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Michael Oakeshott's Critique of Rationalism in Politics as Basis for His Theory of Civil Association

Abstract

Michael Oakeshott criticises rationalism in politics because it excludes everything that is not grounded in and justified by theory. Theoretical knowledge, according to Oakeshott, isn't capable of absorbing the given diversity because it operates in different categories than the reality it seeks to grasp. As a consequence, rationalism reduces politics to problem-solving activity. Oakeshott's formula for the return to autonomous politics is its emancipation in civil association, a framework constituted in terms of common recognition of general rules within which politics in the form of conversation is to be exercised. Corrective to Oakeshott's utopian project is given by Michel Foucault's thought where it is best shown how common institutions, norms and laws are a result of very complex power relations.

Key Words

Rationalism in politics, civil association, enterprise association, politics as conversation, power relations, regimes of truth

Introduction

A decision to write an essay on Michael Oakeshott originated in the substantial and yet insufficiently acknowledged contribution he made to political theory. Two thoughts that appear to be the most creditable and inspiring in his *œuvre* are singled out in this essay: critique of "rationalism in politics" and theory of civil association. Whereas the former represents a coherent critique of *technical* politics and suggests a well elaborated alternative, the latter remains no more than an interesting thought experiment. The greatest *sin* Oakeshott imputes to rationalist politics is taking away the autonomy of the political and putting the latter in service of other domains of human activity from which it assumes their problem-solving mentality. Oakeshott finds a remedy to such decay of politics in civil association but unfortunately fails to acknowledge the dependence of institutional framework on power relations. In the second half of the article some of his views are contrasted to the ones of his contemporary Michel Foucault. It seems that Foucault's distinctive theory of power and knowledge reveals the extent to which Oakeshott's theory of civil association is vulnerable.

A few words about Oakeshott

Michael Joseph Oakeshott (1901–1990) was an English philosopher commonly regarded as a prominent conservative thinker of his century.[1] He stud-

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John Gray calls him "century's greatest conservative writer" (John Gray, *Post-Liberal-* *ism: Studies in Political Thought*, Routledge, London 1993, p. 40).

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ied history at Gonville and Caius College but his early works suggest that he soon became more interested in philosophy, especially the philosophy of history and other history-related philosophical areas, than in history itself. Perhaps the most productive period of his life was the one he spent as professor of political science at the London School of Economics and Political Science (LSE) from 1950 until 1969. His reputation as a conservative mostly stems from that time when he focussed on the political orientation of the United Kingdom. His sceptic view on ideologies (particularly socialism) and rationalism as well as his praise of tradition played an important part in gaining the conservative image. Oakeshott's best works are widely seen to be *Rationalism in Politics and Other Essays* (1962) and *On Human Conduct* (1975).

Rationalist knowledge

Before trying to understand Oakeshott's critique of "rationalism in politics", one needs to define what he takes to be "rationalist knowledge". The latter refers to a kind of knowledge that has to be completely formulated in clear, explicit and finite terms. It is a view that labels any practice not governed by a theory as irrational. Rational action always has a theory-set goal as well as rules for accomplishing it. In that sense, Oakeshott explicitly distinguishes technical knowledge (which can be precisely formulated) and practical or traditional knowledge (it cannot be "taught nor learned, but only imparted and acquired").[2] Rationalism according to Oakeshott denies the existence of the latter although we find both of them in political life.

Practical knowledge does involve rational thinking and acting but what Oakeshott mainly recognises in it is the absence of scientific approach that seeks to establish rational premises and than build on them. By calling it traditional (besides practical) knowledge, he implies that it is a kind of knowledge created by generations and it has to be respected as such. What brings attention is that Oakeshott generally presents tradition as something monolithic, homogenous. However, in the political realm not only do we have plurality of political traditions but inside each of them there are differences stemming from cultural, religious or other divisions. Oakeshott could reply that what he has in mind is the dominant tradition in a particular society but then again some societies don't have a dominant tradition or its dominance is not so significant as to disregard the other competing traditions. This is particularly noticeable with the rise of multicultural societies.

Oakeshott's belief is that tradition should be a solid ground which we can turn to after our failure with the guidance of theoretical knowledge. But which tradition should that be? If there are many, how are we to recognize the best one without theoretical knowledge that is not a part of this or that tradition? It seems then that theory should be above the traditions, and so should political guidance. If common ground for political activity cannot be found in tradition, then we must look for it in common good, best solutions or in mutual interests. In other words, as we realize that tradition too failed the guidance test Oakeshott applied to theory, we are once again forced to turn to enterprise state. Primacy of tradition, one of the main theses of his theory, is something he only managed to establish as a hypothesis but hasn't succeeded in presenting solid arguments for. As a consequence, wherever there is no dominant and unambiguous tradition we need theory to guide us.

