The English Heidegger

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The Philosophy of Michael Oakeshott.

Michael Oakeshott is sometimes called the English Heidegger, and the description is revealing on a number of levels. Not only did Oakeshott respect Heidegger, he was engaged in a similar project, a project of fundamental rethinking of the basic problems of knowledge and reality bequeathed to his generation, the generation born around Oakeshott’s own birth year of 1900, by the dissolution of neo-Kantianism, a process well advanced by the time he went to University. The preceding generation had pushed neo-Kantianism, especially the core idea that reality was constituted for us by presuppositions, to the point of claiming that the various forms of disciplinary knowledge, the scientific, the historical, the legal, the theological, and so forth, each needed to be understood in terms of their processes of constitution of objects, which separated their contents from one another in ways that confounded any approach to metaphysics by assuring the heterogeneity and noncomparability of the relevant facts in each discipline.

This unsatisfying result led some of the members of the generation in the direction of a radical denial of the facticity of some of the supposed subject matter of the disciplines. The Swedish philosopher Axel Hägerström, for example, emancipated himself from his own neo-Kantianism by rejecting the supposedly constitutive idea of the “binding force” of law as mystical. Others were led to Lebensphilosophie, which saw in the activity of living some sort of more fundamental explanation logically antecedent to the deadening of processes of constitution themselves. Still others to various forms of idealism, notably F. H. Bradley’s, which flattened the activity of “constituting” into a new picture of experience as already “ideal” in character. Americans associated with Cornell University were influenced simultaneously by neo-Kantianism and evolutionary thinking, and focused on the problem of the mutability and ultimate groundlessness of disciplinary presuppositions. E. A. Burtt’s Metaphysical Foundations of Science (1928) was the best developed expression of this mode of philosophizing. Michael Friedman has made an impressive case for the basis of logical positivism in this moment in neo-Kantianism as well (2000). This suggests that the members of the Rortyan triad of Wittgenstein, Heidegger, and Dewey, each of whom responded to this moment, need to
be understood as skeptics about the way that the older neo-Kantian projects had understood the nature of knowledge, namely as constituted by presuppositions, and allied in their quest for an alternative kind of philosophizing.

Noting Oakeshott’s relationships and parallels to these thinkers raises the question of whether, and how, Oakeshott belongs to this list. But there are other parallels, especially with Heidegger. Oakeshott produced two sustained book-length philosophical arguments. *Experience and its Modes* (afterwards *EM*) (1933), early in his career, *On Human Conduct* (afterwards *OHC*) (1975), after his retirement. There is a substantial puzzle about the relationship between the early and the late, about the meaning of the differences between the two works, about the philosophical motivation for the second work, and about the significance of the intervening writings, which were extensive and important. There is also a striking similarity between Oakeshott and these other thinkers with respect to philosophical language. Like them, Oakeshott thought up alternatives to the conventional philosophical language of neo-Kantianism, either borrowing terms, like “postulates,” which he used in his own way, or using familiar English terms, such as “theorizing,” in ways that consciously altered their significance and emphasis. Thus with Oakeshott we have a series of puzzles about his relationship to the philosophical tradition that are pointed to by his distinctive diction, a problem closely analogous to the problems we have with Heidegger and also, in quite different ways, with Dewey and Wittgenstein.

Oakeshott, however, was, unlike these others, a master of prose style, and in particular a master of the English essay. The contrast to Dewey, who wrote essays endlessly, but never turned a phrase, is startling. Oakeshott’s “Rationalism in Politics,” perhaps the greatest single essay in political thought in the twentieth century, is written in a style so fluid and facile that the joins which in a typical English essay reveal the weak points in the argument are completely concealed by the flow and subtlety of the prose. Moreover, the text is unmarred by quotations, except, in footnotes, of Chinese sages, or by the intrusion of technical philosophical terms. Wonderful as this text is to read, the style makes it difficult to locate in any sort of standard philosophical tradition, and it simultaneously shames and transcends professorial philosophy.

