Abating contingency: Michael Oakeshott's political pluralism

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Abstract
This article investigates the liberal political implications of Michael Oakeshott's political theory of civility and civil association by focusing on his judicious attempts to abate contingency. It argues that Oakeshott's political theory can be best understood as 'political pluralism', aimed at the maximalist accommodation of abundant and fluctuating human pluralities, individual and associational. By reinterpreting Oakeshott as a defender of civil society, composed of numerous purposive associations, against state-imposed monism, it argues that in Oakeshott's theory civil association is devised to protect associational freedom, thereby keeping civil society as free as possible. It then discusses the distinctiveness of Oakeshott's characteristically 'liberal' political theory by critically engaging it with two dominant strands of liberalism, namely, liberal pluralism and political liberalism.

Students of Oakeshott's political theory have been fascinated by his provocative separation between philosophy and practice, his insightful distinction between civil association and enterprise association, his distinctive notion of (conservative) 'politics' (as a postulate of civil association), and his penetrating critique of utopianism and rationalism. Although it is an ongoing controversy whether or not Oakeshott can be best understood as a champion of liberalism (as opposed to conservatism),[1] it is now generally agreed that Oakeshott's critique of a particular version of liberalism, predicated on materialism and political rationalism, does not vindicate his disavowal of liberal tradition *in toto*.[2] Quite contrarily, renewed attention to Oakeshott's stark severance between philosophy and practice enables us to make sense of his two-layered approach to liberalism – that

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there is no inherent tension between his philosophical commitment to the core postulates of liberalism such as moral agency, freedom and individuality and his active rejection of all kinds of ideological liberalism, including Lockean and Millian variations, that have actually been practised in modern Europe. Moreover, as some commentators have rightly noted, Oakeshott's valorization of conservative disposition does not necessarily entail his unqualified support for conservative politics, although it is arguable whether Oakeshott personally remained faithful to this Oakeshottian distinction between philosophy and practice throughout his long career.[3]

However, due to their preoccupation with conventional liberal postulates of freedom and individuality, the existing studies that draw attention to the essentially liberal character of Oakeshott's political theory have rarely grappled with how Oakeshott's political theory of civil association, advanced in his major work *On Human Conduct*, is distinctively liberal qua political theory in the context of contemporary liberal political discourse. After all, Oakeshott's liberal political theory departs significantly from the most familiar type of liberalism as it does not posit, let alone advocate, rights-based individualism as an integral part of his political theory, despite his immense interest in strong individual agency, and his notion of 'freedom' can hardly be understood in terms of negative freedom.[4] But certain idiosyncratic, largely Hegelian, elements found in Oakeshott's otherwise classical liberalism *à la* Hobbes alone hardly make his political theory *another* liberalism, as long as the liberalism in question revolves around such familiar liberal values as freedom, agency and individuality.[5] Nor does its intellectual indebtedness to Aristotle or its historical connection to Roman republicanism fully illuminate the distinctive liberal character of Oakeshott's political theory of civil association.[6] Moreover, to point out the non-purposive and anti-foundationalist nature of Oakeshott's political theory as its distinctive liberal character – however important it is for his implicit democratic theory[7] – does not help much because most contemporary liberal theories are non-purposive (or politically neutral) and anti-foundationalist as well. In short, my concern here is rather with what kind of liberalism Oakeshott's political theory of civil association is, if it can be called such, and how distinctive this liberalism is from other brands that are equally anti-foundationalist.

In this article, I argue that Oakeshott's political theory – if we reconstruct its postulates with a view to its overall purpose, namely 'abating contingency'[8] – can be best understood as *political pluralism*, aimed at the maximal accommodation of abundant and fluctuating human pluralities (both individual and associational), which, according to Oakeshott, are the natural corollaries of the human condition as contingent rather than causal or organic. Special attention will be paid to Oakeshott's complex idea of enterprise association. Contrary to the conventional view that civil association and enterprise association are in opposition to each other, I demonstrate Oakeshott's strong interest in the flourishing of various forms of enterprise association, formed for certain substantive purposes, as an indispensable vehicle for 'freedom', and his defense of freedom of association and dissociation in civil society composed of an almost indefinite number of purposive associations. By reinterpreting Oakeshott as a defender of pluralistic civil society against the state operating on (philosophical, political, or religious) monism, I argue that in Oakeshott's political theory civil association is devised to protect purposive associations, thereby keeping civil society as free as possible.[9]

After reconstructing Oakeshott's political theory as a series of attempts to abate contingency, and, ultimately, as a kind of political pluralism, I then show the distinctiveness of Oakeshott's 'liberal' political theory by critically engaging it with two dominant strands of contemporary liberalism which are equally concerned with pluralism – liberal pluralism and political liberalism.