Oakeshott rightfully argues that the appearance of technical knowledge emerging from pure ignorance and ending in certain and complete knowl-

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edge – from where it draws its alleged superiority – is in fact an illusion. Some kind of knowledge is always already there and it is not possible to disregard or eliminate it. Oakeshott's view is that the knowledge "already there" is grounded in tradition. It was Descartes' and Bacon's obsession to banish the idols and prejudices contaminating our reason and to start afresh from something fundamental and certain. But as Oakeshott rightly put it, learning a technique does not imply starting from ignorance but rather means reforming a knowledge that already exists. A person learning a new language will (willingly or not) apply knowledge of a similar language. Someone learning to drive a bus will use the skill of driving a car and so on.

Another misconception of rationalist knowledge stems from its holism: knowledge is necessarily certain and complete whereas partial knowledge is just a *nescience*. In that regard Descartes started with something undoubtedly certain and established everything else by building on that certainty. Fragmented, unsystematic, tacit knowledge lacks such certainty and therefore cannot be knowledge at all.[3] Oakeshott rightly emphasised that rationalist concept of knowledge impoverishes political activity by taking away from politics all those wisdoms, political instincts, tricks and skills that we think of when we talk about politics today. Unfortunately, while searching for an ideal political framework, he established a sterile political system that equally disregards aforementioned political phenomena.

Modern rationalism

Oakeshott observes that modern rationalism (with roots in Descartes and Bacon) doesn't represent "the only fashion" in modern political thought but it is nevertheless by far the predominant one. His main objection to rationalism in politics is that it excludes everything that is not grounded in and justified by a theory. To grasp Oakeshott's critique in full it is necessary to underpin the basic or the most important (for Oakeshott) characteristics of modern rationalism:

• The only valid authority is the authority of reason.
• Experience is regarded as useful only formulated through and subjugated to theoretical reason.
• Conduct of affairs is equated with solving problems.
• Solving problems means finding a perfect solution which surmounts circumstances that would otherwise allow only the best possible one.

Oakeshott claims that a rationalist's mind "has no atmosphere, no changes of season and temperature".[4] In other words, it is not subtle enough for the world of nuances it seeks to explain. As a consequence, a rationalist approach that aims at translating reality into rationalist knowledge leaves an enormous part of that reality intact. Disregarding circumstances in the end leads to uniformity rather than recognition of variety.

2
Michael Oakeshott, *Rationalism in Politics and Other Essays*, Liberty Press, Indianapolis, IN 1991, p. 11.

3
That would mean, for example, that what animals know is not really knowledge. However, we can hardly argue that everything they do

or feel is based on instinct. A dog knows how to walk when leashed as well as it knows that misbehaviour will be punished.

4
M. Oakeshott, *Rationalism in Politics and Other Essays*, p. 3.

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"Political activity is recognized as the imposition of a uniform condition of perfection upon human conduct."[5]

Theoretical knowledge, according to Oakeshott, isn't capable of absorbing the given diversity because it operates in different categories than the reality it seeks to grasp. As a result, everything that we can sense but not understand in purposeful rationalist categories is being disregarded because it does not constitute real knowledge. This insight is one of the cornerstones of Oakeshott's criticism of rationalism or, more specifically, of ideology-driven liberalism. By asserting that irrational and purposeless elements also constitute our political reality, Oakeshott opens the door for a different kind of liberalism, the one grounded in toleration.[6]

A related but nevertheless a different claim is that reducing politics to engineering defines what Oakeshott calls "politics of the felt need". The principle aim of rationalist politics is accordingly detecting problems and solving them. Oakeshott criticizes this approach because it doesn't leave room for unfulfilled needs as themselves valuable in a given society. From his point of view unfulfilled needs are obviously not seen as problems that have to be removed but as factors that by sheer existence constitute a society that they are a part of. This view is, according to Oakeshott, problematic in two ways. Firstly, rationalism doesn't take experience for what it is but transforms it into a sequence of problems and adherent problem solutions. In that way it deprives a society of its continuity and (by fragmenting it) of its full meaning. In conclusion, rationalism becomes an abstract theory not correspondent to reality. Secondly, after a problem is detected in experience, it is in a way "pulled out" of it and being solved separately. That is why, Oakeshott thinks, the solutions found are also detached from reality.