Then there is the problem of Oakeshott’s philosophical motivations. Oakeshott was trained in a Cambridge manner as a “historian” of a pre-professional kind rather than as a philosopher. Thought was his domain, not analytical puzzles of the kind that were becoming fashionable at the time. The philosopher he most resembles is R. G. Collingwood. Moreover, Oakeshott’s career was spent outside professional philosophy. Most of it was spent in the Department of Politics at the London School of Economics, where his students, and perhaps more importantly those who appreciated him, were themselves trained in the tradition of political philosophy and motivated differently, and more historically, than the philosophy that became dominant at Cambridge and Oxford.

Yet, if for no other reason than his facility with language, Oakeshott was impossible to ignore, even for the most resolutely academic of philosophers. The “Rationalism” essay was a widely read door into Oakeshott’s thought. But the essay obscured the rest of Oakeshott’s thought, especially his development of idealism, and its “politics” sidetracked him into the category of “conservative.” Not surprisingly his commentators have thought to free Oakeshott from the limitations of perspective that this
entry point has sometimes produced. And there is certainly much more to appreciate. Oakeshott’s rethinking of poetry in the “Voice of Poetry in the Conversation of Mankind” (1959) supplied Richard Rorty and in consequence the larger philosophical community with not only a new phrase but a new model for understanding the relations between intellectual pursuits. And his elaborate account of theorizing and its relation to practice in OHC preceded and anticipated the later fascination with the notion of practice.

Oakeshott has not gone unnoticed by present scholarship. As with the other members of Rorty’s triumvirate, there is now an active Oakeshott industry. Several books appear every year on some aspect of Oakeshott’s thought. The archives are studied down to the last jot and tittle, every unpublished scrap is being put into print, and introductions to his thought are appearing at an increasingly rapid pace, almost all of them written by persons who are political theorists by profession, but who wish to break Oakeshott out of this limited category and establish a place for him in the twentieth century pantheon.

Terry Nardin’s work, beautifully produced by Penn State University Press, is an attempt to do just this. Nardin’s approach is to attempt to understand the texts as they present a coherent philosophical whole. He joins in the desire to avoid taking “Rationalism in Politics” (1947-48) as a central work. He has immersed himself in the unpublished Oakeshott material as well as the writings themselves. He is not especially concerned with Oakeshott’s philosophical motivations to the extent that they are not visible within the texts, and is not concerned with contextualizing him historically, or with critiquing him, although he discusses a few apparent inconsistencies. He is an enthusiast, regarding Oakeshott’s OHC as a masterpiece. And, although he does not propose a grand interpretation, he has an approach, which involves seeing the idea of “modality” elaborated in EM woven through Oakeshott’s thought.

Nardin seems to take his task to be one of translating Oakeshott into contemporary idioms, such as constructionism, and standard philosophical language, such as “presuppositions,” as well as to contemporary distinctions such as naturalism and normativity, and into the more or less shared language of Quinean, Rortyan, Davidsonian philosophy with frequent side glances to Gadamer and hermeneutics. He acknowledges the Bradleyan background to Oakeshott’s thought and the parallels with Collingwood, but does very little else to see Oakeshott as a participant in any sort of conversation with living interlocutors. What we get from this exercise is something Oakeshott himself never supplies, a kind of schematic Oakeshott with a list of key concepts, and even something like a philosophical doctrine. The effort, were it to succeed, would make Oakeshott a mundane, if great, philosopher, with a distinctive, but not radically distinctive, philosophical viewpoint. This must be said to reflect a somewhat antique conception of philosophical system-building, one stemming from the very period of neo-Kantianism that Oakeshott’s generation saw foundering in the wake behind them. But the project has the virtue of being disciplined by the task of making the parts fit with one another, and by its attention to the changes in terminology over Oakeshott’s long career.

Oakeshott’s Language

Nardin identifies three key Oakeshottian organizing concepts: modality, contingency, and
civility. He also isolates some overriding themes: that ideas are prior to experience, that they acquire the character of modes which are distinct and self consistent with their own characteristic factuality, truth and reality; that morality is a non instrumental practice which affects transactions between freely choosing humans, and that meaning is the crucial idea. The distinction between all of knowledge and natural science is critical for Oakeshott, who opposes collapsing other forms of knowledge into natural science, and this opposition is rooted in something like Heidegger’s notion of *Dasein*. But Oakeshott rejects any sort of notion of primacy, such as the primacy of practice. For Oakeshott, we live in a world of meanings, or of ideas, in which thought, judgment, and experience are already interconnected and inseparable, to which we try to give coherence. The problem is that there are various modes, each of which involves its own sort of coherence. The basic error which Oakeshott focuses on is modal confusion, the most pernicious examples of which are found in the naturalistic reduction of everything to scientific fact and the reduction of the theoretical to the practical, each of which provides a spurious kind of coherence that masquerades as final truth.