I Contingency, plurality and freedom

Human plurality

It is debatable how to go about understanding the relation between pluralism and liberalism in Oakeshott's political theory. Though Oakeshott is widely recognized as one of the most important liberal thinkers in the last century, he vehemently critiqued liberalism, particularly its most dominant version concentrated on rights.[10] While Oakeshott's liberal credential is ambiguous given his idiosyncratic reformulation of liberal theory in terms of civil association,[11] his deep commitment to human plurality is unquestionable and his philosophical (and, as I shall argue, political) pluralism is clearly and powerfully presented in his major work, *On Human Conduct*.

In *On Human Conduct*, Oakeshott begins his exploration and reconstruction of civil politics with the radical Platonic severance between philosophy and practice, which itself is a kind of pluralism. Oakeshott distinguishes philosophy, which is, to use Plato's allegory of the cave, the outside of the cave, and thus concerned with the complete and concrete experience of the world, from (political) theory, which is concerned with the inside of the cave, the world of practice, and thus whose engagement is 'to abate mystery rather than to achieve definitive understanding'.[12] Oakeshott postulates the essential characteristic of practice in terms of contingency. The cave, the world of practice, is a domain of constant change, full of differing or conflicting values, ideas, opinions and interests. No law governs this world of fluctuations and pluralities, nor is it regulated by scientific or organic causality. Contingency, then, is 'a relationship between "goings-on" identified as individual occurrences exhibiting intelligence (human actions and utterances) in which they are understood in the only way in which their formal character as individual occurrences allows them to be understood, namely, in terms of their dependent connections with other such occurrences'.[13] Neither under law nor under causality, nor fixed on human nature, is human conduct categorically distinguished from behavior, which is 'a genetic, a psychological, or a so-called "social" process',[14] and consists of 'beliefs … agency, deliberations, choices, decisions, intelligible utterances, performances, satisfactions, procedures, practices, [and] motives'.[15] Conduct *inter homines*, therefore, is 'social only in virtue of the manners in which "free" agents are actually associated; that is, in respect of their being associated in a multiplicity of practices of various dimensions and complexities, degrees of independence, and differences of status'.[16]

Seen in this way, for Oakeshott, human pluralities, understood as diverse beliefs, motives, choices, decisions, utterances and performances, or together as 'human conduct', and contingency (or anti-foundationalism) are mutually constitutive and reinforcing. On one hand, human pluralities are the natural outcomes of contingency as the

latter proffers what Hannah Arendt calls the 'human condition' in which each individual can spontaneously disclose her or his authentic *being* by means of speech and action.[17] In this sense, plurality is an unavoidable human condition and it is intrinsically valuable as it not only renders humans as inherently 'free' or 'agentic', capable of infinite non-instrumental choices and actions, but further enables them to have distinctive individual self-identity, which should never be suppressed. On the other hand, though, the contingent human condition is perpetually self-enforcing precisely because of a myriad of uncoerced human actions and choices. As we will see later, it is in order to protect the human condition that at once enables and is produced by free human choices and actions that Oakeshott explores the state as a civil association which unlike enterprise association can accommodate all kinds of human pluralities, individual as well as associational.

Precisely in this sense, Oakeshott's political theory can be captured in terms of *political pluralism*. Political pluralism differs importantly from the philosophical pluralism that characterizes Oakeshott's overall system of thought: while the latter depicts the existence of different modes of experience (i.e. science, history and practice), namely the diversity in and of practices and the contingent nature of the human world,[18] the former, as will be shown, is concerned with the moral valorization and political protection of human pluralities and individual and associational freedom.

