwhelm humanity. It will give rise to a rebirth of that universal brotherhood without which all public and private benefit is so uncertain and precarious.”’ Just a short while later Maximilien Robespierre was establishing his ‘despotism of liberty’, and

---

'cutting off any head that had a problem with it.' The final death toll of about two million left the entire continent of Europe embroiled in warfare that was to ‘destroy the hopes of more reasonable people’.

This terrible failure was indicative of the fact that those who claimed to govern strictly by reason were not exempt from the irrational and even murderous tendencies that have always plagued human affairs. Scruton expresses an intense puzzlement at why not even a tiny dose of pessimism entered these wild pursuers of ‘liberation’. The events of the French Revolution which, on hindsight at least, ought to have refuted modernity’s unscrupulous optimism for all future generations, was instead ‘reinterpreted as heralding the liberation of humanity from its oppressors. The very same fallacy can be read in subsequent calls to revolution by the Marxists, by Lenin and Mao, by Satre and Pol Pot, for all of whom the French Revolution was one step on the way to the goal of emancipation.’

The Europe in which Friedrich Engels and Karl Marx lived, and against which they directed their incisive social critique, had undergone great transformations due to the development and use of technology. Technology, however, was not the panacea that Bacon had imagined it to be. A new class of people had been created: the modern working class or the proletarians. This class of workers lived ‘only as long as they find work’. They had lost their sense of dignity, and the dignity gained from their work, they had been deprived of their individuality, they were ‘forced to sell themselves like piecemeal’, treated as ‘a commodity, like every other article of commerce’ and had ‘become an appendage of

---

112 Ibid. 43.
113 Ibid. 54-55.
the machine’. Marx and Engels, however, do not lose faith in progress itself. Their diagnosis points to ills in society as the reason why progress had not brought about happiness. And this is where their prescriptions for change lie too. Radical social evils required a radical social prescription, and the communists called for revolution.

Marx’s call for the workers of the world to unite and throw off their chains was successfully carried out in Russia. However, the Communist Manifesto, though detailed and incisive in its historical analysis and social critique, is very vague with regards to what would happen after the fall of the bourgeoisie state. Communism talks of a ‘dictatorship of the proletariat’ which would merely be a transitional phase that follows the fall of the old capitalist regime. Being temporary, this would soon be abolished and replaced by a classless communist society; the state would ‘wither away’, to use Lenin’s famous phrase. However, there was no elaboration as to how this social condition would be achieved. Probably there is an assumption that once the root causes were put right, society would order itself automatically. Of course Soviet Russia’s experiment with communism proved that reality was not as Marx had predicted it would be. Marx’s failure was also in believing that creating a favourable economic environment would solve the grave social ills he observed around him.

---

115 Ibid. 12.  
117 Ibid.
Modern scientific and technological abilities have advanced the state’s physical capabilities.\textsuperscript{118} Technology has also altered man’s beliefs about himself. But optimism and hubris are not modern maladies. The difference is that today it is seen as less problematic. Modern man thinks that he can afford to take himself more seriously. Oakeshott, however – and unpopular for his time – ‘kept his eye fixed on the seductive temptation of pridefulness endemic to the human condition.’\textsuperscript{119} He also warns about a ‘philosophy of indifferentism’ which is uninterested in the great questions on human life, turning instead to politics, science and business.\textsuperscript{120} Tocqueville too was convinced that man’s opinions of himself and his achievements were more grandiose than should have been.

**The Fall**

Oakeshott likens the profound myths of a civilization to a collective dream; for a member of civilization to participate in that civilization is to participate in the collective dream. For western civilization in Thomas Hobbes’ time, it was the story of the Fall and of original sin that was the collective dream. Oakeshott describes it thus: ‘The human race, and the world it inhabits...sprang from the creative act of God, and was as perfect as its creator. But, by an original sin, mankind became separated from the source of its happiness and peace. This sin was Pride, the perverse exaltation of the creature, by which man became a god to himself.’\textsuperscript{121} Oakeshott disagrees with those who read Hobbes as being a definitive break from medieval philosophy and who see *Leviathan* as a replacement of the Christian


\textsuperscript{119} Timothy Fuller, ‘Foreword’, *RP*, xv.

\textsuperscript{120} Michael Oakeshott, Notes XII, LSE 2/1/12, 56.

understanding of the human condition by an altogether different myth. Instead what Oakeshott detects is the overemphasis of one portion of the myth of original sin rather than an invention deliberately designed to overturn the existing understanding of human life.  

‘Pride and sensuality, the too much and the too little – these are the poles between which, according to our dream, human life swings.’ The subtlety of the Christian understanding ‘lay in the fineness of its perception of these extremes and the imaginative power with which it filled the space between.’ In the myth of the Fall of Man, there is perhaps a partiality towards the ‘too much’ – man must have been an exalted creature before the Fall. *Leviathan* emphasises the opposite pole. Hobbes’ myth ‘recalls man to his littleness, his imperfection, his mortality, while at the same time recognizing his importance to himself.’ This myth seems to have often been forgotten in our politics. Perhaps this can be blamed on science, whose project, Oakeshott points out, is the destruction of all myth. Oakeshott must have detected this – which is why his life’s work included trying to raise breakwaters against the tide of what was claimed to be ‘science’, under the disfigurement of Rationalism, sweeping in to the field of politics. The project of destroying the myth and waking mankind from its dreams, Oakeshott warns, if fully achieved, would result not merely in us awakening to ‘a profound darkness’, but also to ‘a dreadful insomnia’ settling over mankind.

---

122 Ibid. 162.
123 Ibid. 163.
124 Ibid.
125 Ibid. 160
The Tower of Babel

Another central myth of mankind is that of the Tower of Babel. Retold in the narratives of several civilizations, it is the version of the Hebrews, found in the Old Testament, that is the most famous. It is, like all other ‘proper stories’, ‘the expression of some unchanging human predicament.’¹²⁷ The myth encapsulates, and explains, the experiences of the ancient civilizations as well as some of the famous tales of the Western world: Faust, Don Juan, and the Arthurian legend.

What arrests the attention at the beginning of Oakeshott’s vivid retelling of the myth is the ‘limitless wants and...the savage urge to satisfy them’ that characterises the human race.¹²⁸ ‘Careless of its beauty, contemptuous of its gifts and persuaded of its hostility, they laid waste the world, seeking only to gratify their perverse and insatiable desires. And their relations with their fellow men followed the same pattern: they were animated by greed, envy, fear and violence.’¹²⁹ We see Hobbes’ influence permeating this picture of the human condition. After the Biblical flood, Oakeshott’s story focuses on one man: Nimrod, the great-grandson of Noah. Oakeshott makes mention of a magical garment which Nimrod inherited from his grandfather Ham. The garment can be seen as an allegory of hubris: ‘Vested in this garment, Nimrod not only felt himself to be a fine fellow, but believed himself to be invincible.’¹³⁰ Nonetheless, Nimrod knew that he was not in total control of events, that Providence and the forces of nature were not guaranteed to favour him all the time. His character was such that dealing emphatically with this insecurity became an obsession. It was thus that the idea of building a tower materialized. It was Nimrod’s plan to ‘make ourselves for ever secure from the hostility of both God and

¹²⁸ Ibid. 180.
¹²⁹ Ibid. 181.
¹³⁰ Ibid. 181.
nature.’ This ‘titanic assault upon heaven...a cosmic revolution’ was not only doomed to failure but also entailed ‘the destruction of all the virtues and consolations of the *vita temporalis*, a destruction of which the “confusion of tongues” is the emblem.’

It is interesting to note that while Nimrod’s refusal to accept moral boundaries caused such destruction, there is something tragically heroic about his fate. The base wants of the populace on the other hand – the sensuality which fed their leader’s pride – is an attitude of slavishness and is particularly dishonourable. In an essay on the masses in representative democracy, and in *On Human Conduct*, Oakeshott calls this character the ‘individual manqué’ who is intent not on *pursuing* happiness but only of *enjoying* happiness. Their leaders spoke to them ‘in the language of millennial expectation, and the prospect they dangled before him... [was] the promise of salvation: a world from which all that convicted him of inadequacy had been miraculously removed.’ Thus, there are even differing reasons for hubris: anger at a perceived ‘social’ injustice (which seems to be what motivated Nimrod) and the lust for power (which seems to be what drove some of the leaders Oakeshott talks about in his essay). Both these motivations share a common disregard for any limits – moral, political, religious. And it is both hubris and sensuality that drove the Babelians to destruction.

**Perfectibility in the Age of Democracy**

Human perfectibility and an exalted belief in human reason were defining features of the French Revolution and its intellectual motivation, the French

---

131 Ibid. 189.
133 Oakeshott, *OHC*, 278.
Enlightenment. Gertrude Himmelfarb argues that the French Enlightenment was markedly different from the American and British Enlightenments. One major difference was in their attitude towards reason, the human mind, and the human character in general. Himmelfarb’s description of the iconic texts of the French and American Enlightenments bears testimony to this. The French Encyclopedie was highly ambitious; it aimed at being a catalogue of universal knowledge. The American Federalist had no such grand pretensions: it contained opinions and ideas for a specific purpose, and a specific country. Its reflections on human nature and society arose from immediate, practical concerns and were advanced modestly and even tentatively.134

Tocqueville does not consider the belief in perfectibility to be a modern one. It is in man’s very character: man resembles animals in almost all points, but ‘one feature is peculiar to him alone: he perfects himself.’ Man discovered this difference very early on. ‘The idea of perfectibility is therefore as old as the world.’ While the idea of perfectibility does not owe the new phenomenon of equality its discovery, equality did give the idea ‘a new character.’135 Democracy and equality brought a decisive change with regards to perfectibility. Aristocratic peoples do not deny the idea of human perfectibility. However, they ‘do not judge it to be indefinite; they conceive of improvement, not change.’ They believe in betterment, but not in major change, and, while they admit ‘that humanity has made great progress and that it can make still more, they confine it in advance within certain impassable limits.’136

Democracy, David Hiley argues, is a ‘collectively critical process of consensus formation’, a process which is never complete. Therefore ‘uncertainty and

135 Alexis de Tocqueville, *DIA II* 1.8, 427.
doubt constitute the epistemic field, so to speak, of democratic citizenship.\textsuperscript{137} According to Tocqueville, however, it is in democracies – where self-doubt is a prerequisite – that belief in perfectibility really takes flight. Certainly, failures remind the democratic citizen that they are not infallible and that they have not yet attained the absolute good. But the old, aristocratic limitations disappear and ‘the image of an ideal and always fugitive perfection is presented to the human mind.’\textsuperscript{138}

**The Gamble of Rationalism**

Oakeshott examines a variant of the belief in perfectibility in another interpretation of the myth of the Tower of Babel in a second essay of the same title. In this retelling he sees the building of the tower as a figure for the ‘impious and unavoidable’ activity of ‘finding a short cut to heaven’ and ‘the pursuit of perfection as the crow flies.’\textsuperscript{139} The penalties of these activities are impiety (‘the anger of the gods and social isolation’) and its rewards are that of having aimed at and attempted perfection, rather than any actual attainment (for such perfection lies beyond man). ‘It is an activity, therefore, suitable for individuals, but not for societies.’\textsuperscript{140} In other words, ‘human life is a gamble; but while the individual must be allowed to bet according to his inclination....society should always back the field.’\textsuperscript{141}

Useful at this juncture are the two conceptions of the moral life that Oakeshott identifies. The first sees morality as ‘a habit of affection and behaviour’ and is distinguished from the second by being a reaction to the ‘current situations of normal life...not by consciously applying to ourselves a rule of behaviour, nor by


\textsuperscript{138} Alexis de Tocqueville, *DIT* II 1.8, 427.

\textsuperscript{139} Michael Oakeshott, ‘Tower of Babel’ in *RP*, 465-466.

\textsuperscript{140} Ibid. 466.

\textsuperscript{141} Ibid.
conduct recognized as the expression of a moral idea, but by acting in accordance with a certain habit of behaviour.142 This form of moral activity can be said to be humble – it is the product, not of lofty ideas, on ‘rules or precepts learned by heart and subsequently practised’, but rather of actually ‘living with people who habitually behave in a certain manner’.143 From the point of view of both the individual and society, this form or morality has the advantage of giving great stability to the moral life: ‘it is not in its nature to countenance large or sudden changes in the kinds of behaviour it desiderates.’144 It is elastic, and the changes it undergoes are organic: ‘...habits of moral conduct show no revolutionary changes because they are never at rest.’145 Oakeshott does warn though that a moral life comprising only of unconscious habit has danger of degenerating into superstition.146

The second form of the moral life involves the ‘reflective application of a moral criterion’ whose ‘distinctive virtue is to be subjecting behaviour to a continuous corrective analysis and criticism.’147 One consequence of this form of morality is that ‘when the guide to conduct is a moral ideal we are never suffered to escape from perfection. Constantly, indeed on all occasions, society is called upon to seek virtue as the crow flies.’148 Oakeshott cautions us of the dangers of such an attitude. A morality of ideals attains stability through inelasticity: a moral life based on moral ideals has great capacity to withstand change, but once the resistance is broken down, ‘what takes place is not change but revolution – rejection and replacement.’149 This makes a moral life based on ideals ‘dangerous in an individual

142 Ibid. 467.
143 Ibid. 468.
144 Ibid.470.
145 Ibid.471.
146 Ibid.
147 Ibid.472, 474.
148 Ibid.475.
149 Ibid.476.
and disastrous in a society. For an individual it is a gamble which may have its
rewards when undertaken within the limits of a society which is not itself engaged in
the gamble; for a society it is a mere folly.‘\(^{150}\)