The first problem for Nardin is simply to understand the language of “modal confusion,” “coherence” and so forth. Nardin does this by supplying philosophical concordances between Oakeshott’s usage’s and those of other philosophers. “Practice” for Oakeshott, he suggests, is the equivalent of the *Lebenswelt* in Husserl. But the language, particularly the language concerned with “practice” and the theory-practice distinction, changes over Oakeshott’s work— not all at once, but nevertheless systematically and pervasively. Nardin makes a substantial effort to trace the first appearance and eventual disappearance of Oakeshott’s term “experience,” which is critical to *EM*, and which is understood to mean experience as a whole, understood like Bradley, without any sort of internal hierarchy of greater or lesser veridicality. “Absolute,” similarly, vanishes. In contrast, the neologism “theorizing” appears early, in the twenties, and in *OHC* comes to be identified with all deliberate thinking.

In the middle essays, many of which were collected in *Rationalism in Politics and Other Essays* (afterwards *RP*) (1962), there is a major shift to the terms “performances” and “practices,” especially in discussions of morality and law, which are construed in these terms. The term tradition, which is central to “Rationalism in Politics” and the essays that followed in the fifties, morphs into the term practices by *OHC*. The term adverbial, which is important in the later writings, is understood as a term that qualifies performances rather than dictating choices, which reflects Oakeshott’s idea that we learn the art of agency (77), learn to behave lawfully, dress fashionably, and so forth, rather than merely follow rules correctly or incorrectly. “Theorizing” in 1925 is to think of a thing and to remake it in the mind such that its intimations of the essential stand out. Understanding this idea and its fate is a nice cynosure of the problem of understanding Oakeshott. Later on, terms like “essential” drop out, and by *OHC*, as Nardin observes, theorizing becomes a bigger term concerned with the task of “identification.” This is itself a new term, which means identifying a thing in terms of its “postulates.” Oakeshott consciously uses the term in place of presupposition; presumably it means something different.

Getting a sense of what is distinctive about Oakeshott, one might think, requires
us to understand the motivations for those odd usages, and what they are designed to repudiate. Yet for Nardin, this is not a priority. He simply translates postulate talk into presupposition talk, and ignores the problem of understanding the term identification all together. For much of the text Nardin jumps back and forth between the problems that are set up by the claims in *EM* to the full development of Oakeshott’s claims in *OHC*. Of course, one wants to know what carries over and what does not, which Nardin is good about, but one also wants to know why some things carry over while others do not. Nardin is more inclined to use the older material to explicate the later, and thus to soften the breaks, and obscure the question of why terms change.

**Modal Confusion**

One of the philosophical curse words for Oakeshott’s generation was “absolutize.” One of the nineteen-twenties German critics of Weber, for example, criticized him for absolutizing the spheres of knowledge (cf. Turner and Factor 1984, 115-20). One of Oakeshott’s underlying themes, perhaps even the deepest leitmotif of his thought, is the way in which explicit formulations of techniques and theories slide into ideology and betray the original form of practice which they attempt to epitomize or abridge. Nardin understands this. He devotes a section to “The Distortion of Doing by Theorizing” (2001, 86-93). But his use of “presuppositions” and “assumptions” (as in “science and practice . . . rest on different assumptions,” [87]) to explicate Oakeshott, his use of the problem of the noncomparability of different modes as an organizing theme, and the problem of the relation of theory to practice turn out to work together to produce some odd and problematic results, largely as a result of imputing to Oakeshott an absolutizing conception of the relation between spheres of knowledge or “modes” in *EM* and carrying this interpretation through, with a vengeance, in understanding the rest of his thought.