By focusing on the way experience is transformed and translated into *artificial* rationalist logic, Oakeshott identified an important phenomenon of a problem-solving mentality in our societies. The most devastating consequence of this kind of approach is that it doesn't recognise the value of phenomena not transformable into soluble problems. It doesn't recognise purposelessness as part of this world and part of our lives. In other words, it impoverishes our colourful world and seeks to reduce it to mathematics and logic.

Two types of association

Oakeshott groups all social and political communication into two ideal types of association, never appearing in their pure form: enterprise association and civil association.[7]

Enterprise association is a joint pursuit of the satisfaction of collective wants, be it moral, economic, religious or political. It is:

1) voluntary – common pursuit is chosen by a will of each individual;

2) instrumental – governed by external (imposed) rules as well as internal (instrumental) rules, but not constituted *in terms* of those rules (it is rather constituted by its projects);

3) managerial – usually a manager is appointed or elected to realize the set goals in a contingent surrounding.

On the other hand, civil association is established *in terms* of generally acknowledged rules (as opposed to wants or purposes), which as a whole are called *lex*.[8] Oakeshott distinguishes between legal and moral rules (although he holds that it is a moral rule to obey the legal rules). Specific moral norms

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of a community are not formal rules and are thus dependent on the subject's
approval (if this is not the case they loose all their authority). Moral rules for
Oakeshott are not instructions to do or to refrain from doing something. They
are abridgements of an already existing traditions and practices of conduct.
Their authority is not absolute. It is derived from the authority of the wider
practice they stem from.

Legal rules on the other hand don't depend on approvals but only on the
recognition of their formal authority. A law should be obeyed not because it
is just or convincing but because it's a part of *lex* (that is to be obliged) and
the latter should be obliged not because of its utility nor because it derives its
authority from some external principle or value. It is because *cives* (citizens)
are in moral bond with each other through common subscription to *lex*. The
latter is the only thing they all have in common. In terms of being *cives* they
are not partners in business, allies in a political game or partners in an intimate
relation. According to Oakeshott, just as people are obliged by laws which
they might disapprove, they are equally in correlation with those "strangers"
whom they might dislike. In other words, they are drawn to a mutual arrange-
ment not by relations between them but by a common recognition of living
together under the structure (and protection) of *lex*. One thing they all share is
recognition of *lex* as superior to their cultural or other differences.

Unfortunatelly, Oakeshott's claim that *cives* are in moral bond with each other
through common subscription to *lex* remains unexplained. A possible founda-
tion for it would be Kant's thought where external freedom forms part of the
system of morality. However, Oakeshott didn't reach for Kant's political or
moral philosophy and moral significance of *lex* remains just a belief.

An apparent problem with the given concept is that the described minimalist
relationship remains silent on political activity as such. It establishes a frame-
work within which political life is to be exercised but doesn't say anything
about that political life, especially about the way it influences *lex* itself. Oake-
shott tried to address the problem of rationalist politics by finding an alterna-
tive in political conversation. Civil association would thus be constituted in
terms of common legal and moral framework which would then enable politi-
cal activity to take place within given moral and legal institutions. However,
even if such a framework has the authority Oakeshott attributes to it, it is still
unclear how it shapes the political activity it is designed to protect. Oake-
shott's intention was actually to deny this influence and to suggest instead that
a legal and moral framework is possible that serves as a neutral ground for
and a guarantor of free political activity. For the sake of neutrality he refused
to specify the nature of the proposed *lex*. In that way he unfortunately ignored
the fact that political activity is always shaped by (among other factors) by
political systems. It matters a lot whether political activity is taking place in a
democracy, republic or an autocracy.

John Gray finds Oakeshott's greatness in his rejection of "doctrinal or fun-
damentalist liberalism"[9] that rests on doctrines such as *laissez-faire*, natural

5
Ibid., p. 6.

6
I will say more about this later.

7
Michael Oakeshott, *On Human Conduct*, Cla-
rendon Press/Oxford University Press, Oxford
1991.

8
Oakeshott uses this term that interchangeably
stands for justice and legislation, with more
emphasis on the former.

9
J. Gray, *Post-Liberalism: Studies in Political
Thought*, p. 41.

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rights or a set of basic liberties, as well as his argument in favour of the auto-
nomy of political life (which according to Gray represents liberalism shaped
by toleration).

"What we have seen so far is that the rationalist projects of doctrinal liberalism, spawned by a
false philosophy that pretends to govern rather than merely to struggle to understand practice,
have had the effect of corroding our historical inheritance of the civil society and of weakening
traditional constraints on the activities of government."[10]

Oakeshott is right to draw attention to the importance of having common in-
stitutions where different interests are to be discussed and different positions
exchanged. However, political phenomena like power relations, political
techniques, political prudence, coercion, violence etc., are thereby completely
neglected. Democratic institutions can be established only as a (perpetuating)
result of political activity which includes the aforementioned phenomena.
Common institutions can be more or less liberal and more or less democratic
but their value, quality, character and authority will always depend on the
day-to-day politics being exercised within their scope. In other words, formal
authority of institutions is insignificant if the power lies elsewhere.