Oakeshott believes that Rationalism, which can be associated with this
second form of morality, became the dominant ‘intellectual fashion’ of post-
Renaissance Europe. ‘By one road or another, by conviction, by its supposed
inevitability, by its alleged success, or even quite unreflectively, almost all politics
today have become Rationalist or near-Rationalist.’\(^{151}\) This ‘surrender’ to
Rationalism is almost all-encompassing and the entire attitude of mind of European
politics has become rationalistic.\(^{152}\) The Rationalist (an ideal type) never doubts the
power of his ‘reason’ – a reason he believes is common to all mankind - when
properly applied, to judge the worth of a thing, the truth of an opinion and the
propriety of an action. Despite his belief in the universality of ‘reason’ however, he
is an individualist, finding it difficult to accept that anyone who can think honestly
and clearly will think differently from himself.\(^{153}\) He has no sense of the cumulation
of experience: experience is useful to him only once it has been conceived as a
formula, a set of principles that must stand the test of ‘reason’.\(^{154}\) In the realm of
politics much of rationalist political activity takes the form of ‘subjecting the social,
political, legal and institutional inheritance of his society before the tribunal of his
intellect; the rest is rational administration.’\(^{155}\)

The belief in the availability of a ‘rational’ solution also makes the
Rationalist a perfectionist: ‘the “rational” solution for any problem is, in its nature,

\(^{150}\) Ibid.476-7.
\(^{151}\) Ibid.25-26.
\(^{152}\) Ibid.6.
\(^{153}\) Ibid.
\(^{154}\) Ibid.
\(^{155}\) Ibid.


the perfect solution.’ This leads to a refusal to accept the messiness of settling for the ‘best solution in the circumstances’ because ‘the function of reason is precisely to surmount circumstances.’ Moreover, since there is available only one best solution – one best form of government, of societal relationship – one can come to expect uniformity among rational beings regarding these issues.\(^\text{156}\) Oakeshott quotes William Godwin in this regard: ‘There must in the nature of things be one best form of government which all intellects, sufficiently roused from the slumber of savage ignorance, will be irresistibly incited to approve.’\(^\text{157}\) While more modest Rationalists might not be so bold as to make such extreme general statements, they do hold to this principle, at least in the particulars. In fact even the resistance to this politics of rational planning itself bears the marks of Rationalism. ‘It seems that now, in order to participate in politics and expect a hearing, it is necessary to have, in the strict sense, a doctrine; not to have a doctrine appears frivolous, even disreputable.’\(^\text{158}\) This provides another explanation as to why Oakeshott was not a proponent of party political platforms.

Rationalism was involved in the great drama of Tocqueville’s era too: the French Revolution. Examining the social and political factors that led to the French Revolution, Tocqueville notices differences in the intellectual atmospheres of Britain and France. Unlike British men of letters, the literary-minded in France kept steadily aloof from the political arena. ‘Nevertheless, they did not (like most of their German contemporaries) resolutely turn their backs on politics and retire to a world apart, of belles lettres and pure philosophy.’ On the contrary, they took a very keen interest in

\(^{156}\) Ibid. 10.  
\(^{157}\) Ibid. 10.  
\(^{158}\) Ibid. 26-27.
politics. The political programmes advocated by these eighteenth-century French thinkers had a common source: ‘the belief that what was wanted was to replace the complex of traditional customs governing the social order of the day by simple, elementary rules deriving from the exercise of the human reason and natural law.’

The French Revolution was nothing less than a moral revolution, a total revolution of sentiment and sensibility penetrating into every aspect of life. Himmelfarb, like Tocqueville, traces this characteristic of the French Enlightenment back to the intellectuals of the time – the *philosophes*. What was so unique about the *philosophes* was not just their penchant for abstract principles but the particular principle that they based their ideas upon: Reason. That word, Himmelfarb says, is repeated constantly and in the most varied of contexts, serving ‘as a mantra, a token of good faith and right-mindedness.’ Tocqueville speaks (in a unimpressed tone that is strongly echoed in the voice of Oakeshott when he writes about Rationalism) about a ‘fondness for broad generalizations, cut-and-dried legislative systems, and a pedantic symmetry:...contempt for hard facts...taste for reshaping institutions on novel, ingenious, original lines...desire to reconstruct the entire constitution according to the rules of logic and a preconceived system instead of trying to rectify its faulty parts.’ The result, he concludes, ‘was nothing short of disastrous’.

Tocqueville believes that the societal conditions of the time were such that a rationalist outlook on government was not surprising. The thinkers of the eighteenth

---


163 Alexis de Tocqueville, *OR*, 147.
century looked around them and the absurdity and injustice of the existing order, ‘so many ridiculous, ramshackle institutions, survivals of an earlier age’ which had not evolved with changing circumstances that ‘it was natural enough that thinkers of the day should come to loathe everything that savoured of the past and should desire to remould society on entirely new lines, traced by each thinker in the sole light of reason.’

Society had failed to, and perhaps had forgotten how to, change within a tradition, how to patch up, reform and repair social institutions. Arising from such a milieu were the rationalist men of letters who could not recognize change and improvement unless it was self-consciously induced change that sought to destroy and remake rather than reform. This is the error that Oakeshott identifies among Rationalists: that of identifying the customary and the traditional with the changeless.

‘There is, of course, no question either of retaining or improving such a tradition, for both these involve an attitude of submission. It must be destroyed. And to fill its place the Rationalist puts something of his own making – an ideology, the formalized abridgement of the supposed substratus of rational truth contained in the tradition.’

Tocqueville mentions that this train of thought was not something completely new: ‘it had haunted men’s imaginations off and on for three millennia.’ However, it was not until this period that it became accepted as a basic principle, ‘the driving force of a political passion to such an extent that general and abstract theories of the nature of human society not only became daily topics of

---

164 Ibid. 140.
166 Ibid. 8-9.
167 Alexis de Tocqueville, OR, 139.
conversation among the leisure class but fired the imagination even of women and peasants.¹⁶⁸

These men of letters who were ‘without wealth, social eminence, responsibilities, or official status, became in practice the leading politicians of the age’. While others held the reins of government ‘they alone spoke with accents of authority.’¹⁶⁹ Thus, in France there developed a group of powerful intellectuals whose influence in politics exceeded that of the professional politicians.

‘One of these carried on the actual administration while the other set forth abstract principles on which good government should, they said, be based; one took the routine measures appropriate to the needs of the moment, the other propounded general laws without a thought for their practical application; one group shaped the course of public affairs, the other that of public opinion.’¹⁷⁰

Both Oakeshott and Tocqueville hint at the same cause for this change. Oakeshott identifies in Rationalism the belief in the sovereignty of technique to the detriment of any concern for practice. Rationalism, Oakeshott says ‘is the assertion that, properly speaking, there is no knowledge that is not technical knowledge’ able to be written down in the form of a manual containing rules, principles, directions and so on.¹⁷¹ Practical knowledge, denied by Rationalists, is the knowledge that exists only in use; it cannot be formulated in rules. Oakeshott then homes in on the reason why technical politics was received with such open arms: it was related to the replacement of well-established hereditary ruling families with ‘new’ princes, men like the Medici who came to rule without a tradition of statecraft or family

¹⁶⁸ Ibid.
¹⁶⁹ Ibid. 139-140
¹⁷⁰ Ibid. 145-146.
experience. ‘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....a technique for the ruler who had no tradition.’\textsuperscript{172} And just like the new \textit{prince} needed a book to teach him politics, so did the new and politically inexperienced social \textit{classes} which gained political authority over the subsequent centuries. ‘None of these classes had time to acquire a political education before it came to power; each needed a crib, a political doctrine, to take the place of a habit of political behaviour.’\textsuperscript{173}

This is exactly how Tocqueville diagnoses it as well. The eighteenth-century French were a people who had forgotten the habits of political behaviour. ‘If the French people had still played an active part in politics (through the Estates-General) or even if they had merely continued to concern themselves with the day-to-day administration of affairs through the provincial assemblies, we may be sure that they would not have let themselves be carried away so easily by the ideas of the writers of the day; \textit{any experience, however slight, of public affairs would have made them wary of accepting the opinions of mere theoreticians}.’\textsuperscript{174} The French aristocracy had lost its power and its prestige as a shaper of public opinion and were under pressure from the Crown who mistakenly identified it as its greatest threat. The French nation as a whole had been excluded from the conduct of its own affairs and thus lacking in political experience were unable to reform their ancient institutions. One important argument contained in \textit{Old Regime} is that this Rationalism directly contributed to the undermining of the entire French political system and precipitated the Revolution.

\textsuperscript{172} Ibid. 29-30.  
\textsuperscript{173} Ibid. 30.  
\textsuperscript{174} Ibid. 141. Emphasis mine. See also \textit{Ibid.} 147.
Untamed History: the problem of unintended consequences

Tocqueville rarely states it in so many words, but the myth of the Tower of Babel plays itself out in the events of his own time as well. The tragedy (or the greater tragedy) is this: intellectuals may be able to set historical processes in motion, but eventually no man is able to control the forces of history. What occurs is an avalanche – caused by a group of men, with beginnings that looked very much within their control. In the case of the French Revolution, this capriciousness played itself out in a very short period of time. The most striking lesson from Old Regime is that grand schemes can – and often will – fail. There was extreme centralization before the storming of the Bastille, and, once the dust from the revolution had settled, there was even more extreme administrative centralization, just under another group government, supposedly for the cause of liberté. This was obviously not what the large majority of revolutionaries risked their lives for.

This inability to control the events we help unleash is why great change is worrisome to Tocqueville. The events that were carrying the ‘Christian peoples of our day’ were already too strong to be suspended; skill and effort (and caution) must be exerted in directing (rather than controlling) them. Tocqueville’s vision of his contemporaries’ reaction to the onward surge of history is stark: ‘placed in the middle of a rapid river, we obstinately fix our eyes on some debris that we still perceive on the bank, while the current carries us away and takes us backwards toward the abyss.’ Here there is a criticism of the reactionaries of his time, but it also paints a bleak picture of ‘progress’. ‘The abyss is a metaphor of loss meant for Frenchmen, a reminder of the destructiveness set in motion by the Great Revolution....The image of being carried “backward” was a discordant one to an age

175 Alexis de Tocqueville, DIA, Introduction, 7.
accustomed to rhapsodize progress.\textsuperscript{176} Probably as a result of what happened in France, Tocqueville does not give the American Revolution a central causal role in the success of the American experiment.

The same pattern of events repeated itself several times in the centuries that followed. The communist revolutions themselves, and the various grand projects devised by the leaders of the U.S.S.R. and China, for example, should have taught the world this lesson the hard way. The Great Leap Forward for example should have driven home the message of the futility and misery that can accompany such schemes of ‘progress’. However despite, or perhaps because of, the immensity of these social cataclysms, they have done little to dampen our optimism about less epic, but essentially similar, adventures. An unquestioning faith in progress still lingers in politics – a faith which is ready to topple institutions and tolerate great concentrations of power in the state for the sake of fashioning laws, and society, along the ideals of ‘reason’ and ‘progress’. The Neoconservative movement, with its belief that ideals like democracy can be transplanted to the far corners of the globe, through the use of arms if necessary, or through coercive economic policies, and even through the use of aid regimens, displays this mode of thinking. The unpredictability of the fruits of such utopian endeavours is evidenced in the descent of countries like Iraq into nightmarish sectarian bloodshed. A similar vision drives the project of European integration, when one considers the instances of great democratic deficit and the vast and confidently-made institutional plans, the current unravelling of which is met with calls for even greater centralization and integration.

While Tocqueville felt assured that dangerous administrative centralization was absent from the US of his time\textsuperscript{177}, Sheldon Wolin, in \textit{Democracy Incorporated},

argues that the country has been undergoing a subtle but perilous transformation: it is becoming a ‘managed democracy’. Totalitarianism, according to Wolin, can develop in forms that are not exhaustively represented by its most extreme mutations: Nazi Germany and Stalinist Russia. ‘Inverted totalitarianism’, unlike classical totalitarianism, has developed not through the imposition of an individual will or the elimination of opposition in a failed democracy, but through changes, especially in the economy, of a strong democracy, ‘that promoted integration, rationalization, concentrated wealth, and a faith that virtually any problem – from health care to political crises, even faith itself – could be managed, that is subjected to control, predictability, and cost-effectiveness in the delivery of the product.’ While this phenomenon, which seems to be an equivalent to ‘corporatism’, shares with other forms of totalitarianism an aspiration towards unlimited power and expansionism, its workings are very different from classical totalitarianism. Such an ‘inversion’ is present, Wolin says, ‘when a system, such as a democracy, produces a number of significant actions ordinarily associated with its antithesis’. As an example Wolin give the instance of an elected leader ordering imprisonments without trials and sanctioning torture while at the same time talking – and even instructing – the nation and the world about the sanctity of the rule of law. Writing during the presidency of George W. Bush, Wolin focuses his criticism on the Republican Party (they come across as zealous and radical anti-democrats while the Democrats are portrayed as timid centrists). Unsurprisingly, the actions Obama administration have proven to be just as worrisome. Take for example the news that

177 Alexis de Tocqueville, DIA.1 2.8. 250.
179 Ibid. 47.
180 Ibid. 46.
181 Ibid., 204-206.
President Obama ‘has placed himself at the helm of a top secret “nominations” process to designate terrorists for kill or capture, of which the capture part has become largely theoretical’ while refusing to allow judicial review or even revealing what the process of authorizing assassinations involved.\(^{182}\) Even more disconcerting is one instance of the twisting of vocabulary involved in this process: the number of civilian causalities was not significantly high because of the strange method that is used to count civilian casualties. All military-age males in the strike zone are by default counted as *combatants* ‘unless there is explicit intelligence posthumously proving them innocent.’\(^{183}\) What underlies such great acquisition of power Wolin calls ‘the Utopian theory of Superpower’, a utopianism that has come to the forefront during the so-called ‘struggle against global terrorism.’\(^{184}\) In summary, the management of democracy and the utopian idea of Superpower have lead to an ‘inverted totalitarianism’ that is as totalising as classical totalitarianism, but not as obvious because it is based on political disengagement (as opposed to the excessive politicisation of classical totalitarianism), the weakening of most political institutions and the strengthening of corporate and commercial institutions. This is the ‘politics of faith’ that Oakeshott describes and which will be discussed in detail later.