Nardin is certainly correct to say that one of Oakeshott major themes, which carries forward throughout his work, is ignoratio elenchi, or giving the wrong kinds of answers to questions—thinking that a fact of science can substitute for a historical fact, for example. Yet this emphasis results in puzzling claims about the mutual irrelevance of facts that appear in different modes. In most contexts, it would be somewhat strange to say that building things, for example, is a practical activity, that science is conducted in another mode entirely, and that the two have nothing to do with one another; that they are, so to speak, absolutely mutually unrelated to one another so that there would be a fundamental kind of category mistake to, for example, improve practical building practices by bringing in some fact from science.

Consider the question of the relevance of history to practical politics. Oakeshott commends Lord Halifax as a political model. One might read Halifax as a practicing politician rather than as a professional historian, but one would not read him at all if it were the case that a serious engagement with the past, something beyond the practical role Nardin suggests for it, mastering it as a source of a common vocabulary for politics (cf. 89), was irrelevant to practical political understanding. Yet this is what Nardin thinks Oakeshott means: “Oakeshott’s conclusion, that science and history, as modes of understanding, are irrelevant to the world of practice follows directly from the idea of
modality” (89).

This kind of claim jars, and is intended to. But the qualifications are important. Nardin does not say that science and history are irrelevant to politics. He says “science and history, as modes of understanding” (emphasis supplied) are irrelevant. And this does fit with what Oakeshott says. But Nardin tends to treat the distinctions between modes on something like the model of Kuhnian incommensurability because this is how he understands modality. If modes are merely presupposition-based world-constituting conceptual orders, which is to say they are more or less like paradigms, and if the most common and pernicious error of thought is to answer a question in one mode with facts in another mode or to engage in the kind of reductionism where facts in one mode are made to do the work of answering all the questions that arise in another mode, then “irrelevant” is the right word. But Oakeshott explains his views with his own qualifiers, and these point in a different direction from Nardin’s interpretation.

Nardin makes a substantial effort to try to make some sense out of these claims, particularly by constructing or reconstructing what he takes Oakeshott’s notions about science and economics to be. Science in the true sense consists entirely in formal relations between quantities (111). Economics, when it consists entirely in the study of formal relations between quantities is equally possible and legitimate as a scientific discipline. Even psychology, if it is understood in this entirely purified way, is a legitimate discipline.

The mistakes that are of interest to Oakeshott, on this reading, come from wrongly attempting to make these disciplines yield practical results of any kind, and this activity is straightforwardly a logical error which involves crossing modes and thus violating the presuppositions of each of the modes. Similarly for philosophy— it is absolutely irrelevant to practical life. Theories in ethics are legitimate theories, for Oakeshott, but they are essentially or modally definitional. They are not relevant to conduct in the sense that they are needed for morality and they are not criteria by which contingent acts can be judged right and wrong nor do they supply such criteria. Their attempts to systematize received moral ideas inevitably diminish and simplify what they systematize. Oakeshott’s idea, according to Nardin, is that practical demands distort theory, and that the autonomy of theorizing as well as the autonomy of historical inquiry need to be recognized and protected.

Nardin sees that there are problems with these claims, and one begins to get the sense that in the middle of this project Nardin came to discover that the claims as he understood them simply did not make sense, did not fit together as they should if Oakeshott was taken to be developing a consistent doctrine, and led to such idiosyncratic conclusions that they could only be defended in a highly qualified fashion. But there is a question, which needs to be addressed, of whether these difficulties are intrinsic to Oakeshott’s early strategy of dividing thought up into modes of experience and are perhaps a central motivator for his later revisions, or are the product of Nardin’s strategy of interpretation itself, or perhaps both.

Oakeshott, even in EM does not deny that practical life can get something from science (or even from psuedo-science). His point, rather, is that what is gotten is procured from the modal perspective of practical life, not of science (1933, 314). Oakeshott also
says that truth is not comparable for different modes, that what is a truth in the mode of abstraction that is science is not a truth in the mode of abstraction that is practice (1933, 311). “True” and “abstraction” are crucial qualifiers. Both modes produce worlds of abstraction that are limited and defective, but in which there is truth, specific to the world of abstraction. But this is an argument about metaphysics, and the mutual irrelevance is metaphysical. Oakeshott’s strictures are reminders to those who would like to draw lessons from history considered as a science in the sense of Wissenschaft, not a matter of practical advice for politicians to ignore science and history.