Adventurous freedom

For Oakeshott, humans are inherently 'free' precisely in the sense that they belong to the *world* of action or doing (hence not to that of organism or causality) where action or doing is identified as '*response* to a contingent situation related to an imagined and wished-for outcome'.[19] That is, humans are free prior to or even without becoming an autonomous moral agent, which is the typical understanding of freedom in the liberal tradition, as humans are intelligent creatures who understand (or misunderstand) their situation and are what they understand themselves to be. A man is *free* 'not because his situation is alterable by an act of unconstrained "will" but because it is an understood situation and because doing is an intelligent engagement'.[20] As self-reflective and intelligent engagement with a contingent situation, human conduct is like 'sail[ing] a boundless and bottomless sea [where] there is neither harbor for shelter nor floor for anchorage, neither starting-place nor appointed destination; [in which] the enterprise is to keep afloat on an even keel'.[21] Thus, Oakeshott says:

> [I]n 'doing' an agent casts off a mooring. He may be seeking a satisfaction, but what he *chooses* is an action; that is, the adventure of aiming at an imagined satisfaction. Hence the saying of Democritus that courage is the beginning of action: courage to put out to sea . . . [The agent] has a 'history', but no 'nature'; he is what in conduct he becomes. This 'history' is not an evolutionary or teleological process. It is what he enacts for himself in a diurnal engagement, the unceasing articulation of understood responses to endlessly emergent understood situations which continues until he quits the diurnal scene. And although he may imagine an 'ideal' human character and may use this character to direct his self-enactments, there is no ultimate or perfect man hidden in the womb of time or prefigured in the characters who now walk the earth.[22]

Plurality is an unavoidable human condition and it 'cannot be resolved by being understood as so many contingent and regrettable divergences from a fancied perfect and universal language of moral intercourse (a law of God, a utilitarian "critical" morality, or a so-called "rational morality")'.[23] Radically conditioned in the world of contingency but constrained by no fixed causal rules, moral imperatives, or natural or divine law, the agent is best characterized as an adventurer who does not know for certain the consequences of his (or her) actions. He is far from a role-performer in the purposive/corporate enterprise association.[24] The agent 'will always be [a] somewhat finicky chooser insisting upon doing things his own way ... He is more likely to perish in some quixotic adventure than to die in bed; but, either way, he will have a death of his own as he has a life of his own.'[25] The defining disposition of the agent is 'to be distinct'.[26]

II Contingency and moral character

Deliberation

According to Oakeshott, 'doing' is an adventure of uncertain outcome in three respects. First, it is action in search of a wished-for response from other agents which it may not receive. Second, it is action which, even if it receives its wished-for response, may fail to provide the satisfaction anticipated. And third, it is action the outcome of which (whatever it may be) is always a new situation calling for new responses.[27] These three respects in which doing is an adventure of uncertainty constitute the conditions of deliberation. Constantly exposed to frustrations of her imagined and wished-for satisfactions (and even the resentment such frustrations are likely to give rise to), which is the existential price for being 'free' in the world, the agent has to find a way to diminish the hazards of (the consequences of) her conduct. Deliberation is what an agent engages in when she has to make a reflective choice in the absence of any independently premeditated end with a view to discovering 'the best, the easiest, and the most effective way of achieving it'.[28]

Unlike deliberative democrats, premised on a similar kind of anti-foundationalism, Oakeshott does not develop a democratic theory of deliberation, to which collective judgement is central, because he does not believe moral conduct (which includes political activity) is concerned with problem-solving.[29] The deliberation that interests him is an individual moral practice. In Oakeshott's view, when moral intercourse is relegated to the collective deliberation of problem-solving, its defining characteristic as a moral practice, namely, the intrinsic value of morality, is seriously undermined. What will loom large after collective deliberation of problem-solving are the procedures favorable to a common substantive enterprise in which deliberation is subservient to a substantive notion of the common good or collective/public interest and is instrumental to achieving such a common goal.[30] Oakeshott's ambivalence (more negative than positive) toward democracy, therefore, can be attributed to the high likelihood that in a democracy *societas* [civil association] turns into *universitas* [enterprise association]. As we shall see shortly, for Oakeshott, civil association is a polity of pure proceduralism, subscribing to no common purpose such as distributive justice or democratic self-government. For him, democracy can never abate contingency; rather, it is likely to eliminate

contingency, thereby suppressing the otherwise irreducible plurality of human beings and their intrinsic freedom.[31]