\(^{184}\) Sheldon S. Wolin, *Democracy Incorporated* (2008), 82.
Free Will and Liberty

European integration was first formulated as an antidote to war and has since expanded and united to form a normative and political entity. The EU’S centralizing treaties and regulations are aimed at upholding these norms and deepening the bonds of friendship and common action among the member states. The US government claims that a strong executive is necessary to combat global terrorism and sees its foreign policy as promoting ‘freedom, democracy, and free enterprise’ around the world.\(^{185}\) Benign, or even meritorious, aims surely? Then what exactly is the argument against these developments?

Human beings can be ridiculous, vain, prideful and violent; but this should not make us lose sight of humankind’s dignity. Without an awareness of what makes us unique, what dignity we share, scepticism could justify pragmatism, realism and even accommodate naked power politics. Though his great work is titled *Democracy in America*, human dignity and liberty, and not specifically democracy, were Tocqueville’s own great passion.\(^{186}\) However, it is Oakeshott who has the more systematic philosophical exposition of human dignity and its relationship with liberty, so he will provide the framework for this discussion on free will and liberty.

Human conduct – as opposed to animal *behaviour* – is never an absolute response to stimuli, it is not based only on instinct, inheritance, the external environment, or the events of one’s life (one’s ‘history’). Human conduct has an ingredient that makes the human person unique: he possesses an understanding of his

---


actions and responses that is based on a reflective consciousness and is therefore not wholly dependent on externalities.

‘[I]n virtue of an agent being a reflective consciousness, his actions and utterances are the outcomes of what he understands his situation to be, and this understanding cannot be “reduced” to a component of a genetic, a biochemical, a psychological or any other process, or to a consequence of a causal condition.’\textsuperscript{187}

This human trait is what makes man a free agent. This ‘formal detachment from conditions which is intrinsic to agency’ is what it means to say that human beings have free will.\textsuperscript{188}

Now this is different to another quality which is often called ‘freedom’: self-determination or autonomy. The ‘“freedom” inherent in agency’ is, as the word ‘inherent’ suggests, not something that he has to strive for, that he can be denied. Even with a gun pointed at his head, a person can freely choose not to comply with the demands of his armed assailant. Certainly, such a refusal could prove to be extremely costly, but the point is, no amount of power disparity can rob a human being of his free will. The reasons against refusing might be extremely compelling, but they are not absolute. In principle, an agent can resist these reasons.\textsuperscript{189} Of course the threatened person can comply, and, under duress, act absolutely contrary to his wishes. Here, what he has lost is his autonomy, or what Tocqueville calls ‘liberty’. But he is still free. A person is therefore ‘not “free” because he is able (or because he believes himself to be able) to “will” what he shall do or say; he is “free” because his response to his situation...is the outcome of an intelligent engagement.’ It is this

\textsuperscript{187} Michael Oakeshott, \textit{OHC}, 38.

\textsuperscript{188} \textit{Ibid.} 36

\textsuperscript{189} Terry Nardin, \textit{The Philosophy of Michael Oakeshott} (University Park: Pennsylvania State University Press, 2001), 74.

For a detailed inquiry into Oakeshott’s understanding of human agency see \textit{Ibid.} 69-79.
‘intelligence in doing’ that we call ‘free will’ – which we attribute to man, but deny to all other creatures or phenomena.\textsuperscript{190}

This free will is something man cannot divest himself of: it is an ‘unsought and inescapable “freedom” which in some respects [humans] are ill-equipped to exercise.’\textsuperscript{191} However, European civilization (which Oakeshott and Tocqueville are concerned with) also displays a character that is, in a way, open to this fate. It recognizes in free will ‘the emblem of human dignity’ and ‘a condition for each individual to cultivate, to make the most of, and to enjoy as an opportunity rather than suffer as a burden.’\textsuperscript{192} This is the character that prizes self-determination and personal autonomy. Oakeshott clarifies that treasuring such autonomy does not imply a surrender to the subjective will, the seeking of a state of indulgence or the canonization of ‘conscience’. Neither is it the worship of conformity or the desire to be different at all costs. It does not advocate a belief in unconditional choices or an indifference to moral or prudential practices or the disposition to follow only self-made rules.\textsuperscript{193} In fact, the last qualities especially remind us of the Rationalist disposition which Oakeshott is so critical of. Finally personal autonomy does not imply lone action; it does not preclude individuals coming together to form associations of common purpose. As we shall see in the next chapter, what is necessary is that these associations be voluntary. Oakeshott identifies the rise of this character as a defining moment in the history of modern Europe. This ‘experience of individuality’ had an overwhelming impact on Europe, the modern European state, and modern western political theory.\textsuperscript{194}

\begin{flushright}
\textsuperscript{190} Michael Oakeshott, \textit{OHC}, 39.
\textsuperscript{191} Ibid. 236.
\textsuperscript{192} Ibid.
\textsuperscript{193} Ibid. 236-237.
\end{flushright}
Oakeshott sees the classic expression of this character of individuality or self-determination in Montaigne’s Essays: ‘a reading of the human condition in which a man’s life is understood as an adventure in personal self-enactment.’\textsuperscript{195} In Montaigne’s writing there is no expectation for the salvation of the human race through politics, redemption through technology, or the discovery of ‘the truth’, ‘there was only a prompting not to be dismayed at our own imperfections’ and a belief ‘that is it something almost divine for a man to know how to belong to himself’ and to live by that understanding.’ Memorably, Oakeshott calls Montaigne ‘Augustine come again to confound both Gnostics and Pelagians’: those who claim the existence of hidden, redemptive ‘sciences’ and those who entertain unalloyed optimism about man’s ability to escape his current lot – to save himself.\textsuperscript{196} Oakeshott also saw this character in the understanding of the state displayed by the authors of the American Declaration of Independence, the authors of the Federalists papers, the framers of the Constitutions, and tellingly, in the writings of Alexis de Tocqueville.\textsuperscript{197}

Oakeshott and Tocqueville, as we by now understand, are sceptical about reason and progress, and eschew grand social and political projects. Because they are aware of man’s dignity as a free agent with self-understanding, but who are also aware that ‘the half of this self-understanding is in knowing its own limits’\textsuperscript{198}, they defend a traditional, conservative, outlook on politics. Politics which focuses on the ‘social’ and which is concerned with engineering and moulding society through the use of technology is dangerous for two reasons: firstly we are incapable of achieving these grand projects, secondly, attempting such projects often tempt us to ignore or

\textsuperscript{195} Michael Oakeshott, \textit{OHC}, .240-241.
\textsuperscript{196} \textit{Ibid.}241.
\textsuperscript{197} \textit{Ibid.}244.
\textsuperscript{198} \textit{Ibid.}237.
discount the importance of the freedom which gives us our dignity. The remainder of this thesis will discuss how Oakeshott’s and Tocqueville’s sceptical conservatism and, is reflected in their understanding of the state and politics. In Chapter Three we will discuss how the vital insight of man’s contingent, yet free, character affects our understanding of liberty and citizenship. In Chapter Four we look at why this insight should leave us sceptical about certain claims made by modern politics, and our attempts to predict human actions and prove the ‘best’ way of achieving happiness.
THREE

THE STATE AND ITS PROPER LIMITS

Michael Oakeshott and Alexis de Tocqueville display a degree of scepticism and pessimism regarding the human character but also staunchly uphold the freedom that gives humankind its unique dignity. One aspect without the other would lead to an imbalanced view of man. Since even in its most humble and ‘limited’ form, the state is usually a ubiquitous object, its influence on the interaction between liberty and human dignity is large.

Pessimism about human character might lead to two extreme views on the role and necessity of the state. On one extreme is the view that the remedy is a strong, authoritarian state. Men do not know what they want or what is good for them. The state must decide for them. This is often not said so blatantly, but it is an attitude that is exposed in many speeches and action of state leaders, especially those in regimes that style themselves as ‘benevolent dictatorships’. The other extreme is to take a very grudging view of the state. After all, if human character is corruptible, it certainly isn’t wise to entrust a small group of people with great power. Oakeshott and Tocqueville avoid both extremes. The state has a valued, legitimate and limited place on which both society and the individual depend.

Oakeshott says that much intellectual effort has been devoted to answering the question of who should make up the state. He wished, however, to consider the other vital question: deciding on what a state could or could not legitimately do; state action rather than state composition. Tocqueville’s writing has a similar purpose. The question of who governs was the preeminent point of contention in both the

199 Michael Oakeshott, PFPS, 3.
French and American Revolutions (though the rights and duties of the state also figured in the writing and thought of the time – the slogan ‘no taxation without representation’, for example, might be interpreted as a statement on what the state can legitimately do). The French revolutionaries assumed that once the difficult problem of who governs is solved, the miseries that besought society could be avoided. This was a strong assumption among the Marxist revolutionaries too. With the coming of powerful technology (and also the receding of religion from the public square), one forgets one’s inabilitys – what constrains us is the state and our technological progress. The important question becomes ‘who governs?’ and once that’s answered (‘the people’): ‘what can government do to solve our problems?’ Tocqueville, however, realised that answering the ‘who governs’ question was not enough. No matter who governs, the state apparatus, and the people who operate it, overreach and encroach into areas in which they had no business entering.

**The Development of the Modern State**

The desire for power and control has been with man from his earliest days – at least that is what the myths of our civilization tell us. Rulers have always sought greater control, but, for most of our history, they have rarely had the physical capacity (the *potentia*) to maintain widespread and in depth control of their realm. Medieval European realms thus had no single centralized authority.200 This, however, would change and with improvements in technology, state capacity has increased. Concurrently, there also occurred changes to existing views on authority affected and understanding of the role of the state. The authority of medieval European monarchs was limited because they had ‘partners’ who shared some of the

---

authority. Parliaments and aristocrats within their territories and the Roman pontiff’s international authority (which was manifest within their realms in the independence of the local church and the ecclesiastical courts) denied medieval monarchs the sole authority that they sought. The sixteenth century saw these monarchs ‘extinguish’ their partners and appropriate their authority and divest ‘themselves of all obligations to hitherto superior authorities.’ Eliminating competing claimants like the nobles and parliaments at home and the emperor abroad were all part of this move, but ‘by far the most important source of the increased authority of the rulers of modern Europe came from their acquisition of the authority (and often of the property) of the church.’

The State as a Product of History

One term that is ubiquitous in a discussion on the features of a modern state is ‘sovereignty’. Oakeshott defines sovereignty as the recognition of a sole law-making authority when its authority to make law is not believed to be restrained by another superior power and when there is no law within that particular society which the government may not repeal or amend. Sovereignty became seen as catering to the ‘felt needs’ of the state’s subjects. This is odd, Oakeshott tells us, because the law, when it was not so malleable, has traditionally been seen as the ‘private man’s most cherished protection against the actions of a powerful government.’ And yet, the ‘dangerous adventure of handing over to government the unlimited authority to make and to repeal law’ has been pursued by every state in modern Europe. What would motivate this openness to powerful government? Oakeshott believes that the

\[\text{201 Ibid. 381.}\]
\[\text{202 Ibid.382.}\]
\[\text{203 Ibid.386}\]
\[\text{204 Ibid.387}\]
people of Europe looked to their rulers for release from hindrances put forth by the traditional legal institutions of their time: the old rights and duties – sacrosanct and difficult to alter – hampered the modern enterprises of profit and happiness.  

Right from the outset, however, it began to be clear that such ‘sovereign’ law-making authority was dangerous to all subjects alike – even to those who benefitted from the felling of traditional limitations and hindrances – and there emerged the desire to place limits on sovereignty. The problem, however, is that sovereignty, by definition, cannot be limited. A state’s actual, physical power (potentia) is never absolute, but a sovereign’s legal authority (potestas) is unlimited. In modern times, then, we face the ‘relatively new situation of rulers who may have much more power than they have authority, and rulers disposed to live up to the extent of their power and even to confuse their power with their authority.’ Finally the state can to more than it ought to.

The question ‘What should government do?’ therefore is a very important one and exploring a couple of related questions – What is a state? and What does it mean to rule? is helpful in furnishing an answer. In his Lectures in the History of Political Thought Oakeshott identifies three metaphors for the state while in On Human Conduct he famously elaborates on the two ways of understanding the state as an association of human beings. The two categorizations are not unrelated.

In his lectures, Oakeshott points to three ways in which the state has been, and still is, understood: the state as a natural community; as an artificial association; and as a fitting neither the natural nor the artificial categories, but sharing features of

205 Ibid.
206 Ibid.388
207 Ibid.399.
both – which Oakeshott calls a ‘historic bond’.\textsuperscript{208} An understanding of the state as a natural community takes the form of several organic analogies: the human body, a colony of ants, or a family.\textsuperscript{209} In modern times, however, by far the most important analogy is the state as identified as a ‘nation’ – a collectivity larger than a family, but distinguished from other groups in terms of language, a ‘common blood’, a religion, or some other common and exclusive character.\textsuperscript{210} This was a powerful notion and has influenced much of political thought and more of political practice.

The second understanding of the state was as a creation of members joined together by artificial bonds – an ‘association’.\textsuperscript{211} This version was powerful because of the obviously unnatural beginnings of most modern states but also implied ‘that each individual human being was a “natural” unity and had no “natural” ties with any other human being.’\textsuperscript{212} We have two analogies of the state as an artificial association that spring from these two historical changes: the joint-stock company and the religious sect. Both were reflected in works of political theory, the former in the writings of Bacon and the latter in that of Calvin, for example.