The emphasis in EM is on the errors: the illusionary character of the idea that history teaches political lessons directly or that there can be a “science of life.” Later on this theme, the theme of the babel of professional and practical idioms, remains, but the emphasis shifts to the question of what they have to say to one another. In the middle period essay, “The Voice of Poetry in the Conversation of Mankind” (1959), Oakeshott gives the problem this formulation:

We are urged, for example, to regard all utterances as contributions (of different but comparable merit) to an inquiry, or a debate among inquirers, about ourselves and the world we inhabit. But this understanding of human activity and intercourse as an inquiry, while appearing to accommodate a variety of voices, in fact recognizes only one, namely, the voice of argumentative discourse, the voice of “science,” and all others are acknowledged merely in respect of their aptitude to imitate this voice. Yet, it may be supposed that the diverse idioms of utterance which make up current human intercourse have some meeting-place and compose a manifold of some sort. And, as I understand it, the image of this meeting-place is not an inquiry or an argument, but a conversation. (1959, 197-98)

This is a plea against collapsing all activities into the activity of inquiry, which makes the relation between idioms into a debate that is rigged so that science always wins, and in favor of a conversation in which the “voices” can meet and become relevant to one another.

Intelligence

Nardin suggests, based on his tracing of the rises and falls of Oakeshott’s usages, that the issue that becomes more and more pressing as Oakeshott’s writings went on involves the core distinction between events understood under the category of intelligent processes and those under the category of nonintelligent processes, and that his earlier use of the notion of modes is supplanted by the fundamental distinction between understanding under the aspect of intelligent processes and understanding under the aspect of nonintelligent processes. This claim of continuity is absolutely central to Nardin’s argument, and certainly in some sense it is true. But it raises some serious questions as well. Why does Oakeshott replace a concept, modes, with a distinction that is apparently less complicated? Are there polemical reasons or concerns that were absent at the time of the writing of EM? One can guess what they were: this was after all the high water mark
of the “reasons and causes” distinction that animated the long series of little red books of the Routledge Library of Philosophical Psychology, which was the megaphone of ordinary language philosophy. But what was Oakeshott’s purpose in introducing a parallel distinction? And if the distinction is a simplification of his earlier views, why is OHC such a complicated book, and why does it introduce so much new philosophical machinery?

Nardin notes that parallel to this emphasis on the distinction between understanding under these two aspects, new terms such as “performance,” emerge. As it happens, this term is parallel in its use to the emerging distinctions of ordinary language philosophy in which the notion of mistakes and mistakes in application come to be regarded as central and as particularly essential to the distinction between the proper subject matter of science and the human realm, a distinction conceived of as a contrast between rule and regularity. The similarity, say, to J. L. Austin’s and John Searle’s use of “performative” in relation to speech acts is tantalizing, as are the differences between the usages. But these similarities do not engage Nardin’s interest. The relationship between the mainstream analytic philosophy of the nineteen-fifties and sixties and Oakeshott is alluded to by Nardin, who comments that ‘Oakeshott’s view of philosophy as conceptual criticism resembles that of the “ordinary language philosophy” of the nineteen-fifties has often been noted” (93, n.25). But this is all he says.

One legitimate reason the themes are not developed by Nardin is that Oakeshott himself seems uninterested in the topics that concerned ordinary language philosophy, which in any case were not particularly relevant to the topics that remained central to Oakeshott throughout his work, such as understanding the specificity of the historical. The issue of historical knowledge as understood by Oakeshott is strikingly similar to the issue faced by the predecessors of Weber and formulated by Weber himself. And the results bear close comparison to Weber. They share the thought that history has its own distinctive problems of abstraction, the question of the nature of the distinctive intellectual purposes of the historian, as well as the problem which Nardin characterizes, in the language of Anthony Giddens, as the problem of the double hermeneutic, the problem of what intelligent understanding we can have of intelligent understanding. For Oakeshott history is composed of transactions conducted in terms of systems of meaning. Weber says it is about meaningful action. For Oakeshott the problem of historical facts and historical individuals, as for Weber, is that judgment is necessarily mixed in with historical facts. For Weber we do the mixing of facts and value in the creation of historical objects, and it is our interest, our interest as ordinary people in making sense of our present historical situation, that motivates our construction of historical questions. This seems to violate Oakeshott’s notions of the purity of the historical mode. For Oakeshott, at least as Nardin constructs him, history must be freed of all practical considerations, must be strictly speaking irrelevant to present politics, and so forth. But Weber was not any more interested in constructing a politically usable past than Oakeshott. Weber’s point was that history is a task of making intelligible that which we have already, from the point of view of our own historical situation and culture, which is to say concerns granted significance out of the totality of possibly significant material.