The virtue of self-enactment

Insofar as an agent engages intelligently with others by seeking his own imagined and wished-for satisfaction and responding to that of others, he is said to 'disclose' himself. As noted, self-disclosure is concerned with the distinctiveness of one's individuality. Since the interactions among agents are transactional engagements that involve (and require) various kinds of responses from others, the individuality that is expressed through self-disclosure is an agonistic individuality, because self-disclosing actions *inter homines* are necessarily accompanied by competition and conflict among pluralities, though they are circumscribed by existing moral practices or tradition.[32] By nature, it is a hazardous adventure which is interminably liable to frustration, disappointment and defeat.[33]

However, self-disclosure represents only a part of human conduct because conduct is not only action related to the achievement of certain substantive outcomes. While human conduct is always necessarily self-disclosing and self-disclosure is concerned with the intention of the agent, there is another aspect of conduct that is concerned with the motive in which it is performed. Oakeshott captures this aspect of human conduct in terms of *self-enactment*: '[C]hoosing an action is always meaning to procure a satisfaction in a motive of some sort. And unless agency is denied, these motives must be recognized as sentiments in which a man permits himself to act and not as organic impulses or urges.'[34]

In distinguishing self-enactment from self-disclosure, however, Oakeshott warns, we should not suppose that the two are distinctive psychological states as if when deliberating and choosing an action in relation to a wished-for satisfaction the agent also deliberates and chooses the sentiment in which he is to act, which is simply absurd. The real difference between self-enactment and self-disclosure is that while the latter is other-regarding, being sensitive to the response from others with whom one is in interminable transactions and the satisfaction (or frustration) that it procures, the former is purely concerned with the inner disposition of the self, or the integrity of one's character. Consider the following statement by Oakeshott:

> [W]here agency is self-enactment, where the consideration in doing is not what is intended to be achieved but the sentiment in which it is done, conduct is released from its character as a response to a contingent situation and is emancipated from liability to the frustration of adverse circumstances. For, what the agent chooses to think is related to his understanding and respect for himself, to the integrity of his character, and not at all to his understanding of a contingent situation to which he must respond by choosing an action. And since what he thinks in this manner does not seek an outcome in the responses from other agents, it is released from having to submit to the compromises they impose.[35]

Here Oakeshott cautions us not to understand self-enactment and self-disclosure as merely distinguishing two aspects of moral agency. Perhaps what is more important than this conceptual distinction is the inseparability between self-enactment and self-

disclosure, belonging to a single language. That is, if we read Oakeshott's notion of self-enactment against the backdrop of his overall philosophical pluralism, we can see the importance of its role, though limited, in 'abating contingency' and avoiding certain perils of pluralism arising from the action of self-disclosure, despite Oakeshott's celebration of human plurality. In the lines that follow the above statement, Oakeshott makes this point clearly:

> [I]n these encounters with himself, an agent's conduct is not an interminable succession of actions and utterances inexorably opening out of one another, each hazardous because the satisfaction it looks for is the response of another. Here doing is delivered, at least in part, from the deadliness of doing, a deliverance gracefully enjoyed in the quiet of a religious faith.[36]

Given that he will ultimately resort to *lex* or civil association both to accommodate and to abate abundant human pluralities, and also that he presents self-enactment in terms of individual distinctiveness (i.e. the quality of character that is distinctively one's own), Oakeshott's attention to self-enactment or moral character in relation to the abatement of contingency is rather refreshing, because it offers a non-legal moral and purely individual-centered ethical practice to come to terms with the challenge of contingency.[37] Although it is never separable from the deadly engagement of agents disclosing themselves in responding to their contingent situations, as Oakeshott here assumes the self as internally coherent, and just like self-disclosure it is an episodic and fugitive engagement, full of unresolved tensions, hence far from self-perfection,[38] self-enactment abates the most perilous face of contingency by achieving an inner alignment (virtuous or otherwise) between motivation and action, which makes one's contingent conduct meaningful and reflective. In self-enactment, therefore,