The third category is ‘more difficult to describe, but not less important.’\textsuperscript{213} This view breaks with the assumption that everything in the world must be either ‘natural’ or ‘artificial’.\textsuperscript{214} The state is seen as not entirely natural because ‘nature’, as we have discussed in the last chapter, implies ‘necessity’, while the ‘world of “history” is the world of things which are contingent, and might have been other than they are.’\textsuperscript{215} Likewise, the state is seen as not entirely artificial because an

\textsuperscript{208} Ibid. 404
\textsuperscript{209} Ibid. 405-407.
\textsuperscript{210} Ibid. 407-408.
\textsuperscript{211} Ibid. 414.
\textsuperscript{212} Ibid. 415.
\textsuperscript{213} Ibid. 421.
\textsuperscript{214} Ibid. 421.
\textsuperscript{215} Ibid. 421.
artefact is ‘designed and made to serve some specific and premeditated purpose.’ Something ‘historical’, however, though a product of human choices, is not designed in this way. The state is therefore not a collection of people bound by common blood nor is it a joint-stock company. Instead, ‘it is forged by time and circumstance’ and ‘the memory of shared experiences.’\textsuperscript{216} Burke’s writing shows intimations of this historical understanding when he, after grappling with the fact that while the state was never ‘made’ in any contract or specific agreement it still was more artificial than natural. He concludes that the state is ‘a compact of all the ages’.\textsuperscript{217} It is a compact, however, that nobody expressly signed. Oakeshott offers the analogy of a language or a landscape to help illustrate this understanding of a state: ‘a blend of “nature” and “art”, a blend of the “necessary” and the “chosen”, of the “given” and the “made”, in which the “given” and the “made” are indistinguishable.’\textsuperscript{218} The state, like a landscape, is also both stable and malleable at the same time. Though he doesn’t discuss it further here, one can imagine that Oakeshott has in mind the type of malleability that he attributes to tradition in \textit{Political Education}.\textsuperscript{219}

This vision of the state provides a mean between the two extreme attitudes towards the state mentioned at the opening of this chapter. It requires neither mere acceptance, since the state is contingent and can be changed according to our designs, nor rejection, since, being a product of our history, it is part of us and cannot be avoided.\textsuperscript{220}

‘A “state” understood in terms of this analogy is neither a god to be worshiped nor a formless chaos to be merely endured. It is something for which we are conditionally responsible. And it suggests that the

\textsuperscript{216} Ibid.421.
\textsuperscript{217} Ibid.424.
\textsuperscript{218} Ibid.424.
\textsuperscript{219} See below, pp. 95-96.
\textsuperscript{220} Ibid.424-425.
relations between its members are neither the relations of “natural” and “necessary” ties, nor the relations of partners in pursuit of the achievement of specific and chosen utilities, but the relations of those who share a common experience.\textsuperscript{221}

Tocqueville’s understanding of the state can also be said to be ‘historical’ in this sense. Three ‘causes’ contribute to the democratic institutions of the United States: the particular and accidental situation into which Providence had placed the Americans (in other words, natural circumstances), their laws, and their ‘habits and mores’\textsuperscript{222}. The latter he defines as the ‘habits of the heart’, but also the current opinions and the ‘sum of ideas of which the habits of the mind are formed’.\textsuperscript{223} The three causes are not equally influential, however. Certainly the Americans found themselves in a favourable situation – part of which Tocqueville attributes to Providence, and part to the special ‘point of departure’ which the founders made from the histories of their European forebears. However, the laws that the Americans had devised played a more important role in determining the character of American democracy. A comparative analysis of the United States and other colonies of the New World reveals that physical causes in themselves ‘do not influence the destiny of nations as much as one supposes’ and that it is the laws and mores of the Americans that ‘form the special reason for their greatness’.\textsuperscript{224}

Between the laws and the mores though, Tocqueville places greater importance upon the latter. He makes comparisons within the Anglo-Americans themselves and notes that, while the laws are uniform, habits are not, and where democratic government has a longer history, certain favourable habits have

\textsuperscript{221} Ibid. 425.
\textsuperscript{222} Alexis de Tocqueville, DIA I 2.9, 265.
\textsuperscript{223} Ibid. I 2.9, 275.
\textsuperscript{224} Ibid. I 2.9, 293.
developed. He concludes therefore that even ‘the happiest situation and the best laws cannot maintain a constitution despite mores, whereas the latter turn even the most unfavourable positions and the worst laws to good account.’ This, he says, is the central point of his work, ‘the end of all my ideas.’ And the principal goal of his writing is to impress on his readers the ‘importance that I attribute to the practical experience of the Americans, to their habits, their opinions – in a word, to their mores – in the maintenance of their laws.’

Mores are products of history; they comprise a tradition of thought, behaviour, opinions and ideals. A state which is understood to be formed primarily through such historical factors can hardly be result of foresight and precision. Also, mores are not the products of theory – they are the outcomes of experience, and trial and error. Oakeshott understands the history of the modern state in similar terms: the states of modern Europe evolved slowly out of a diversity of local conditions. They bear the marks of an interplay between circumstance and agency. ‘Each was the outcome of human choices, but none was the product of a design.’ It is hard to harbour delusions of grandeur when a state is properly understood as a product of human muddling. Here again is the Montaignean scepticism about human institutions. Montaigne himself defended the authority of laws themselves, while also being scathing about the origins of those laws: ‘They are often made by fools... by men, vain and irresolute authors.’

---

225 Ibid. I 2.9, 294-5.
226 Ibid. I 2.9, 295.
227 Ibid.
228 Michael Oakeshott, OHC, 184.
The State and Human Dignity

What then is the state rightly allowed to do? One answer is already implied by Oakeshott’s first set of categories: if the state is a product of historical choices, state action must not wildly veer away from the shared experience that form the bonds that unite its citizens, nor must it apply too much strain on the relationship of choice that forms its basis. In his second set in *On Human Conduct*, Oakeshott expands and clarifies the answer to this question.

We have already noted that Oakeshott and Tocqueville, though sceptical about our abilities, attribute to humankind a dignity which other creatures do not possess. Humanity is in need of caution, but does not deserve contempt. We also noted that this human dignity comes from individuals being free agents. Now, having recalled how the particular characteristics of the modern state have developed over the last centuries, let us ask the question: how must a state be constituted such that it does not impose grievous obstacles upon individual free will, where man’s free will may be enacted (in the form of self-determination and autonomy) with the least cost?

Oakeshott identifies three distinctive features that the modern state acquired right from its emergence and has never lost since: an office of authority, an apparatus of power, and a mode of association. He considers the third feature in great depth and develops two categories – ‘civil’ and ‘enterprise’ – to explain the state as a human association. His understanding of the state as a civil association was his attempt to explain how a state could be constituted so as to respect human agency.

---

The Enterprise State

In a state that is understood as an enterprise, human beings are related to one another in terms of the joint pursuit of some recognized substantive purpose, a common enterprise. The office of authority is recognized as the custodian and director of this common goal. In other words, in a state that is modelled after such an association, the many become one, united in a common goal, and in making choices that promote that goal, governed by instrumental rules that are in place precisely because they further that goal. While hard to justify historically (since the early modern state ‘was a supremely miscellaneous collection of communities’) states came to be talked about in such terms. The so-called ‘enlightened’ rulers of the eighteenth century, for example, understood themselves to be the guardians of a comprehensive ‘national interest’. These rulers took on the role of managers, harnessing their subjects’ activities and directing them in the promotion of this enterprise.

Today, whenever such words as ‘national interest’, ‘national program’, following an inspired ‘leader’, government ‘articulating the national values’, ‘defining the national goals’, ‘marshalling the national will’, or ‘transforming society’ are used to talk about the activities of the state, it is the state as a purposive association that is being articulated. Moreover, the vision of the state as an enterprise is particularly strong when the state is at war, and especially when the war is looked upon as a sort of crusade. ‘Words such as “organic”, “authoritarian”, “collectivist” and “totalitarian” are often used to describe a state thus understood. And all the old words such as “liberal”, “progressive”, “democratic”, “dictatorial” are corrupted still

---

231 Ibid. 451.
232 Ibid.
233 Ibid. 452.
further in its service’ and new words like ‘social justice’ have gained great favour in its defence.\textsuperscript{235}

Oakeshott links the popularity of the enterprise state to the rise of a character that was ‘obliquely opposed’ to the character of the individual, but was also a product of the modern era: the ‘individual manqué’: the masses left behind by tide of individuality; men who had no use for the right to ‘pursue happiness’ (which was a burden), but claimed, instead, the right to ‘\textit{enjoy} happiness’.\textsuperscript{236} To the individual manqué, the morality of individuality created around him a very hostile environment. Personal identity was burdensome to those who preferred the anonymity and familiarity of communal life. Such people sought, and found in some measure, protection in the government. ‘The “godly prince” of the Reformation and his lineal descendant, the “enlightened despot” of the eighteenth century, were political inventions for making choices for those indisposed to making choices for themselves.’\textsuperscript{237}

Tocqueville shares this explanation. In such a state, there is a ‘permanent tendency...to concentrate all governmental power in the hands of the sole power that directly represents the people one perceives no more than equal individuals confused in a common mass.’ Once the state is vested with all this governmental power, the strong tendency is for it to also try and penetrate into the minutiae of administration too.\textsuperscript{238} Tocqueville observes this in the French Revolution which exhibited a startling double character: The revolutionaries were considered the enemies of the monarchy and its institutions yet, after the fall of the monarchy, they were defenders of administrative centralization. ‘In this manner, one can remain popular and be an

\begin{itemize}
\item\textsuperscript{235} \textit{Ibid.}
\item\textsuperscript{236} Michael Oakeshott, ‘The Masses in Representative Democracy’, in \textit{RP}, 378.
\item\textsuperscript{237} \textit{Ibid.} 371.
\item\textsuperscript{238} Alexis de Tocqueville, \textit{DIA} I 1.5, 92
\end{itemize}
enemy of the rights of the people; a hidden servant of tyranny and an avowed lover of freedom.\textsuperscript{239}

Tocqueville, in seeking to clarify the word ‘centralization’, distinguishes between two distinct forms of centralization: ‘governmental’ and ‘administrative’. The former involves concentrating power regarding ‘interests...common to all parts of the nation’ like ‘the formation of general laws’ and foreign policy.\textsuperscript{240} The latter relates to more local and domestic affairs.

One form of centralization without the other does not pose a significant danger to freedom. In fact, one form has its proper role in the statecraft: Tocqueville holds strong governmental centralization to be vital to the survival of a nation. Administrative centralization, however, ‘is fit only to enervate the people who submit to it, because it constantly tends to diminish the spirit of the city in them.’\textsuperscript{241} When the two are joined – when a sole body holds both preponderant administrative and governmental \textit{potestas} – that body ‘acquires an immense force’ and ‘habituates men to make a complete and continual abstraction from their wills, to obey not once and on one point, but in everything and every day.’\textsuperscript{242} In other words, what results is the destruction, not just on rare occasions but as a practice, of the free exercise of moral agency. Eventually what is seen is not just the occasional use of force, but the subduing of the individual through habit; ‘it isolates them and afterwards fastens them one by one onto the common mass.’\textsuperscript{243}

In the America of his day, Tocqueville does not find cause to be alarmed: ‘in the United States, the majority, which often has the tastes and instincts of a despot, still lacks the most perfected instruments of tyranny.’ Administrative

\textsuperscript{239}\textit{Ibid.}
\textsuperscript{240}\textit{Ibid.} I 1.5, 82.
\textsuperscript{241}\textit{Ibid.} I 1.5, 83.
\textsuperscript{242}\textit{Ibid.} I 1.5, 82-83.
\textsuperscript{243}\textit{Ibid.} I 1.5, 83.
centralization is absent in Tocqueville’s America because the majority has not ‘even conceived the desire for it’, being contended with rendering itself all-powerful in its governmental capacities. It also had not the capacity, no matter how passionate it might be about its projects, to ‘make all citizens in all places, in the same manner, at the same moment, bend to its desires.’\textsuperscript{244} He does repeat his warning though that if the two forms of centralization were combined in America along with ‘and after having regulated the great interests of the country it would descend to the limit of individual interests, freedom would soon be banished from the New World.’\textsuperscript{245}

As a result, what Tocqueville calls ‘the spirit of the court’ – an attitude of flattery and feigned approval – is much more rampant in democracies than in absolute monarchies and ‘one encounters many more people who seek to speculate about its weakness and to live at the expense of its passions than in absolute monarchies.’ He considers that this attitude leads to a ‘much more general abasement of souls’ in democracies.\textsuperscript{246} Even worse is that individuality and human dignity tend to be sacrificed for the achievement of the greater good. Tocqueville talks about seeing around him people ‘who, in the name of progress, [strive] to make man into matter.’\textsuperscript{247}

C.S. Lewis warns that even good men given charge over the ‘curing’ of people ‘would act as cruelly and unjustly as the greatest tyrants.’\textsuperscript{248} The issue is not whether the head of an enterprise association is likely to be a particularly evil individual. In fact Lewis believes that ‘good men’ might, in some respects, act even worse than the typical despot.

\textsuperscript{244} \textit{Ibid.} 1.2.8. 250.
\textsuperscript{245} \textit{Ibid.} 1.2.8. 250.
\textsuperscript{246} \textit{Ibid.} 1.2.7, 246-267.
\textsuperscript{247} \textit{Ibid.} Introduction, 11.
‘Of all tyrannies a tyranny sincerely exercised for the good of its victims may be the most oppressive. It may be better to live under robber barons than under omnipotent moral busybodies. The robber baron’s cruelty may sometimes sleep, his cupidity may at some point be satiated; but those who torment us for our own good will torment us without end for they do so with the approval of their own conscience. They may be more likely to go to Heaven yet at the same time likelier to make a Hell on earth. Their very kindness stings with intolerable insult. To be ‘cured’ against one’s will and cured of states which we may not regard as disease is to be put on a level with those who have not yet reached the age of reason or those who never will; to be classed with infants, imbeciles, and domestic animals.’

There is another, related, problem with basing the state on a chosen common goal. Let us take a hypothetical case where an entire population at one point actually did agree to a common enterprise, and decided to base their laws as well as the state’s authority on this common enterprise. There is integrity at this point: the particular persons involved in this agreement will something and are not unfairly deterred from enacting this will. Goals, however, are volatile and it is conceivable that over time an increasing number of enterprisers would find their goals diverging from and eventually contradicting the original goals of the enterprise state. The state is a non-voluntary organization and it is not feasible for an individual to leave a state to avoid being forced to act contrary to a strongly-held belief. The problem is thus not the individual tyrant: enlightened teleocrats and enterprise states,

249 Ibid. 292.
by their nature, impose severe constrains on autonomy, which, by its definition, requires individuals not being forced to act in direct opposition to moral consciences.