For Oakeshott history seeks coherence in the way that Weber thought history
sought coherence, namely by making relations between acts preconstituted for us as intelligible more intelligible by placing them in a meaningful pattern. Nardin attributes to Oakeshott the view that history is concerned with this task of intelligibility or coherence to the exclusion of any concern with causality, whereas Weber famously sought both intelligibility and adequacy on the level of cause, by which he meant connections between events that were simultaneously intelligible and made causal sense. But this seems to be another case of a problem with interpreting Oakeshott, who, although he certainly meant to exclude the possibility of treating history as just another “scientific” field, also seems to make causality of the right kind central to the historian’s task. Indeed, Oakeshott’s formulation of the kind of connection the historian seeks seems to comport happily with Weber’s: the historian’s aim is to display something as the consequence in order to illuminate its significance. This captures both of Weber’s elements, cause and meaning. With respect to meaning, the historian is engaged in the explanation of performances in terms of practices. But practices are not themselves much as objects of knowledge. They are like footprints that are left behind, evanescent, rather than the sorts of things that could be turned into subject of inquiry, much less a social science theory.

In this respect, Oakeshott is also like Weber. But there is a decisive difference that reflects their different points, in the trajectory of neo-Kantianism Weber was still trapped in the notion of concepts being “imposed” on a meaningless chaos. Thus, for him the issue of the transhistorical validity of concepts could be resolved by saying that first, their value in making intelligibles more intelligible is value for us, but, second, that their validity was restricted to this; that concepts were at best hand tools, which may or may not retain their usefulness for future generations. For Oakeshott, a concept such as civil association, was something more– a fact of politics that, like all facts, was already imbued with ideal content.

Oakeshott and His Analytic Contemporaries

To understand the implications of this difference requires us to take a detour into the area Nardin avoids: the encounter between Oakeshott and Ordinary Language philosophy. The encounter, as it happens, occurs in the very heart of the philosophy of social science, in Peter Winch’s *The Idea of a Social Science and Its Relation to Philosophy* (1958). Astonishingly Oakeshott is the fourth most referenced author, after Wittgenstein, Weber, and Pareto, and the most referenced person alive at the time of publication. The treatment is critical and extensive. And it is also a pitch perfect application of the central dogmas of the late twentieth century analytic philosophy to Oakeshott’s notion of tradition that indicates the distance between Oakeshott and this tradition.

Winch’s point is that Oakeshott errs in “Rationalism and Politics” (1947-48) by thinking that notions of habit and custom can account for conceptual, rule-following activity. They cannot, because habit does not suffice to account for the essential distinction in conceptual, rule-following conduct—between correct and incorrect applications of a concept, which is to say the conceptual understood in terms of the Wittgensteinian notion of a rule, that is, the notion of a rule as a tacit basis for determining what counts as an instance (1958, 59). This error, Winch then claimed
produces an error about reflection, which is impossible for Oakeshott’s “traditional” moral agent. Winch’s argument is that although Oakeshott says that the moral life is ‘conduct to which there is an alternative’ (1958, 65),

this condition is fulfilled only if the agent could defend what he has done against the allegation that he ought to have done something different. Or at least he must be able to understand what it would have been to act differently. The dog who balances sugar on its nose in response to its master’s command has no conception of what it would be to respond differently (because it has no conception of what it is doing at all). (1958, 65)

In short, reflection is required, and it requires concepts, which require rules, not just habits. To put it in present parlance, concepts are normative, and it is this feature which makes them proper subjects of reflection and deliberation: Habits are merely causal, with the causes hidden from us and not subject to our will. They justify nothing, have no “correctness” associated with them, and thus are not proper subjects of reflection and deliberation.