> . . . [t]here is at least the echo of an imperishable achievement when the valour of the agent and not the soon-to-vanish victory, when his loyalty and fortitude and not the evanescent defeat, are the considerations; and even an action in respect of its being dutiful is released from the transitory arbitrament of substantive inconclusion.[39]

In short, without denying the still contingent nature of self-enactment or moral character, which, being profoundly concerned with individual distinctiveness, is itself an important source of human pluralities, including their negative by-products (most notably, the perils of value pluralism of the kind Hobbes narrates in his gloomy depiction of the state of nature[40]), Oakeshott imparts to it a power (i.e. an inner disposition) to release, albeit temporarily, the agent from the uncertainty and inconclusiveness of contingency.

Then, how can self-enactment enable the agent to 'deliver himself from the deadliness of doing' or secure 'release from the transitory arbitrament of substantive inconclusion'? Exactly how can social conflicts resulting from the hazardous transactions among self-disclosing individual agents be moderated through self-enactment? Unfortunately, and evidently due to his strong interest in the institutional approach to abate contingency through civil association, Oakeshott does not delve much into this issue. But his idea can be gleaned from the following statement:

> The compunctions of self-enactment are, then, demands an agent makes upon himself in which he requires of himself a *délicatesse* of conduct which cannot be required of him by another, which he may not make a show of requiring of others, but which are not merely his own good opinion of himself: the requirement of thinking about himself as he should while doing what he ought. Conduct which notably fails to observe this condition is *shameful*.[41]

The compunctions of self-enactment consist of two stages. The first stage involves the demands an agent makes upon himself. We can call it *self-restraint*, in which the agent's strong desire for self-disclosure in the world is aligned with and moderated by the motive and sentiment appropriate in a given situation. The 'integrity of the character' can be achieved primarily through this inner psychological mechanism. The second stage of the compunctions of self-enactment naturally accompanies the first, namely, the *délicatesse* of conduct. The self-demanding, hence self-controlling, agent requires of himself a certain composure in his conduct, namely 'civility', through which he can transact with others, who are de facto strangers, peacefully as well as sociably. Without much elaboration, Oakeshott calls the compunctions of self-enactment that inculcate in the agent the virtue of civility 'the arts of agency', which only an individual is capable of.[42]

Seen in this way, self-enactment mediates Oakeshott's pluralism predicated on strong individualism and sociability among self-disclosing strangers.[43] As Paul Franco rightly notes, Oakeshott's political theory, therefore, is clearly distinguished from both communitarianism, which tends to suppress individuality and social pluralism in the name of shared meaning and the common good, and deontological liberalism, which puts the right before the good.[44] The uniqueness of Oakeshott's political theory of civility is attributable to the philosophical question he begins with, which is radically different from that with which communitarians and liberals are typically concerned – the problem of abundant pluralities, not the purpose of political association (common good versus individual rights).

One may wonder how Oakeshott's attention to abundant human pluralities has anything directly to do with his liberal political theory. After all, pluralism is compatible with various modes of liberal and non-liberal political arrangements. Moreover, the values of plurality and especially freedom are also found in the republican tradition by which Oakeshott was deeply inspired.[45] Let me offer a brief rejoinder to this challenge, which will be critical to my subsequent interpretation of Oakeshott's political theory of civil association in liberal and pluralist terms.

Even though pluralism is compatible with various modes of political arrangements and there is no prima facie reason to assume that pluralism is the natural corollary of liberalism, Oakeshott posits pluralism as the contingent but critical component of the modern, largely liberal, societal condition in which each human being finds himself or herself not only as a (universal) moral agent or a (republican) free man or woman but, more crucially, as an adventurous *individual* with distinctive self-identity. His political theory of civil association is aimed to provide an institutional apparatus by which to protect this contingent condition of human pluralities that enables humans to be free.