In addition to the detected problem, Oakeshott's subordination of cultural
identity to the common recognition of *lex* is to an extent doubtful. If his aim
is to stress that sometimes a common respect for the *lex* comes before our
religious, cultural or other differences, it is something we can concur with.
But having said that, it must be noted that cultural, religious or other identi-
ties really matter, furthermore that they stand in the centre of political activity.
Authority of state may to an extent be abstract in a way Oakeshott suggests
but that aspect of it is overshadowed by political dependence of that same au-
thority on public support in the sense of support for actual political projects or
ideologies. In other words, people may subject themselves to the law because
they have respect towards laws (or norms) as such but it is doubtful that that
would be the only (or even the principal) reason for embracing it. If a law or
a norm is particularly harmful it will be neither obeyed nor embraced. When
this argument is employed in a wider political spectrum, what can easily be
observed is that citizens will mainly support a particular government because
it brings prosperity, freedom, equality etc., and because it respects their reli-
gious, cultural or political identity. The content of laws and the path of their
creation and not their formal authority stand in the centre of political activi-
ty. Oakeshott should have given more thought to the differentiation between
obeying the law (or a government) and supporting it. It seems that in the
world of cultural diversity of the Western civilization both aforementioned
aspects are present: obeying the law because it is mandatory and supporting it
because of its beneficence.

Oakeshott *contra* Foucault

A philosopher who dedicated most of his work to exploring and explaining the
very micro-politics so chronically absent from Oakeshott's thought is Michel
Foucault. What an enormous gap there appears to be between Oakeshott's
formalist account of the authority of law and theory of government in the later
stage of Foucault's thought! Although the area of Oakeshott's concern stays
fairly in the field of sovereignty, his formalistic account of the authority of *lex*
finds a challenging contestant and supplement in Foucault's idea of govern-
mentality (*gouvernmentalité*). The latter is Foucault's neologism that unites
the word government (the power to conduct something in a certain way) and

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a specific mentality – a characteristic way of thinking of modern societies that everything can be governed, regulated, administrated.[11] Foucault describes his governmental power (as opposed to disciplinary power) as a "conduct of conduct" (*la conduite de la conduite*) and later more precisely as "guiding the possibility of conduct and putting in order the possible outcome".[12] Through the ever increasing number of institutions and administrative mechanisms, yielding a myriad of specialised sorts of knowledge and techniques of power the state conducts a global concern for its population as well as an individualizing concern for each and every citizen (aimed at his body and his capacities). Governmentality is not a characteristic of a particular political institution or a certain praxis that some institution would employ. It is, quite differently, specific way of political reasoning, a specific logic leaving trace in political action and political institutions. Governmentality marks a necessity of modern societies for increased but at the same time sophisticated governance through a multiplicity of equivalent mechanisms. In one way or another, we leave more and more segments of our lives to be governed by the state administration, health systems, fitness centres, travel agencies, TV channels etc. Anthony Giddens argues that modern life is unprecedentedly socially organized.[13] There is a high level of organization in all aspects of our lives, be it sophisticated ones like school systems or credit card systems or an activity as essential and basic as shopping for food. Government can thus be applied in any situation where there is an asymmetry of power; where we can influence somebody's conduct. In other words, it can be applied everywhere. Needless to say that Foucault (or Giddens) wouldn't agree with Oakeshott's account of civil association where people practice peaceful co-existence without trying to submit, overpower or govern somebody because power is inherent to social relations and exists parallel and intertwined with what Oakeshott calls *lex*.

Such disagreement is justified because peaceful co-existence can in the real world only mean the balance of power and not its absence. If Oakeshott had approached civil association in this way he would have escaped the danger of utopianism. Observing contemporary lifestyles and political activity reveals that Foucault's governmental power corresponds far more to reality than the ideal construct of Michael Oakeshott.

Far from claiming that the law of the state or the Government in power doesn't draw its authority from engaging in a discourse about the good life, Foucault finds this authority very much dependent on the care the government shows for the individual and the population as a whole.[14] On one hand, the strategies of government aim at increasing the happiness of citizens by improving their conditions and quality of life. On the other hand, that goal asks as a precondition and produces as a consequence an increased control over people's lives. Foucault talks of the need for development of certain elements in the lives of

10
Ibid., p. 42.

11
Barry Allen, *"Foucault and Modern Political Philosophy"*, in: *The Later Foucault*, Sage Publications Ltd., London 1998, p. 179.