Was Oakeshott wakened from his dogmatic slumbers by this attack, and was this what motivated the substantial effort of restating his general views in OHC? Or was he oblivious not only to it but also to the commonplaces of the philosophical environment of his time? Answering these questions one way or another would make a large difference to any attempt to understand Oakeshott’s philosophical motivations. We may begin with some externals. As a biographical matter, one can scarcely believe that he was oblivious. He was a paramour of Iris Murdoch and a colleague of Ernest Gellner at the London School of Economics. He could scarcely have been unaware of the remarkable episode that followed the publication of Gellner’s Words and things: a critical account of linguistic philosophy and a study in ideology (1959), in which precisely this orthodoxy was attacked, and against which the philosophical community closed ranks, refusing even to have the book reviewed in Mind, leading to an international scandal reported in Ved Mehta’s extraordinary The Fly and the Fly-Bottle (1962). So it is plausible Oakeshott’s resolute refusal to pay obeisance to the standard model of “concepts” and to his insistence on using an earlier more traditional, non-tacit notion of rule, were not merely advertent but central to his purpose in the book.

OHC, indeed, reads like an elaborate reply to Winch’s criticisms, for it provides an alternative to his model of conceptual elucidation that is focused precisely on the question of what reflection is. Oakeshott’s attack on the problem begins with the notion of concepts itself, and it is here that the odd terminology of postulates and identification has its use. The way to think of their usage, to be brief about it, is to return to the late neo-Kantian moment, when thinkers like Weber and his philosophical interlocutor Emil Lask were struggling with the question of the status of objects of thought which were already partly constituted by ideal elements (cf. Weber 1949; Lask 1950). Even a simple historical description, such as “war,” they thought, was partly valuative and partly ideal, meeting the world half way, so to speak (cf. Lask 1950; Smith 1993). The project of separating the ideal or valuative content from the “real” content struck both of them as
missing the point. As historians, we care about war, not about war described in some alternative way. This is the core of Oakeshott’s discussion of judgment and experience in *EM* as well. And his point, that reduction, restatement in scientific terms, and so forth are misguided projects, is the same. But for Oakeshott, unlike Weber, this does not exclude theoretical reflection on the “ideal characters” that go into the identification of war, and understanding theoretical reflection is the aim of the first part of *OHC*.

What does Oakeshott say about reflection? “Identification” is the replacement for the Kant-inflected term “judgment” of *EM* that he uses to the same purpose, which is to say to begin the analysis with something that already has ideational content. At the moment of identifying what Oakeshott calls, generically, a “going-on” as a particular thing, as a wink rather than a blink (1975, 14-15), for example, we are identifying it in terms of its characteristics as an exhibition of human intelligence. Theorizing amounts to interrogating the elements of the identification, the ideal characters that make it up. In science this may mean simply the theorems which, for example, define the geometrical figure “triangle.” But Oakeshott uses postulates to include these and other, non-theorem-like, ideal characters of which identifications may be composed.

Postulates have two faces: as instruments of understanding and as objects, identities, which generate questions about their own “conditions.” As Oakeshott puts it “the irony of theorizing is its propensity to generate, not an understanding, but a not-yet-understood” (1975, 11). In this discussion Oakeshott comes close to Heidegger’s notion of disclosure that is also a new form of concealment, for he stresses that the adventure of theorizing does not terminate in unconditional understanding, but in an “arrest,” which allows one to focus on a “not understood” temporarily, holding the background of other postulates constant, to produce an understanding of it. But the other postulates too are open to interrogation in turn. There is no privileged or complete stopping point. All theorizing is conditional because it requires the use of a platform of understanding which is itself conditional, and thus open to interrogation. But we can only interrogate if we keep a conditional platform from which to interrogate (1975, 11).

So how does this work, exactly? Oakeshott uses the term “identify” in the opening sentence of his chapter, “On the Civil Condition” in *OHC* (1975, 108), which explains what he is trying to do, and he continues to use the language he had introduced in the earlier pages of the book (1975, 109). He is, as he tells us, concerned with “the civil condition or relationship” as an “ideal character,” an ideal composition of characteristics “which can be extricated from the contingencies of local style” (1975, 109). Nardin discusses this chapter but finds it puzzling and confused. In discussing a comment by Oakeshott that adjudication is a “necessary condition” for the rule of law, he remarks

It is not clear whether the word “necessary” here means that adjudication is conceptually presupposed by the idea of the rule of law itself, or that it is contingently required for the rule of law to emerge or for it to survive in any imaginable set of circumstances. (1975, 222)

He is also puzzled by the fact that Oakeshott holds that actual courts are “devices required to make [the rule of law] effective,” whereas a mode “is always an abstraction”
(1975, 222). He makes the same point about Oakeshott’s inclusion of “offices” as a feature of the rule of law (1975, 222).