**The Alternative: Civil Association**

The second of Oakeshott’s two categories is the state as a civil association – a relationship of fellow citizens in terms of non-instrumental rules of conduct which, unlike the rules that define an enterprise, do not promote the achievement of a particular substantive purpose.  

These non-instrumental rules are laws properly so, and ‘specify and prescribe, not choices to be made or actions to be performed, but conditions to be subscribed to in choosing and acting’.  

To avoid such rules being confused with the various rules and rule-like instructions, instruments, and provisions that are commonly also called ‘law’ in the modern vocabulary of politics, Oakeshott calls the rules of a civil association by the Latin word ‘lex’. *Lex*, then, is the collection of ‘rules which prescribe the common responsibilities (and the counterpart “rights” to have these responsibilities fulfilled) of agents in terms of which they put by their characters as enterprises and put by all that differentiates them from one another and recognize themselves as formal equals.’

The rules of a civil association can be likened, though not perfectly, to the rules of a game. The rules of football, for instance, do not instruct players how to score a goal or how to win; they merely prescribe conditions players must abide by as they try to score goals and win. *Unlike* the rules of a game which provide individually for the kinds of actions and occasions which make up that game, or the rules of enterprise association which provide only for the particular sorts of

---

engagements that constitute the pursuit of that enterprise, the laws of civil association ‘are not imposed upon an already shaped and articulated engagement’. They

‘relate to the miscellaneous, unforeseeable choices and transactions of agents each concerned to live the life of “a man like me”, who are joined in no common purpose or engagement, who may be strangers to one another, the objects of whose loves are as various as themselves, and who may lack any but this moral allegiance to one another’.

Furthermore, although each item of lex may concern some citizens more than others, none is a command issued to any particular citizen: its prescriptions define relations common to all citizens.

Authority and Moral Agency in the Civil Associational State

Oakeshott asks an important question: how could a manifold of rules, many of unknown origin, often inconvenient, neither demanding nor capable of evoking the approval of all whom they concern, and never more than a very imperfect reflection of what are currently believed to be ‘just’ conditions of conduct, be acknowledged to be authoritative? He answers ‘that authority is the only conceivable attribute it could be indisputably acknowledged to have.’ In short such a manifold of rules can be capable of evoking the acceptance of all citizens without exception, only when understood in respect of its authority. Nothing else – not the ability to provide for wants and cater to interests, nor the acknowledgement of the successful

---

253 Ibid. 129.
254 Ibid. 128-129.
255 Ibid. 153-155.
fruits these rules might bear, nor their perceived alignment with a particular moral
theorem – suffice.

Authority, obligation, and non-instrumental rules seem severe and coercive.
‘Remote, mysterious, cold and insulated alike from consent or dissent to their
demands, clothed in pitiless majesty, they ask neither to be loved not to be
approved.’ Characterized like this, it is not hard to see why these (and not their
alternatives) are often seen as affronts to freedom. However, Oakeshott argues that
this is a caricature of authority and obligation and bears little resemblance to civil
authority or civil obligation.256

The prescriptions of civil authority indeed do not seek approval nor are they
dependent on the subjective goals of their subjects, but, on the other hand, they are
not expressions of ‘will’ and their injunctions are not merely orders to be obeyed;
their subjects are not servile role-performers. ‘[T]he distinctive quality of civil
freedom, the recognition given in *civitas* to moral agency, springs from civil
association being rule and relationship in terms of authority in contrast to the not less
genuine, but wholly different, freedom which belongs to enterprise association.’257
The freedom of a member of an enterprise association exists because his situation is
his own choice: he is pursuing an agreed common purpose and he can extricate
himself by choosing to do so. If this choice of extricating himself from his situation
once he ceases to share the common purpose is not available, the link between belief
and conduct is broken.258

The civil condition is not like this. Citizens are related solely by their
acknowledgement of the authority of prescribed conditions. These conditions do not

---

prescribe satisfactions to be sought or actions to be performed, but a moral condition to be subscribed to while the citizens pursue their own self-chosen goals. According to Oakeshott, this means that there is nothing in civil association that threatens moral agency and ‘in acknowledging civil authority, [citizens] have given no hostages to a future in which, their approvals and choices no longer being what they were, they can remain free only in an act of dissociation.’

Herein lies another advantage of the civil association. The acknowledgement of authority is not something that fluctuates a great deal; in fact, it probably solidifies over time. If rooted in tradition and changeable within such a tradition, it is not an obstacle to moral change. Goals, and purposes, however, are much more transitory. Making these the basis of a non-voluntary association sets up inevitable negative consequences both for the authority of the state and for freedom of the individual.

Is it reasonable though, given man’s nature and tendencies, to expect citizens to be satisfied with the rather aloof civil associational state? Human beings have strongly-held interests and, as we have seen above, tend to look to the state as an ally in pursuing these interests. How could one expect the state to steer clear of becoming an enterprise association? Although I will not spend much time elaborating a detailed response to this, let me at least hint at one. Oakeshott is not at all critical of enterprise associations per se. His is not a dichotomy ‘between those who value purposive association and those who do not, or between those who have a compassionate regard for their fellow men and those who have none; it concerns only the character of a state as an association of human beings.’ Its very nature as

---

259 Ibid. 158.
a nonvoluntary association does not allow the state to be a purposive association without disregarding human moral agency.

It is not from the state that moral agents should seek the fulfilment of wants. It is through enterprise associations that operate outside the state. Perhaps the most memorable lines in *Democracy in America* give us a clue as to what form this could take:

‘Americans of all ages, all conditions, all minds constantly unite. Not only do they have commercial and industrial associations in which all take part, but they also have a thousand other kinds: religious, moral, gave, futile, very general and very particular, immense and very small; Americans use associations to give fêtes, to found seminaries, to build inns, to raise churches, to distribute books, to send missionaries to the antipodes; in this manner they create hospitals, prisons, schools. Finally, it is a question of bringing to light a truth or developing a sentiment with the support of a great example, they association. Everywhere that, at the head of a new undertaking, you see the government in France and a great lord in England, count on it that you will perceive an association in the United States.’

It is this, and not the coercive apparatus of the state, that should be utilized by those who wish to ‘fix a common goal to the efforts of many men and to have get them to advance to it freely.’ And it is this associational life of the United States during his time that Tocqueville credited with helping curb both the selfishness and despotism that are the intertwined dangers of the democratic centuries.

---

261 Alexis de Tocqueville, *DIA II* 2.5, 489.
Of course, this is not an easy task. Tocqueville admits that ‘to persuade men that they ought to occupy themselves with their affairs is an arduous undertaking.’ He admits that it is difficult to awaken a sleeping people, who prefer court etiquette to less glorified work like repairing a town hall, and give it civil qualities that it lacks. He also warns us that this tendency is strongest in a democracy. In a democracy, where equality is the driving ideal, the ‘habits and presentiments’ of the people ‘predispose them to recognize such a power and to lend it a hand.’ Tocqueville notices among the democratic peoples of his time a ‘growing love for well-being’ which makes them dread material disorder.

‘Love of public tranquillity is often the sole political passion that these peoples preserve, and it becomes more active and powerful in them as all the others are weakened and die; this naturally disposes citizens constantly to give the central power new rights, or to allow it to take them; it alone seems to them to have the interest and the means to defend them from anarchy by defending itself.’

Furthermore, the envy of privilege – and ‘immortal hatred’ which is most intense among democratic peoples – ‘favours the gradual concentration of all political rights in the hands of the sole representative of the state. The sovereign, being necessarily above all citizens and uncontested, does not excite the envy of any of them, and each believes he deprives his equals of all the prerogatives he concedes to it.’ In Chapter Two we discussed how limitless, short-term wants often motivate politics. Tocqueville believes that the people of democratic societies ‘do indeed accept the general principle that the public power ought not to intervene in private affairs’, but

263 Alexis de Tocqueville, DIA I 1.5, 86.
264 Ibid.
265 Alexis de Tocqueville, DIA II 4.3, 643-644.
266 Ibid. II 4.3, 645.
267 See above, pp. 37-38.
each of these individuals desires that this public power comes to his aid in that ‘special affair that preoccupies him, and he seeks to attract the action of the government to his side, all the while wanting to shrink it for everyone else.’ When a host of citizens adopt this sort of attitude towards the state, ‘the sphere of the central power spreads insensibly on all sides though each of them wishes to restrict it.’  

Conversely, the state also finds the egalitarianism and uniformity that is so pronounced in democratic societies to their great advantage. Every central power born out of the instincts just described ‘loves equality and favours it; for equality singularly facilitates the action of such a power, extends it, and secures it.’ The central government also ‘adores uniformity’ which allows more thorough and efficient control since it dispenses of the need to cater to a wide variety of circumstances and objects. Finally, it is not just government in general that pushes for centralization and uniformity. Tocqueville also identifies the force of the ‘passions of all who lead’ the government as a contributor to centralization. Ambition drives men to extend the prerogatives of the central power in the hope of being able to direct it one day. Tocqueville betrays his pessimism about the motives of holders of public office when he says that ‘It is a waste of one’s time to want to prove to them that extreme centralization can be harmful to the state, since they centralize for themselves. Among public men of democracies there are scarcely any but very disinterested or very mediocre people who want to decentralize power. The former are rare and the latter powerless.’ Given this two-fold love for centralized government, Tocqueville concludes that in the dawning democratic era, ‘individual independence and local liberties will always be the product of art. Centralization will

---

268 Alexis de Tocqueville, DIA II 4.3, 644, footnote 1.
269 Ibid. II 4.3, 642.
270 Ibid.
271 Ibid. II 4.3, Endnote XXIV, 703.
be the natural government.\textsuperscript{272} ‘A democratic government therefore increases its prerogatives by the sole fact that it endures. Time works for it; all accidents profit it; individual passions aid it without even knowing it...’\textsuperscript{273}

Oakeshott too admits that those who prefer the state as a civil association might have a harder task defending their choice than their opponents. The civil associational state might seem cold and un-human. It certainly does not cater to man’s superficial wants and desires. It might seem convenient (especially where a politically apathetic climate prevails) to entrust to the state the making of choices regarding common goals. However, for those who recognize in the dignity of the individual person the right “to choose one’s own destinations, even if they don’t reach them”, the civil association has much to recommend it.\textsuperscript{274} It also has much to offer one who, aware of human failings, does not want to risk the placing of overweening power into the hands of a state composed of men and women capable of misjudgement, irrational behaviour (often championed under the guise of ‘Reason’) and lust for power. The civil association is no mean idea: it expects much from those who commit to it, especially in the form of restraint. Paradoxically though, it is also the attitude towards government that best suits the failings in the human character.

\textsuperscript{272} Ibid. II 4.3, 645.
\textsuperscript{273} Ibid. II 4.3, 644, footnote 1.
FOUR

WHAT IS POLITICS?

This chapter is specifically on the understanding of the activity of politics. Discussions that would fit into this chapter have been undertaken in previous chapters already, but this chapter will serve to focus attention on the sceptical understanding of politics.

Supporting a vibrant politics necessarily includes realising the nature and limits of politics. If, in zeal for improving the lot of human society, those involved in politics attempt to make politics what it is not, they cause the undermining and withering away of politics itself. The first chapter of On Human Conduct and several of his shorter works contain Michael Oakeshott’s theory of persuasion and its place in politics. In it, he rejects the tendency that turns politics into a process of proving the correctness or the desirability of particular laws, a tendency that is, nonetheless, very understandable and natural, something which he points out in Rationalism in Politics. Neither is politics the imposition of the subjective wants of one person or group of people on another.

Oakeshott understands politics (the process of arriving at the desirable content of lex) as both a private and a public action. Politics is private in that it involves an agent, or a group of agents, ‘negotiating with the holders of offices of authority’ (in most cases, legislators) for a change in lex. But politics is also uniquely public because of the very subject of negotiation. Politics in the mode of civil association is not bargaining for the satisfaction of private wants. The want

\[275\] Michael Oakeshott, OHC, 163.
under negotiation is not that the legislator should respond in a particular, wished-for, manner, nor is it that some agents should perform a certain action, but that *all* citizens should have a *civil obligation* which they do not already have. The object of politics is ‘a rule which prescribes conditions to be subscribed to by all alike in unspecifiable future performances.’ The ultimate effects of politics are, therefore, binding on all and often enforceable by coercion.

Even those who do recognize the existence of the Natural Law or those who believe in the capability of the human mind to reason out correct principles upon which society should run, must concede that there would be some individuals who did not agree with the prescriptions they derive from these beliefs. Compulsion to accept even a truth is incompatible with a belief in the dignity of the individual human person. Regardless of whether a particular moral theorem is true or false, heedless of whether a particular set of policy would or would not promote some sort of ‘general happiness’, no set of rules can be imposed on the citizens without there being a consequent loss of individual freedom.