12
Michel Foucault, "The Subject and Power", in: *Michel Foucault: Beyond Structuralism and Hermeneutics,* University of Chicago Press, Chicago 1983, pp. 219–221.

13
Anthony Giddens, *Modernity and Self-Identity: Self and Society in the Late Modern Age*, Polity Press, Cambridge 1991.

14
Michel Foucault, "Governmentality", in: *The Foucault Effect: Studies in Governmentality*, University of Chicago Press, Chicago 1991.

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individuals so that their progress would at the same time increase the power of the state. The tension between those two ends reveals the dynamics of the modern power as at the same time individualizing and totalizing. In other words, micro-power takes into account all those specific features of subjects but at the same time directing those subjects in a certain way increases the efficiency of the whole apparatus, be it state, prison or school. In contrast to Oakeshott, Foucault thinks that modern state draws most of its authority from engaging to the tiniest details in lives of her citizens. The state[15] possesses detailed knowledge about its citizens, governs their lives and bears responsibility for them (as a shepherd for his flock). It doesn't just provide legal framework for the interest-free zone of political conversation as Oakeshott suggests.

Politics as Conversation

Each type of Oakeshott's association has a rationale, a paradigm, a basic kind of activity that determines its character. Two paradigms belonging to two ideal types of human association are argument and conversation. Argument is always a means to an end, whereas conversation is an end in itself. It has no set destination and is in that way akin to play or friendship or even love.

According to Oakeshott, political role of a ruler in a civil association is solely to enable the continuity of this political conversation; without interfering with it he protects its given structure.

"In political activity, then, men sail a boundless and bottomless sea; there is neither harbour for shelter nor floor for anchorage, neither starting place nor appointed destination. The enterprise is to keep afloat on an even keel; the sea is both friend and enemy; and the seamanship consists in using the resources of a traditional manner of behaviour in order to make a friend of every hostile occasion."[16]

The problem is that political activity thus described leaves a sense of formalistic emptiness, especially because power relations are entirely ignored. Foucault too explored discursive practices but reached an account of discourse utterly different from Oakeshott's. According to him, discourses are always intertwined with power relations and that's why they are always arguments or even more battles rather then just conversations with no winners or losers. Between a parent and a child, doctor and a patient, teacher and a pupil or between any two individuals, discourses always include power relations. They are on one hand the media of power relations, their vehicles (*véhicule*), and on the other hand they are constituted by them.

In *The History of Sexuality*[17] Foucault conducts a genealogical analysis of the occurrence of the modern account of sexuality at the beginning of 19th Century, a period erroneously thought by many to be marked by strong repression of sexuality. Substantial interest for sex as a political and social problem manifested as a hyperinflation of sexual discourses, primarily medical and psychiatric discourses about the deviant and marginal sexualities, about sex in the centre of religious and political confession, juridical obsession with peculiar sexual crimes, etc. As sexuality was being introduced to medicine in a new way, it was also being incorporated into the networks of the production of truth. The truth about the individual was thought to lay in his sexuality (as his hidden essence) and the task of medicine and psychoanalysis was to *excavate* it. Foucault's analysis of the effects of sexual discourses proliferation led him to reformulate the relation between power and sexuality. He concluded

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that they are not ontologically different but that sexuality is rather a result of a productive bio-power aimed at human bodies.

However, the phenomenon of sexuality was just a paradigm – as were the disciplinary institutions – that showed the relation between the discourse and power. What Foucault demonstrated on sexuality and prison (in *Discipline and Punish: The Birth of the Prison*[18]) applies to political activity respectively. The described mechanisms were employed by politics and as a consequence the realm of political became ever wider. It now includes everything that has to do with sexuality, reproduction, organizing family life, human sciences, religion, etc. Oakeshoot would have agreed with this observation but would not have approved of it. He longed for the long lost autonomy of the political and considered proliferation of politics into other discourses a certain degradation of the political.

Vis-à-vis Oakeshott's account of political activity as seamanship, stands Foucault's metaphor of power as governing a ship.