Something indeed is amiss here. Oakeshott’s reasoning is clear: “all modes of human association are conditional upon their terms being understood by associates” (1975, 130), and “the civil condition” is one of “agents acknowledging themselves to be cives in virtue of being related to one another in the recognition of a practice composed of rules” (1975, 127). But they are not just any rules. They are rules with particular properties, with laws, “necessarily somewhat indeterminate descriptive conditions,” and consequently problems of interpretation. Accordingly, Oakeshott says, civil association “postulates a procedure of adjudication, authorized in the system of lex, in which these uncertainties and disputes are resolved and the conditions of association in contingent situations ascertained” (1975, 131). Civil association is not, in short, merely a relationship in which the rules are left open to interpretation, and without authoritative interpretation. And problems will arise, simply because of the indeterminate character of the descriptive conditions for applying them. So to be rules that are not laws, there must be adjudication.

What is amiss is not this reasoning. It is Nardin’s apprehension of Oakeshott’s project, and especially the meaning of “contingency.” Oakeshott is not providing a theory of civil association in the sense of telling us what “counts as” one. Nor is it the sort of theoretical reflection that predicts the emergence of the rule of law or its chances of survival under various circumstances, which Nardin also wonders about. It is not a philosophical theory of the sort that we test with counter-examples or against our intuitions. Nor is it an operational definition, whose value will be confirmed by its role in a good predictive law. It would have to be one of these things for his complaint about the word “necessary” to make sense. But it does not make sense because it is none of those things.

Oakeshott was engaged, as he said he was, in extricating “the civil condition or relationship . . . from the contingencies of local style” so that it can be “recognized to be both like and unlike other relationships similarly understood” (1975, 109). He did not mean to separate out a realm of the “logically necessary,” of relationships holding in all possible worlds, but to identify characteristics that go into a coherent notion of actual civil association. Adjudication belongs there, as it is part of the thing identified, because it is not a merely local feature of a particular civil association. And not just the “idea of adjudication,” which Nardin suggests would make more sense, but the characteristic of adjudicating, without which, Oakeshott thinks, we would be talking about something different. If we interrogate this condition, by doing a thought experiment in which we vary it, we can quickly see what is at stake here. A human association like a civil association but free of adjudication would have to be something like a community of saints, already united in a dogmatic interpretation, perhaps, with no disputes of interpretation and thus no need for judges. But this would be something other than civil association and of course is precisely the point of the procedure: to identify and interrogate “conditions” in order to understand what the identity is.

Nardin is right to think that Oakeshott needs explication, and that his distinctive philosophical language has affinities with the rest of twentieth century philosophy. But
with a writer for whom language is so important as important as it is for a poet but for
different reason one must always live in fear that one’s translations are betrayals.
Nardin’s starting point, the notion of modes, is a good one. But Oakeshott’s changes in
language are warning signs, signs of discontinuity and change. And when a good writer
composes a masterwork in which the language becomes especially unusual and opaque,
this is a warning sign that signals radical change, and a radical distancing from his
contemporaries. Nardin’s strategy leads him to the impressive continuities and the
similarities, but makes the rest an insoluble puzzle. But it is this puzzling area that is the
key to Oakeshott’s claim, which I think is valid, to belong alongside Heidegger,
Wittgenstein, and Dewey. The idea of “conditional platforms” provides a way of thinking
about what we are doing when we are doing philosophy that allows us to avoid imagining
that we are attaining some sort of absolute truth, and enables us to avoid slipping into
ideology, while at the same time giving theorizing its due. This makes Oakeshott’s
conception of philosophy parallel to Wittgenstein’s idea of philosophy as therapy,
Dewey’s idea of abandoning the quest for certainty, and Heidegger’s notion that
disclosure is always concealment.

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