Politics, therefore, must be ‘a deliberative and a persuasive or argumentative, not a demonstrative undertaking.’ Because of the many conflicting visions of the good, and because ‘there must always be more than one opinion about what constitutes a desirable condition of a system of *lex*, politics is a contentious process. The desirability of laws cannot be argued in terms of satisfying a want or promoting a sought-after substantive outcome. Nor can its desirability be voiced in terms of its connection with some superior norm, a moral rule, a principle of utility,

---

276 Ibid.
277 Ibid. 173.
278 Ibid. 140.
or a prescriptive Law of Reason or of Nature. And finally, a general norm of moral
count cannot be used to justify the creation of removal of parts of the law.\textsuperscript{279}

‘In short political proposals are conclusions, and whether or not they
have been significantly deliberated, they are deliberative conclusions;
and whether or not they are proposed and recommended in a
persuasive argument, the utterances in which they are made known
belong to the discourse of persuasion, not of proof.’\textsuperscript{280}

Hence, political arguments cannot be refuted but can, instead, ‘be resisted or
rebutted by arguments of the same sort which call in question its guesses, its
calculations, its prognostications, and its attributions of desirability.’\textsuperscript{281}

Since politics is a contingent activity ‘of responding to conditions of things
already recognized to be a product of choices\textsuperscript{282}, there is a ‘necessary absence of a
ready and indisputable criterion for determining the desirability of a legislative
proposal.’\textsuperscript{283} Debate and persuasion are therefore the tools of a politician. This is
mirrored in the vibrancy of the political activity in the US that left a strong
impression on Tocqueville. Nothing in the American political scene that Tocqueville
encountered was suggestive of clear-cut answers to the political issues of his day:
‘Scarcely have you descended on the soil of America when you find yourself in the
midst of a sort of tumult; a confused clamour is raised on all sides; a thousand voices
come to your ear at the same time, each of them expressing some social needs.’\textsuperscript{284}

\textsuperscript{279} Ibid. 174-175.
\textsuperscript{280} Ibid. 173, 176-177.
\textsuperscript{281} Ibid. 48.
\textsuperscript{282} Michael Oakeshott, ‘Political Discourse’ in \textit{RP}, 70.
\textsuperscript{283} Ibid. 140.
\textsuperscript{284} Alexis de Tocqueville, \textit{DIA} I, 2.6, 232.
A political situation requires a *public* response, as opposed to the private one, by ‘someone recognized to have the authority to respond to it.’\textsuperscript{285} Politics also involves deliberation or reflection. Each political situation is a ‘contingent event or complex of events, the product of human sentiments; and each requires interpretation’ and since a response is required to each situation, ‘this interpretation will be diagnostic or prognostic, not explanatory’. Deliberation is required even to identify and interpret that a political situation does indeed exist, and also in arriving at the choice of response to be made in that situation, for, given its contingent nature, its dependency on circumstance, ‘a political situation is one to which there is no *necessary* response.’\textsuperscript{286}

The particular characteristic of political deliberation is that it involves ‘political “ideologies” [which] may be considered either as vocabularies of beliefs, which invite political discourse to take certain reactions and to reach certain conclusions, or as composed of beliefs which, because of the logical status given to them, impose a certain logical design upon political discourse and impose a certain logical status upon its conclusions.’\textsuperscript{287}

Political deliberation therefore relies on ‘aids to deliberation, guesses of varying generality, made with different degrees of confidence and drawing upon evidence of varying quality, which, in deliberation, are not subjected to the test of a criterion superior to themselves but are made to criticize and illuminate one another.’\textsuperscript{288} Drawing on Aristotle, Oakeshott calls the reasoning that forms political discourse a syllogism ‘in which the major premise is a maxim and in which one at least of the

\textsuperscript{285} Ibid. 70-1.
\textsuperscript{286} Ibid. 71.
\textsuperscript{287} Ibid. 77.
\textsuperscript{288} Michael Oakeshott, *OHC*, 45.
minors may be suppressed as a matter of common knowledge or agreement. A maxim is a general statement relating to what is usually to be expected in human conduct, or to what is normally agreed to be desirable.\(^{289}\)

Now we begin to understand why politics cannot be about proving the correctness of desirability of laws. Arguments based on maxims ‘cannot be refuted by showing that their major premise is not certainly true or by showing that the conclusion is uncertain, because such arguments do not pretend to be dialectical demonstration.’ In fact, any sort of refutation is, strictly speaking, impossible. What is available in such situations therefore are ‘arguments of the same sort’, that is other maxims, other ‘vocabularies of belief’ that are more convincing to the audience involved in deliberation.\(^{290}\)

In addition, political discourse involves decisions regarding the good or harm that might be expected to follow a proposed course of action which is gauged by what promotes or impedes human happiness. However, human happiness in the context of political discourse cannot be ‘understood to be a simple, universal, unchanging condition of things, but to be composed of the complex, changing conditions of things, often circumstantially discrepant from one another, which we are usually disposed to agree to be desirable.’ Here too then, just like in the syllogistic form of argument, we encounter maxims which cannot be refuted (as they could be if human happiness were known to be a universal, unchanging condition of things). Furthermore, political discourse involves both weighing different proposals against each other regarding which proposal generates the more ‘goods’ and comparing different goods to show why certain goods should be secured at the

\(^{289}\) Ibid. 79.
\(^{290}\) Ibid. 79.
expense of others. ‘[T]he form such an argument must take is a weighing of pros and cons and conjecture about likely consequences of action.’

In On Human Conduct, Oakeshott characterizes one who engages in deliberation as ‘an agent not heedless of the future’, but also ‘not knowing for certain what the future will be as a consequence of his action’ yet believing that his response does have an effect on the outcome. Perhaps this contingency appears as a constraint, something we yearn to overcome, yet Oakeshott urges us not to think of deliberation ‘as a regrettable frustration of a demonstrative manner of thinking’. In other words, deliberation is not a corruption, a feeble relative, of demonstrative arguments. Quite the opposite: ‘It is the only kind of argument in which an agent can recommend an action to himself, and its reasons are the only kind of reasons which may legitimately be adduced for having made this rather than that choice.’

Another form of activity related to politics, going hand in hand with, but which also has its having differences from deliberation is persuasion which is ‘a recommendation to choose and to perform an action in terms of the alleged merits of its likely outcome.’ It is an ‘utterance which divulges (or at least points to) the response wished for and also moves (or at least invites) the respondent to make it.’

Persuasion, as is understood by its everyday connotation as well, is addressed towards a ‘reflective consciousness’ or a reasoning person, who can receive it ‘only in terms of believing, doubting, or disbelieving’ and has the choice of being, or not being, persuaded by the utterances to arrive at a conclusion. Persuasive argument recommends certain choices, defends the suitability or condemns the ill of choices

---

291 Ibid. 80.
292 Michael Oakeshott, OHC, 44.
293 Ibid. 44-45.
294 Ibid.46.
295 Ibid.
296 Ibid. 47.
already made. Oakeshott summarizes it pithily: ‘It is addressed to choosers and its design is to evoke a choice.’

Such a definition of persuasion immediately excludes such methods of influencing another’s decisions as hypnotism, electrical shocks, chemical injections, physical deprivation, and so on. ‘It may be allowed, however, to include exhortation, encouragement, pleading, coaxing, reproof, expostulation, polemic, diatribe, or even utterances designed to alarm for these are all appeals to intelligence.’ Blackmail, which, though it does recognise the agency of the other, ‘nevertheless divert[s] his attention from what is being recommended and direct[s] it elsewhere,’ is not persuasion. Neither is it persuasion to attach a promise of reward or threat of penalty to a certain choice. Oakeshott even excludes, in all but rare cases, such actions as demonstrations (in the sense of rallies) in favour certain actions because it is often not the merits of the action itself, but the foreseen disapproval of the demonstrators if an alternative action is taken, that is the focus of attention when the decision is made.

It is in argumentative discourse, negotiation and debate (with or without an audience other than the debaters) that persuasive utterance is best observed because ‘here utterance is unequivocally directed to the situation to be responded to and to the merits of the recommended response in terms of its likely outcome.’ It does not pretend to demonstrate its conclusions and consequently it cannot be refuted. But it may be resisted or rebutted by arguments of the same sort which call in question its guesses, its calculation, its prognostications, and its attributions of desirability.

---

297 Ibid. 48.
298 Ibid. 47.
299 Ibid. 47.
300 Ibid. 47.
301 Ibid. 47-48.
302 Ibid. 48.
Politics and Proof

Here we come to another characteristic of persuasion, and political discourse in general. The arguments used in persuasion are ‘governed by the nature of the audience even more than by the nature of the theme.’ Political argument is a failure if it is unable to persuade, and to move, its audience. The criterion for success here is therefore very different from that of demonstrative argument and especially from such things as proofs of geometrical theorems. One engaging in the latter need take no regard for the particular audience he is addressing.\(^{303}\) Tocqueville notes the importance of the audience in democratic societies: the politician in a democracy faces an electorate whose ‘democratic instability makes it change its face constantly. He must therefore captivate it every day. He is never sure of them; and if they abandon him, he is immediately without resources.’ His fortunes are intrinsically bound to the group of people whom he claims to represent.\(^{304}\) In Oakeshott’s work on persuasion we are faced with two important criticisms associated with non-demonstrative political discourse, the second of which Oakeshott says is more radical than the first. Both are related with the phenomenon of the audience and with sincerity and integrity.

(1) The orator recommends to his audience a policy that he genuinely believes in himself. He has, after some thought on the situation at hand, come to the conclusion that it is better than the other alternatives available to him. However, this is not enough. He has to figure out how to convince the relevant audience of the merits of his policy. ‘It is probable, and in many cases unavoidable, that his argument and his real reasons for selecting this policy part company.’ This tendency to seek arguments that suit one’s audience - arguments that are divergent from the actual reasons that


\(^{304}\) Alexis de Tocqueville, DIA II 1.21, 473-474.
convincing the orator himself – makes political argument itself, because it is designed to persuade, and not to simply give one’s reasons, become suspect. 305 ‘Political argument is, then, governed by its design to induce agreement or concurrence.’ Since it seeks voluntary support, it must appeal to the beliefs of the audience and not just rely on the beliefs help by the speaker. ‘In short, as argument, it is counterfeit activity. It is only genuine if you regard it simply as a device to persuade.’

(2) The second criticism points to something more insidious. It argues that the falsity that the previous criticism identified in the act of persuasion may in fact also affect the political proposals themselves. Politics ‘is liable to cease altogether to be the art of making appropriate responses to emergent political situations and to become the art of persuasion.’ Oakeshott points out the ramifications of this: if this is true, political argument becomes seen as a means of acquiring power rather than of persuasion. ‘[T]he whole thing becomes intellectually a counterfeit activity, or at best it has no real defences against becoming so. Compared with this defect, all the other defects which might be recognized in politics (such as imprecision and uncertainty) are of very small account.’

Now we understand even better the attempts to escape the current form that political discourse takes, or, as Oakeshott puts it, why ‘people have tried to devise manners of thinking and talking about political situations which are not infected with what may be called this “disease”’ 308 Of course there is also the desire do away with the lesser, but still quite irksome problem of uncertainty that characterizes political deliberation. Deliberative discourse ‘has been thought to be profoundly unsatisfactory’ no matter how polished the rhetorical material available to the

306 Ibid. 170.
307 Ibid. 171.
308 Ibid. 171.
discourse. It is too dependent on ‘imperfectly predictable contingency’. Oakeshott summarizes this dissatisfaction in the question ‘Can we not do better than these surmises and conjectures, shots in the dark and actions recommended because they are marginally preferable to others?’  

The escape from these hindrances offers itself in the form of a political discourse with, ‘a different logical design from that which belongs to the deliberations of Pericles and that which Aristotle examined in the Rhetoric.’ This alternative Oakeshott calls demonstrative political discourse which could take shape under at least two different conditions: Either if there were principles or axioms of absolute certainty and of universal application to which any political proposal could be referred when deciding on its merits, or, alternatively, if we possessed enough information on the human condition and the ‘conditions of political society’, allowing prediction, rather than conjecture, about the consequences of the various possible decisions available.  

An attempt at the former is seen in Plato and his followers, and of the latter in Marx.

The reliance on axioms, taking a form akin to the geometrical proof, addresses the problem of corruption and deceit because the geometrician is not corrupted by the need to use arguments which do not necessarily convince himself. ‘These axioms were either absolute moral values, or natural or human rights, or a natural law – something that could be regarded as axiomatic and from which you could argue.’ This fails because axioms divested of contingency cannot be applied usefully to concrete political situations. Demonstrative argument can be concerned only with the relations between abstract ideas. ‘But as soon as argument

---

310 Ibid, 81-82.
concerns itself with any contingent emergent situation (with what to do about a subject city in revolt, for example) it must relapse from proof into undemonstrative argument.\(^{312}\)

The second alternative, that of Marx, failed because explanatory laws of social change which Marx tried to establish (and even the success of this is debateable), ‘would still not have furnished us with informative propositions in terms of which political deliberation and discourse could be carried on, much less terms in which they could become demonstrative.’\(^{313}\) Any argument meant to recommend an action – which is the case in politics – is designed to show not just the consequences of a particular action, but that the said consequences are better than any other. However, ‘no distinction between better and worse conditions of things can be derived from the sort of information provided by explanatory “laws” of human conduct or social change. Explanatory “laws” can themselves provide no prescriptions.’\(^{314}\) This second option is therefore also incapable of producing ‘correct’ political decisions; nor does it provide criteria from which political decisions can be judged to be ‘correct’ or ‘incorrect’.\(^{315}\)

This project of achieving demonstrative political deliberation through ideologies that claim to have discovered explanatory ‘laws’ of social change or development ‘is one of the greatest traumatic experiences of the early twentieth century.’\(^{316}\) However, as was the case with Rationalism\(^{317}\), such trauma did not cut short the endeavour to attain a demonstrative political discourse. Oakeshott does, however, sense a ‘slackening of the impulse’: no one truthfully believes in the

---

313 Ibid. 91.
314 Ibid. 91.
315 Ibid. 92.
316 Ibid.
317 See above, p. 33.
fundamentals of the project anymore. However, ‘the larger hope of, somehow, emancipating political deliberation from mere opinion and conjecture has not evaporated’, though it has lowered its ambitions. Thus, instead of ‘laws’ of social change, what is sought after now is information that can provide ‘correct’ diagnosis, prediction and, hence, ‘correct’ political decisions. Oakeshott goes on to identify the various terminologies that come with this updated effort: terminology and activities that are quite familiar to modern political scientists: ‘comparative study’, ‘ideal types’, statistical analysis and probabilities. ‘And this enterprise has come to describe itself as the “end of ideologies”.’ Oakeshott also cautions that while proof itself is known to be impossible, ‘persuasion by purporting to prove’ is still in use. What is important is that the audience you are addressing thinks you are able to provide proof; and certain audiences are predisposed to believe that you can indeed prove that your political proposal is the ‘correct one’. This then is a new rhetorical device in the arsenal of the modern politician. It feeds on the very thing is it claiming to overcome: the propensity for politicians to cater their arguments, not to reality but to the predilections of their audiences.