> "What does it mean to govern a ship? It means clearly to take charge of the sailors, but also of the boat and its cargo; to take care of a ship means also to reckon with winds, rocks and storms; and it consists in that activity of establishing a relation between the sailors, who are to be taken care of, and the ship, which is to be taken care of, and the cargo, which is to be brought safely to the port, and all those eventualities like winds, rocks, storms, and so on."[19]

In other words, government has to do with a "complex composed of men and things".[20] How different this thought is from the one suggested by Oakeshott where he asserts that political conversation is about *keeping afloat*. For him, in civil association (a framework for exercising political conversation) people find an area of political freedom. And he is right to the extent that the modern liberal state provides a space for exercising our rights and free activity because it is built on a principle of the rule of law. Whatever is not prohibited by laws is legally permitted.[21] Civil association refers primarily to this legal relationship that enables free conversation. For example, it is not obligatory to drive a car, but in case we have one, the law prescribes under which rules it is to be driven. Within these boundaries we are free to move in any direction. To this extent, there is nothing controversial in Oakeshott's claim. However, he conceives civil association not just as legal framework. For him it is a structure that makes possible the existence of power-free relations. Conversation, as he conceives it, is a practice of absolute political freedom. Contrary to

15
Foucault talks about the "governmentalisation of the state", although his analysis of power is not focused on state power or the state in general.

16
M. Oakeshott, *Rationalism in Politics and Other Essays*, p. 127.

17
Michel Foucault, *Histoire de la sexualité, tome 1: La Volonté de savoir*, Gallimard, Paris 1994.

18
Michel Foucault, *Surveiller et punir*, Gallimard, Paris 1993.

19
M. Foucault, "Governmentality", p. 209.

20
Ibid.

21
Hannah Arendt, in *The Origins of Totalitarianism*, argues how in a totalitarian state the levels and channels of communication between individuals are replaced with an 'iron chain' so that their plurality vanishes in a new united, collective social body. To tear down the barriers (made of laws) between people means to destroy freedom as a political reality because the space between people given by laws is a 'live space of freedom'. In other words, laws are crucial for exercising freedom because they enable free movement just as the rules of semantics are crucial for the existence of language. Without them, words would just be motionlessly "glued together".

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Foucault, he thinks that there actually are modes of human relations that don't include power, that are structured as conversation, not as argument.

For Foucault on the other hand, pure form of political (or any other kind of) conversation is unimaginable. A conversation always includes relations of power which are closely and in a complex manner intertwined with various discourses. This view is a direct consequence of Foucault specific concept of power, which was often criticised for not being distinguished enough from other kinds of relation and human activity. Critics assert that Foucault's relations of power are so broad that they can be called relations in general. This kind of criticism is misplaced. Foucault chose to concentrate on the question *how* of power instead of often discussed *who*, *in what capacity* or *with what justification*, which is why his concept of power does not rest on either relations of sovereignty or on normative grounds. For the same reason he ended up analysing micro-power which is often harder to delineate from other types of relations. He made a great effort to describe close correlation between power and knowledge or power and sexuality but that does not mean he blended them together into one notion. His account of power[22] therefore resists the mentioned criticism as we can make a distinction between conversation and power and yet see that the former cannot exist without the latter. Conversation divested of at least attempts to guide, govern, persuade or dominate would not be a genuine but an artificial one. We can then say either that conversation does not exist (only argument) or that conversation is something different which includes power relations but albeit balanced ones. Representing the latter position, Foucault rejects the idea of a society without power relations and proposes a concept of reduction to a minimum of states of domination (irreversible, stabile, asymmetrical power relations). Unfortunately, this kind of distinction requests a normative basis which Foucault fails to establish. He does state that domination relations should be avoided because individual freedom is not their constitutive part as is the case for normal (strategic or governmental) power relations. However, he doesn't give us a foundational reason for striving towards more freedom. It remains just an assumption. Nevertheless, in insisting on the existence of power relations in any kind of conversation – and elaborating on this phenomenon in great detail – Foucault stands much ahead of Oakeshott's utopistic idea of politics as (power-free) conversation.

Two other things should be stated at this point. First one is about the conceptualization of the individual (subject). For Foucault, an individual is an effect (as well as a source) of power relations and not the foundational, stabile, constitutive unit upon which power acts from outside.[23] He is the vehicle (*véhicule*) of power rather than the object of its application. He is constituted through practices of subjection on one hand and of liberation on the other.[24] He may struggle against the power exercised upon him but through those same governmentalizing, normalizing or disciplining strategies he is constituted as an individual. This is a fundamental reason why Foucault would never acknowledge the existence of something like civil association. For people to have a formalistic relationship with each other through a common recognition of the authority of *lex* they would have to be solid, formed units. Foucault claims that they are not but that they are rather always re-created in respected environments and that includes interaction with the existing legal and moral norms. That brings us to the second point.