Let us pause for a moment to consider whether Tocqueville himself is guilty of such an endeavour – or, at least, was he a precursor to this attitude towards politics? After all, he is recognized as a pioneer in modern, empirical political science (which today is increasingly reliant on statistics and data analysis to arrive at political proposals). And we did encounter some of his comparative analysis in his discussion on the relative importance of physical circumstances, laws and mores on

319 Ibid. 93.
321 Ibid.
the situation in America. But Tocqueville does not claim to be providing ‘laws’ or even information to be used for making of political decisions. Oakeshott’s criticism of Marxism does not mean that all political observation and generalization is dangerous. What is dangerous and foolish is a faith in ‘explanatory laws’ in the sphere of politics – and in most human conduct for that matter. Explanatory laws work in geometry and physics. However, Tocqueville is very aware that human beings and human institutions do not behave like inert bodies. The mixture of choice and unpredictable circumstance that makes human affairs so unique is a prominent theme throughout his works. *Democracy in America* opens with the vision of the great beast of democracy - often exhibiting its ‘savage instincts’ during its ‘irresistible’ march across the western world. The book’s very last lines carry forth the theme too. He rejects both ‘false and cowardly doctrines’ that say that people have no control over their circumstances as well as the hubris of believing that man is perfect master of his fate. ‘Providence has not created the human race either entirely independent or perfectly slave. It traces, it is true, a fatal circle around each man that he cannot leave; but within its vast limits man is powerful and free; so too with people.’ Tocqueville’s *Old Regime and the French Revolution* is a lesson on unintended consequences and on the futility and utter danger of grand revolutions. Even his memoirs are alive with reminiscences of Tocqueville the politician responding as best he could to the circumstances on the ground – the politics Tocqueville himself practised was not based on grand theories or laws. It would not be too bold to say that it is his political experiences that reinforced a sceptical, conservative attitude on human conduct in general and politics in

322See above, pp.63-64.
324 *Ibid*. II, 4.8, 676.
particular. One sees how events so often outrun the actors involved, how Tocqueville himself had to wrestle with his circumstances in order to try and stay on top of events, to control his political fate.\textsuperscript{325}

Tocqueville himself does not have as coherent and obvious a theory of political rhetoric as Oakeshott does, but it is quite apparent that a politics that aspired after demonstrative proof was something he would have found quite unacceptable. Perhaps this explains why he is unfazed by the constant movement and change that he witnesses in America. But would not constant change to the laws of the land be against the sceptical conservative attitude and therefore disturbing to Tocqueville? Does it not betray the type of rationalistic meddlesomeness that I have argued both Oakeshott and Tocqueville criticize?

Perhaps not. Constant change that was meant to answer to some dictate of reason or the ‘common good’, or subjective will determined by the ‘ruler’ is one thing. This was what the French Revolution took to an extreme. The change Tocqueville observes in America is not directed by a person or group of people. It does not really answer to any higher ‘law’. Rather, this movement is not as troubling because ‘the American mind turns away from general ideas’ and in politics it is examples rather than lessons that they prefer.\textsuperscript{326} This changefulness might still be worrisome for other reasons – they can be symptoms of fickleness and capriciousness, they might result in politics becoming a negotiation for the fulfilment of petty wants – but it is not the rationalistic change that Oakeshott later identifies. This was especially so as long as the foundational mores themselves were not

\textsuperscript{325} See, as just one example, the events that led to him joining the cabinet as French Foreign Affairs Minister in 1849. Alexis de Tocqueville, \textit{Recollections: The French Revolution of 1848}, eds. J.P. Mayer and A.P. Kerr, trans. George Lawrence and Danielle Salti (1987), 187-198.

\textsuperscript{326} Alexis de Tocqueville, \textit{DIA} I 2.9, 288.
constantly changing. And Tocqueville observes that in America, the morals, and thus presumably the mores, are constant.\textsuperscript{327}

Therefore the awesome spectacle of political restlessness (a restlessness very different from revolutionary agitation) that greets Tocqueville is seen as an emblem of the freedom of the New World.

‘Around you everything moves: here, the people of one neighbourhood have gathered to learn if a church ought to be built; there, they are working on the choice of a representative; farther on, the deputies of a district are going to town in all haste in order to decide about some local improvements; in another place, the famers of a village abandon their furrows to go discuss the plan of a road or a school. Citizens assemble with the sole goal of declaring that they disapprove of the course of government, whereas others gather to proclaim that the men in place are the fathers of their country.’\textsuperscript{328}

At this point it is helpful to remember the differentiation between civil society and the state. Certainly the two spheres are not isolated from each other. But there is some sort of separation. The movement Tocqueville observes is initiated and primarily takes place within civil society, not the state. It is interesting that while Tocqueville believes that a vibrant society restrains the advance of the preponderant state, Oakeshott’s caution is addressed in the converse direction: ‘A community given to rapid and perpetual change in the directions of its activities stands in particular need of a manner of government not itself readily involved in change.’\textsuperscript{329}

\textsuperscript{327} \textit{Ibid.} I 1.2, 43.
\textsuperscript{328} \textit{Ibid.} I 2.6, 232.
\textsuperscript{329} Michael Oakeshott, \textit{PFPS}, 107.
Tocqueville makes no attempt at hiding the fact that a sceptical politics is highly inefficient. ‘When the enemies of democracy claim that one alone does better what he takes charge of than the government of all, it seems to me that they are right.’\textsuperscript{330} Not only do we have the flaws of the activity of persuasion and deliberation that Oakeshott identified, we also hear from Tocqueville that this sort of politics lacks, among other virtues, coherence and perseverance, and can be careless about the details of the policies it undertakes.\textsuperscript{331} Thus, neither Oakeshott nor Tocqueville is blind to these defects. They support this politics nonetheless because of the advantages it has: it is better suited to the limitations of our human character and it accommodates individual freedom. Tocqueville goes one step further however, doing something that Oakeshott refuses to do, and also recommends the ‘democratic’ politics on the account that though ‘it does each thing less well...it does more things’ and thus has practical, long-term policy advantages over its more streamlined alternative.\textsuperscript{332}

**Politics and Moral Relationships**

Does this mean that there are no criteria by which to judge law and politics in a civil association? It does not: Oakeshott charts an important, and interesting, middle ground. He does not hold that politics is unconcerned with moral relationships. His argument is that what is civilly desirable cannot simply be inferred from general moral desirabilities. One cannot ‘prove’ the desirability of a particular law merely by pointing to a moral principle, or a tenet of natural law, or by claiming that it is the rational thing to do. Concepts and ideas present in certain moral

\textsuperscript{330} Alexis de Tocqueville, *DIA* I 2.6, 233.
\textsuperscript{331} *Ibid.* I 2.6, 234.
\textsuperscript{332} *Ibid.* I 2.6, 234-235.
theorems or in the natural law can tell us about the conduct of civic intercourse, but only once they ‘have been “civilized” by being given civil meanings...elicited mindfully but incidentally, from a practice of civil intercourse’. They must also be understood to be subject to modification and their present conditions are recognized to be products of civil reflection. What I believe this means is that for general principles to count in the making of law, they must first be internalized into the tradition of civil intercourse of the particular association of citizens in question. Moral principles cannot simply be pulled out of the metaphorical hat to justify acts of legislation.

Oakeshott is proposing a strong connection between law and tradition. Law may be enacted but the considerations that determine what laws should be enacted are traditional ones. This may seem odd because tradition is often seen as restrictive and even despotic. Does this mean that the basis of the laws of a particular society cannot change over time, cannot be criticized and improved? Such a view of tradition, which, as we have already noted, gained prominence during the French Enlightenment, is for Oakeshott a gross misunderstanding. Tradition, he argues, is “neither fixed nor finished; it has no changeless centre....Some parts of it may change more slowly than others, but none is immune from change. Everything is temporary. Nevertheless...all its parts do not change at the same time and...the changes it undergoes are potential within it. Its principle is a principle of continuity: authority is diffused between past, present, and future; between the old, the new, and what

is to come. It is steady because, though it moves, it is never wholly in motion; and though it is tranquil, it is never wholly at rest.\textsuperscript{334}

And this is what politics should look like, too: not the rupturing imposition of external principles, but a steady reform (when required) from within.

A civic tradition (unlike, say, a monolithic ‘rational’ principle) is complex and tolerates divergent ideals – the pursuit, by citizens, of incommensurable goods and the existence contradictory principles. Because the moral principles that ought to influence the law in a civil association are tenets that have been ‘civilized’ and internalized, over time, into the very tradition in which the association has been developing, what we have is not an imposition from the outside by the few over the many, by the rationalist onto the masses, the benevolent tyrant over his subjects. The correspondence between law and tradition does not guarantee its ‘justice’ by some external abstract standard, but in a state that approaches the requirements of civil association, it does subject law to the justice of practices of civil conduct and discourse that presuppose the coexistence of independent persons on the basis of a common body of laws that respects their independence.

\textbf{The Politics of Faith}

There is another kind of politics, related to the understanding of politics as proof, that we must discuss by way of conclusion. Oakeshott’s warning about the dangers of salvific politics – the ‘politics of faith’ – is contained most fully in his posthumously published book \textit{The Politics of Faith and the Politics of Scepticism}. Here he identifies two poles – extremes of theoretical understanding as well as actual

historic extremes of conduct – between which modern politics has fluctuated.\textsuperscript{335} It is the former that we are most interested in, as it is towards this pole that modern politics has been swinging.\textsuperscript{336} ‘In the politics of faith, the activity of governing is understood to be in the service of the perfection of mankind.’\textsuperscript{337} This ‘faith’ flows, not (as the term might suggest) from a belief in a perfect Creator and his ‘assured but not deserved’ providential grace. Rather, it is hostile to such notions, and is based on the belief that perfectibility is possible through human means and that ‘we need not, and should not, depend upon the working of divine providence for the salvation of mankind.’ It is therefore not coincidental that the politics of faith achieved its ‘confidence and adult language’ in modern times – in the eighteenth century.\textsuperscript{338}

Tocqueville provides us with an explanation for this. Religion, unlike law, prevents people ‘from conceiving everything and forbids them to dare everything...if it does not give them the taste for freedom, it singularly facilities their use of it.’\textsuperscript{339} When the ‘lights of faith’ in God are obscured, however, men lose sight of eternity and they seek results not in the future, but closer and closer to the present.\textsuperscript{340} ‘As soon as they lose the habit of placing their principal hopes in the long term, they are naturally brought to want to realize their least desires without delay, and it seems that from the moment they despair of living an eternity, they are disposed to act as if they will exist only for a single day.’\textsuperscript{341} The meeting of ‘irreligion and democracy’ he calls ‘an unhappy convergence’ because it diminishes great undertakings with the eye on the future, replacing them with constant short-term wants.\textsuperscript{342} Something else

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{335} Michael Oakeshott, \textit{PFPS}, 17-18.
\item \textsuperscript{336} \textit{Ibid.} 128.
\item \textsuperscript{337} \textit{Ibid.} 23.
\item \textsuperscript{338} \textit{Ibid.}
\item \textsuperscript{339} Alexis de Tocqueville, \textit{DIA} I 2.9, 280.
\item \textsuperscript{340} \textit{Ibid.} II 2.17, 522-523.
\item \textsuperscript{341} \textit{Ibid.} II 2.17, 523.
\item \textsuperscript{342} \textit{Ibid.} II 2.17, 524.
\end{itemize}
\end{footnotesize}
is lost as well. Without religion, the human spirit ‘perceives an unlimited field before itself’ regarding earthly activities. Those desires whose fulfilment used to be left until eternity were now sought within temporality and naturally became programmes for politics.

Oakeshott also emphasizes the sharp distinction between the religious and the secular outlooks. Christianity is seen as an attitude, a rejection of the worldly way of thinking: the rejection of the ideals of ambition, productivity, and achievement, and the belief that something is valuable only as much as it contributes to some future, external, contingent result. For Oakeshott, religion is not merely the fulfilment of a contract in order to win future salvation: ‘it is to be “saved” here and now, delivered from the treadmill of egoism and the Faustian tyranny of “achievement,” which in another idiom has been the bane of European politics.’ It is therefore not merely irreligion that threatens the balance between the eternal and the temporal. A prudential interpretation of religion, focusing on temporal achievement is just as worrisome.

Tocqueville saw in the American preachers of his time this struggle to maintain such a balance. They were not always successful: ‘it is often difficult to know when listening to them if the principle object of religion is to procure eternal felicity in the other world or well-being in this one.’ Ross Douthat, in his book *Bad Religion*, argues that this tendency to lose sight of the eternal in favour of the temporal has increased in the last century. Douthat portrays the history of American Christianity as an interplay between mainline Christianity and less orthodox sections

---

343 Ibid. I 2.9, 279.
346 Ibid. II 2.9, 506.
of the faith. He proposes that while ‘America’s heretics’ – the non-orthodox stream of American religion – have pushed the country towards new ideas and moral stances (the commitment to religious freedom and early condemnations of slavery for example), Christian orthodoxy – ‘the shared theological commitments of that have defined the parameters of Christianity since the early Church’ (and not the orthodoxy of any specific Christian church or denomination) – has had several vital roles to play in the American experiment. It has acted as a glue – tangible and intangible – that binds together a diverse nation and provided a common vocabulary for the great cultural and political debates.\footnote{Ross Douthat, \textit{Bad Religion: How We Became a Nation of Heretics} (New York: Free Press, 2012), 7} It has also been a source of ‘national unease’. Its insistence of continuity has often provided a means of dissent from two forms of rationalistic tendencies: the intellectual overconfidence of the Enlightenment and the anti-intellectualism of the nineteenth-century revivalism, from scientism and from ‘crass materialism’ and from the literalism of fundamentalism.\footnote{Ibid. 8.} Douthat argues that this institutional Christianity has been declining over the last five decades. The goal is now constant progress: ‘a belief system that’s simpler or more reasonable, more authentic or more up-to-date.’ However, Douthat argues that the results vindicate the older understanding of Christianity: ‘Heresy sets out to be simpler and more appealing and more rational, but it often ends up being more extreme.’\footnote{Ibid. 8.} And while the extreme has always been part of the American religious landscape (Tocqueville observed it too), the orthodox response today is especially weak.

The most popular strain of theology today is represented by works such as Joel Osteen’s \textit{Your Best Life Now: 7 Steps to Living at Your Full Potential}, which is
part of (or at least evolved from) what is called the ‘prosperity gospel’. For mainline Christianity, scriptural passages like the metaphor of the camel and the eye of a needle point to a condemnation of acquisitiveness – the worship of Mammon. This introduces a uneasy relationship with ‘the world’, with temporal affairs and in particular the main temporal affair of earning and distributing resources. Douthat argues that the prosperity gospel and its less extreme Evangelical paths do away with this uneasiness by emphasizing one part of Christian doctrine – that all things in the temporal life are gifts from the Creator – but erasing the hard teachings that balance this out. The message is popular – it fits well with the aspirations of upwardly mobile members of the American middle class and also meshes quite well with what is called the American Dream.\(^{350}\) However, it is also antithetical to the sort of faith that Tocqueville believed would act as a bulwark against the tendency to place all one’s hopes in temporal action and look for the rewards of eternity in the short-term future. The politics of faith thrives on this tendency since it is the annexing into politics what was once the domain of God: ‘Perfection, or salvation, is something to be achieved in this world: man is redeemable in history.’\(^{351}\)

Oakeshott reiterates two important features of the politics of faith. Firstly, in this style of politics, the activity of governing is certainly not understood something that facilitates the pursuit of other desirables. Nor is it merely an auxiliary agent in the pursuit of perfection itself. Rather, it is the ‘chief inspirer and sole director of the pursuit.’\(^{352}\) It would be very unremarkable if this style merely involved the belief that government should contribute in some way to the improvement of the lot of humankind. No – what is attributed to government in the

\(^{350}\) *Ibid* 190.


politics of faith is ‘the duty and the power to “save” mankind.’\textsuperscript{353} Secondly, the understanding of ‘perfection’ can vary quite widely. The improvement of our circumstances can be undertaken in two ways. The first (non-perfectionist) mode involves, at each decision-making stage, a search for the ‘better’, improved way of engaging with a particular activity or circumstance. ‘Neither the improvements themselves, not the adjustments between them, intimate or impose a single track.’\textsuperscript{354} The other manner of pursuing improvement – the politics of faith – is to first fix which direction leads to the ‘best’ result and to pursue that direction. The decision is made not because it is better than other available options, but because it is the best.

‘In short, if you posit a single road, no matter how solely you are prepared to move along it or how great the harvest you expect to gather as you go, you are a perfectionist, not because you know in detail what is at the end, but because you have excluded every other road and are content with the certainty that perfection lies wherever it leads.’\textsuperscript{355}

The politics of faith, then, is characterised by the belief that human power is, or can be, sufficient to procure salvation and that the word “‘perfection’...denotes a single, comprehensive condition of human circumstance’ of which we can at least discern a general outline. Politics, and political decision-making therefore can ‘never be understood as a temporary expedient or just doing something to keep things going’: it is a response to the common good or the conclusion that follows from a rational argument and thus becomes a ‘means of arriving at the “truth”, for excluding “error”

\textsuperscript{353} Ibid. 25.
\textsuperscript{354} Ibid. 25-26.
\textsuperscript{355} Ibid. 26.
and for making the “truth” prevail. Concentration of power would be a most welcome occurrence as the government forms itself as the ‘representative of the society in an enterprise of communal self-assertion whose purpose will be the spiritual, if not the physical conquest of the world: to hide the “truth” would be treachery, to be idle in propagating it, disgrace.

Formality in the creation and application of laws is seen as an unnecessary hindrance to the ‘godlike activity’ of governing. ‘Rights, the means of redress, will be incongruous, their place taken by a single, comprehensive Right – the right to participate in the improvement which leads to perfection. Oakeshott also warns of the threat to other great legal British traditions: the important role of precedent, the abhorrence of retrospective legislation, punishment rather than prevention, the presumption of innocence rather than guilt. Political opposition, another great British legacy, will be considered only temporarily useful, and eventually a hindrance, or worse, once the ‘truth’ has been made apparent. All opposition to the salvific task of the government eventually come to be suppressed as errors. All activity must be directed towards this salvific goal, comprehensive security, set by the government. Individual freedom to pursue private goals becomes impossible. Even ‘lack of enthusiasm will be considered a crime, ‘to be prevented by education and to be punished as treason.

Now the politics of faith is an extreme pole, an ideal type which is only approached or intimated in actual politics. This thesis will not attempt the comprehensively tackle the issue of the European Union, although it is an very pertinent topic. However, Oakeshott’s fears for political opposition and other

---

356 Ibid. 26-27.
357 Ibid. 29.
358 Ibid. 29.
359 Ibid. 29.
360 Ibid. 29 and 63.
361 Ibid. 29.
traditions of liberty were echoed by the second President of the Czech Republic, Václav Klaus, in a 2009 speech to the European Parliament:

The present decision-making system of the European Union is different from a classic parliamentary democracy, tested and proven by history. In a normal parliamentary system, part of the MPs support the government and part support the opposition. In the European Parliament, this arrangement has been missing. Here, only one single alternative is being promoted, and those who dare think about a different option are labelled as enemies of European integration.362

European integration seems to be something like a dogma in some circles and the steadfastness with which leaders of the EU project (several of whom are not democratically elected and thus not directly accountable to the demos for their decision-making) press for greater integration, despite wariness and even the occasional outright rejection on the part of the citizens of Europe, might be a hint that the politics of faith is a temptation today, and not just in obviously totalitarian regimes like the Soviet Union.

Eventually, Oakeshott argues, the politics of faith leads to its own downfall: the destruction of politics itself. He dismisses as an illusion the argument that if ‘the people’, from whose submissiveness government derives its power, were to remain in control of the power generated by their submissiveness, such a destruction of politics itself would be avoided. Perfection, and comprehensive security, ‘cannot be enjoyed without a comprehensive mastery of the world, and no subject can enjoy comprehensive security without complete submissiveness to a

power great enough to win that mastery." The politics of faith is devoid of a principle of self-limitation and is its own nemesis, although the fact that it is self-defeating does not mean that the politics of faith will harmlessly blow itself out eventually; its self-destruction will involve a great deal of pain for those who find themselves in the way.

363 Ibid. 102.
Michael Oakeshott and Alexis Tocqueville have not been examined side by side in significant depth and the word ‘sceptic’ is rarely used to describe Tocqueville, although Oakeshott considered him one. Understanding the two thinkers as sceptics, however, explains their views on politics and, in the case of Tocqueville, helps shed light on his institutional recommendations.

Having a vibrant political and civil society (which is what Tocqueville is most famous for championing) and well-designed institutions (the separation of powers and the American system of checks and balances, for example) are important and can act as antidotes to a preponderant state. But they are not a panacea and, without habits and mores that recognize (and are vigilant against) the limits of the state and of politics, can quite useless with civil society descending into a marketplace of wants and political institutions becoming the very tools of the preponderance they are intended to preserve against.

However, it is the opposite of the sceptical attitude – the attitude of great optimism, great faith in the ‘rational choice’, confidence in the ability to achieve neatness and order in politics, the tendency to look to the state to fulfil every need and want – that often proves too much of a temptation. The not-ignoble desire to have a better politics, to banish the meanness and skulduggery that often appears inseparable from politics explains the motivation behind the swing towards a demonstrative politics and a politics that claims to solve problems and meet all the needs of the electorate, yet Oakeshott and Tocqueville view this as a mirage. At best
it leads to disappointed hopes and disengagement of the citizenry from political participation, at worst it is the eradication of politics itself and the basis of tyranny.

I have aimed to show in the four preceding chapters that Tocqueville and Oakeshott, though writing in different centuries and responding to different circumstances, share a common basis to their political thought. Their understanding of the limitations of human character make them sceptical about many of the claims made on behalf of human affairs in general and on behalf of the state and politics in particular. Because they uphold the unique dignity of human beings as free moral agents while rejecting the unalloyed optimism that has characterized certain strains of political thought, and a predominant portion of political practice, they adopt a conservative attitude towards state activity and are critical of state actions that impose on the individual a substantive common goal or enterprise. They also are suspicious of attempts to rid politics of its ambiguity and uncertainty by searching for explanatory laws or proofs to guide political decision-making. These claims are falsehoods, and are often used as tools of oppression, wielded by modern tyrants for the ‘greater good’ of their subjects.

The self-destructive nature of the politics of faith was mentioned in the previous chapter. The opposite extreme, which Oakeshott calls ‘the politics of scepticism’, is not sustainable on its own either. A balanced politics must comprise a mixture of both faith and scepticism. However, the failure that is the fate of politics that swings too far to the extreme of scepticism is not as spectacular as the destructive results of politics that approaches pure faith. Moreover, it is towards the latter pole, of faith, that modern politics has been teetering. Contemporary politics therefore needs an injection of scepticism. According to the sceptic, the imbalance of modern politics results from an excessive preoccupation with the future. To restore
the balance, ‘what needs to be promoted is the understanding of politics as a conversation in which past, present and future each has a voice.’ with none being allowed to completely predominate the conversation.\textsuperscript{364} Is this also not what it means to be conservative: to believe in a compact between past, present and future?

Now, a sceptical conservative attitude towards politics – the denial of adventure and the refusal to aim for the heavens in politics – is a difficult one to maintain because modesty in human affairs can be quite unattractive. For men of adventure there is no glory; for the mass man, it is unsatisfactory because it does not attempt to feed his limitless wants. Roger Scruton is extremely pessimistic about the attempts to inject scepticism into today’s politics. ‘It is the voice of wisdom in a world of noise. And for that very reason, no one hears it.’\textsuperscript{365} However drawing politics away from its attachment to ‘faith’ does not seem such a hopeless task to Oakeshott. Though ‘the version of English parliamentary government which has spread around the world is the bastard progeny of faith (“popular government” in the service of perfection)’, the resources of scepticism are still available, waiting to be utilized. Even though the great thinkers of the sceptical tradition – Oakeshott lists them out: Augustine, Pascal, Hobbes, Locke, Halifax, Hume, Burke, Paine, Bentham, Coleridge, Burckhardt, and Tocqueville – have been for a while displaced by the ‘pundits of faith’, they remain a patrimony awaiting reinterpretation. In fact, although these men might not be able to speak directly to our generation, Oakeshott believes that they are in a better position than the apostles of faith, ‘who for two centuries have merely repeated themselves.’\textsuperscript{366} More can be done for this project. It would be interesting, for example, to examine the influences of other sceptics on

\textsuperscript{364} Michael Oakeshott, \textit{PFPS}, 86-87.
\textsuperscript{365} Roger Scruton, \textit{The Uses of Pessimism: And the Danger of False Hope} (2010), 19.
\textsuperscript{366} Michael Oakeshott, \textit{PFPS}, 128-129.
Tocqueville and Oakeshott. Augustine, Montaigne and Pascal sound like good candidates for such an exercise because their influences are more or less explicit.\(^{367}\)

In conclusion, institutional change alone is insufficient in addressing the ills of modern democracy. Habits and mores must change, and this requires a change in the vocabulary and language of politics. True to the sceptical tradition though, what is needed is not a programme or a party platform but the broadening and enriching of political discourse by the inclusion of more voices of scepticism.

It also involves nurturing individuality and the honouring human dignity and autonomy. ‘Salvation’ is, at most, a *personal* battle – it does not fall within the purview of politics. Greatness comes neither from spectacular success in politics nor from the unlimited satisfaction, by the state, of one’s every want. Greatness comes from learning to live as an individual and the man who has composed his soul and is living a life of virtue ‘is five hundred fathoms above kingdoms and duchies; he is himself his own empire.’\(^{368}\)

\(^{367}\) Oakeshott’s notebooks reveal his sustained interest in Pascal for instance. They contain several quotes from Pascal’s writings, including many which highlight Pascal’s own pessimism about the human condition. See for example ‘Notebook 12’ which records Pascal’s musings about the ‘blindness and wretchedness of man’. Michael Oakeshott, Notes XII, LSE 2/1/12, 56.

He also notes Pascal’s understanding that the demonstrative power of geometric arguments sprang from their abstraction (as we discussed in this essay this form of argument is, because of its abstraction, unsuitable for politics) and his awareness of the ‘fallibility of practical argument & practical judgement’. Michael Oakeshott, Notes XVII, LSE 2/1/17, 33.

Oakeshott’s Notebooks, which are currently being transcribed and edited by Dr. Luke O’Sullivan at NUS contain interesting windows into Oakeshott’s thought and motivations. We talked about the uniformity and seriousness of the politics of faith in this thesis. In the Notebooks Oakeshott writes: ‘How agreeable the world would be if there were a little more variety & a little less uniformity in the human species. And how much more agreeable if we did not find this variety frustrating, but recognized it as we recognized variety in birds & flowers.’ Michael Oakeshott, Notes XVII, LSE 2/1/17, XVII. 5.

BIBLIOGRAPHY


DeLue, Steven M. *Political Thinking, Political Theory, and Civil Society* (Boston: Allyn and Bacon, 1997).


Jones, Jeffrey M. ‘Americans Most Confident in Military, Least in Congress.’ *Gallup Politics* (June 23, 2011).

Klaus, Václav. ‘Speech of the President of the Czech Republic Václav Klaus in the European Parliament’ (19 February, 2009).

Lenin, Vladimir. ‘The State and Revolution’ (1917).


Marx, Karl ‘Critique of the Gotha Programme’ (1875).


Oakeshott, Michael. Notes XII, LSE 2/1/12. [Unpublished LSE archives].