For Foucault, power and freedom are necessarily intertwined while the bulk of liberal tradition, together with Oakeshott, places them in opposition. Foucault

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holds that power and freedom necessitate each other and just as some strategic power situation is never stabilized, freedom is equally never guaranteed or definitive. It is not to be concluded that Oakeshott lived in delusion that a particular political or social system (like civil association) would grant absolute freedom. However, he did establish an ideal of pure freedom and he did believe it is achievable in certain political and social activities. Foucault doesn't recognize a static essence of freedom but argues for a fluid one whose rationale is posing constant challenge to whatever is taken to be normal or inevitable. For both Foucault and Oakeshott liberty is a practice, something that has to be exercised but Oakeshott thinks that it can be guaranteed (at least to some extent) by the established *lex* while for Foucault no law or institution is capable of securing our freedom. It can only be reached within micro-mechanisms that live *underneath* the structure of sovereign power and only temporarily and through constant struggle.

What we can concur with in Oakeshott's thesis is the existence of an abstract component in some modes of human interaction whose basic form is the one of conversation. The essence of love or friendship for example (that Oakeshott considers similar to political conversation) lies not in fulfilling any goal (be it something external or just having power over the other person) but in mutual emotional engagement, recognition, respect, etc. There is a widely shared understanding that it does not involve power relations. This lack of external purpose reveals that love or friendship are essentially exercised in the form of conversations rather than the one of argument.

Nevertheless, it is difficult to deny that even those, considered to be "pure" forms of human interaction are in reality intertwined with power relations. Friendship may be an end in itself but particular interactions between friends always or very often include attempts of maintaining "power over", even when this happens subconsciously. As for political conversation, it is impossible even to imagine it being isolated from political power relations, and that most likely was Oakeshott's intention. Foucault argues that we can't escape power relations because they are intrinsic to (and for Foucault the most important component of) human interaction. If we accept this view, there can hardly be a political conversation isolated from political power relations.

Another problem with conversation as Oakeshott conceives it is that it is a relationship where parties are not assimilated into one another and can thus stay authentic with their diverse positions. No truth is to be discovered, no claim to be proved. According to him, the main quality of conversation is the absence of attempts to dispute the opinion of another, so each position is valuable in itself.

This claim is substantially problematic. If all voices are to be equally relevant, then none of them can really claim universally shared validity or legitimacy (there will ultimately appear a claim that states the opposite). Where an opinion is contested by an opposite one, there is no ground for claiming validity because there are no (in Foucault's words) regimes of truth. A knowledgeable

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Foucault's concept of power is not a subject of this essay, and I am not able to analyse it in more depth.

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M. Foucault, *Power/Knowledge: Selected Interviews and other Writings, 1972–1977,* Random House, New York 1988, p. 98.

24
Michel Foucault, *"An aesthetic of existence"*, in: *Politics, Philosophy, Culture: Interviews and Other Writings*, Routledge, London 1990, p. 50.

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person and an ignorant have equal starting points and there is no authority between them to arbitrate on the validity of their claims.

What immediately sticks out here is the matter of motivation. Is it really believable that people would expose their convictions and inform of their views without at the same time hoping that others would subscribe to the same views? Is it plausible to claim that people's beliefs are not accompanied by convictions that they hold the key to the truth? Conversation without a desire for persuasion seems mechanic, almost inhuman and ultimately absent from our political lives.

Foucault, on the other hand, tackled this issue through his theory of power. Instead of arguing for *the Truth*, he believed that particular discursive practices in particular societies have their own regimes of truth which cannot be detached from power relations. Discourses themselves are neither true nor false. They search for the truth in a specific historical context, which means that truth is a historically specific and relative category, the product of the effects of various discourses. The practices where "rituals of truth" are produced Foucault calls the "political economy of truth". Instead of being a transcendental value to be discovered the truth is established in the focus of power relations. Consequently, the political efficiency is reached not by emancipating the truth from the system of power in general[25] but by distancing the systems of the production of truth (i.e. systems of power) from the forms of domination in which they can be found.

The common ground for Foucault and Oakeshott is that they both reject the possibility of reaching some transcendental idea of truth through social and political interaction. The difference is that Oakeshott doesn't deny such an account of truth but holds it irrelevant for political conversation. In civil association we are merely establishing ground for understanding each other. Foucault on the other hand thinks that there is a societal truth, but it is changeful and the core of social and political activity lays in establishing the regimes of truth through relations of power.

Conclusion

Oakeshott believed that conversation in a civil association was a plausible description of human intercourse because it recognized the qualities and diversities of human utterances. He believed that the ability to participate in conversation (and not the ability to reason) is what makes us civilized human beings. Maybe his greatest contribution to political philosophy is that – although the idea of civil association is somewhat a utopian project suffering from lack of substance – he managed to show that political discourse should be more similar to conversation than to scientific technique as suggested by some rationalist thought.

It is certainly an original idea that the concept of civil association is a necessary supplement to enterprise association. It is a thought that aims at establishing liberalism not by grounding it in a set of values that are to be promoted, but as a system that provides a framework for peaceful coexistence.

Oakeshott's "purposeless" approach aiming only at peace stands isolated in political theory. He presented some persuasive arguments for the claim that a non-instrumental association based on formal structure as a bond between people should have a place in politics beside the political association based on pursuit of particular common goals. Unfortunately, he failed to recognize the limitations of this concept and its dependence on the other kind of association.

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Subsequently he neglected important political phenomena like power relations, interpenetration of power and knowledge, systems of the production of truth and other ones that Foucault pays so much attention to. Conceived as an ideal project and seen in isolation, Oakeshott's idea of civil association ended up having a strong utopian character.

Petar Mihatov

Michael Oakeshottova kritika racionalizma u politici kao temelj teorije građanske udruge

Sažetak

Michael Oakeshott upućuje kritiku racionalizmu u politici koji isključuje sve što nije utemeljeno u teoriji, odnosno njome opravdano. Teoretsko znanje, prema Oakeshottu, ne može apsorbirati raznolikost svijeta jer rukuje drugačijim kategorijama od onih koje pripadaju realnom svijetu. Posljedično, racionalizam svodi politiku na djelatnost rješavanja problema. Oakeshottova formula za povratak autonomiji političke djelatnosti jest njezina emancipacija u civilnom udruživanju, okviru koji se temelji na priznavanju općih pravila kao takvih, unutar kojeg politička djelatnost zauzima oblik razgovora. Korektiv Oakeshottovu utopijskom projektu nadaje se u misli Michela Foucaulta gdje je najbolje demonstrirana ovisnost zajedničkih institucija, normi i zakona o vrlo kompleksnim odnosima moći.

Ključne riječi

Racionalizam u politici, građanska udruga, poduzetnička udruga, politika kao razgovor, režimi istine

Petar Mihatov

Michael Oakeshotts Kritik des Rationalismus in der Politik als Grundlage für seine Theorie der bürgerlichen Vereinigung

Zusammenfassung

Michael Oakeshott kritisiert den Rationalismus in der Politik, da er im Vorhinein alles ausschließe, das einer theoretischen Grundlage bzw. Rechtfertigung entbehre. Theoretisches Wissen könne jedoch nicht, so Oakeshott, alle Mannigfaltigkeit der Welt in sich aufnehmen, denn es operiere mit anderen Kategorien, als in der realen Welt vorzufinden seien. Folglich werde nach rationalistischen Gesichtspunkten die Politik auf das Lösen von Problemen reduziert. Oakeshotts Formel für eine Rückkehr zur Autonomie politischen Handelns ist dessen Emanzipierung innerhalb der bürgerlichen Vereinigung als eines Rahmens, dessen Grundlage die Anerkennung allgemein verbindlicher Regeln bildet und in dem das politische Handeln in Form von Unterhandlungen vor sich geht. Ein Korrektiv zu Oakeshotts utopischem Projekt ist das Denken Michel Foucaults, das am besten demonstriert, inwiefern gesellschaftliche Institutionen, Normen und Gesetze von äußerst komplexen Machtverhältnissen abhängig sind.

Schlüsselbegriffe

Rationalismus in der Politik, bürgerliche Vereinigung, Unternehmensvereinigung, Politik durch Unterredungen, Machtverhältnisse, Wahrheitsregimes

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Which would, according to Foucault, be impossible.

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La critique par Michael Oakeshott du rationalisme en politique comme point de départ pour sa théorie de l'association civile

Résumé

Michael Oakeshott critique le rationalisme en politique car celui-ci exclut tout ce qui n'est pas fondé sur ou justifié par la théorie. Le savoir théorique, d'après Oakeshott, ne peut absorber la diversité du monde étant donné qu'il fonctionne avec des catégories différentes de celles de la réalité qu'il cherche à saisir. Par conséquent, le rationalisme réduit la politique à la résolution de problèmes. Ce que recommande Oakeshott pour un retour à l'autonomie de la politique est l'émancipation dans l'association civile. Cette dernière est constituée sur la reconnaissance commune des règles générales dans le cadre desquelles la politique devrait s'exercer sous forme de dialogue. Une version plus élaborée du projet utopique de Michael Oakeshott est donnée par la pensée de Michel Foucault qui montre mieux que les institutions, les normes et les lois sont le résultat des relations de pouvoir complexes.

Mots-clés

Rationalisme en politique, association civile, association d'entreprise, politique comme dialogue, relations de pouvoir, régime de vérité