To be sure, traditional republicans were also concerned with freedom and liberty, as powerfully noted by David Boucher,[46] but it is less clear how deeply concerned they

were with regard to the moral value of plurality as such, which for Oakeshott is inherently related to the adventurous life of the modern individual. Neither Greek republicans, the champions of civic virtues and the common good, nor Roman republicans who valorized freedom as non-domination, paid as much attention to the moral value of abundant human pluralities as Oakeshott did, let alone constructed a political theory aimed to protect this particular value under the largely republican framework. If Oakeshott is a republican, he is a liberal and pluralist republican – hence the calling of him a *political liberal* in order to differentiate him from both mainstream (non-republican) liberal pluralists such as William Galston and Nancy Rosenblum (to whom I will come back shortly) and republican liberals such as Richard Dagger.[47] Thus understood, what makes Oakeshott's political theory of civil association interesting is not so much his republicanism per se but his liberal pluralism, nested in his notion of contingency and its moral value, that renders his republicanism a distinctive kind.

III Pluralism and civil association

Civility as strangership

Admittedly, civil association is of central importance in Oakeshott's political theory.[48] There have been numerous criticisms of Oakeshott's political theory of civil association, mostly focused on its narrow, almost inadequate, understanding of politics, its stringent formalism and its self-serving notion of justice (which Oakeshott presents as intrinsic to *lex*).[49] However, less attention has been given to why Oakeshott valorizes civil association or *societas* as the only legitimate mode in which the state should be organized, and, correspondingly, why he thinks enterprise association should not be the constitutive mode of the state, despite his embracement of various modes of enterprise associations in what contemporary social scientists call 'civil society'.

According to Oakeshott, civil association is a *societas* of agents who are strangers, and have different ideals, values, faiths, interests and life plans. It is

> ... an association, not of pilgrims travelling to a common destination, but of adventurers each responding as best he can to the ordeal of consciousness in a world composed of others of his kind ... [who are the] partners in a practice of civility the rules of which are not devices for satisfying substantive wants and whose obligations create no symbiotic relationship.[50]

Simply put, civil association is the relationships of civility.[51]

Since civility is a moral practice governing relationship among strangers, it is qualitatively different from the moral virtues of benevolence and altruism. It is neither premised on any particular (religious or philosophical) notion of human nature nor derived from what John Rawls calls comprehensive moral doctrine. Rather, its moral force resides precisely in the nature of the relationship itself: *cives*, formally equal to one another in front of *lex*, are not joint enterprisers and 'they are related solely in terms of their common recognition of the rules which constitute a practice of civility'.[52] Since the nature of this civility is formal, independent of any substantive satisfaction, it is a somewhat 'watery fidelity' according to Oakeshott.[53] This 'watery' nature of civility, which is based on neither a communitarianism of thick citizenship nor a rights-based liberalism,[54]

is best captured when Oakeshott says that '[c]ivil relationship is certainly a fiduciary relationship in which faithfulness is not a device for promoting the satisfaction of substantive wants; but it is not the faithfulness of friends ... [W]hat is civilly desirable cannot be inferred or otherwise derived from general moral desirabilities.'[55]

Still, Oakeshott does not tell us what civility consists of, except that it is a moral relationship mediated by law. And in the second essay of *On Human Conduct*, where Oakeshott is fully devoted to the theoretical reconstruction of civil association, we no longer hear how self-enactment and the arts of agency are connected and conducive to the relationships of civility, which constitute a civil association. It seems that the concept of civility undergoes a notable internal transformation: it is not so much a moral character formed by self-restraint and enabling the *délicatesse* of conduct, which requires the arts of agency (though this aspect of civility still remains to a certain extent), but a subscription to the authority of *lex*, a self-contained system of law. What is important is not how to conduct oneself in the hazardous transactions with others or how to navigate the world of abundant pluralities and differences, but whether to recognize the authority of *lex* in terms of the authority of *respublica* itself.[56] Oakeshott says:

> The tie which joins [the agents], and in respect of which each recognizes himself to be *socius*, is not that of an engagement in an enterprise to pursue a common substantive purpose or to promote a common interest, but that of loyalty to one another, the conditions of which may achieve the formality denoted by the kindred word 'legality'.[57]

It is important to note, however, that this conceptual shift from the arts of agency to legality in the notion of civility is not incidental. In order to understand the reason for this shift, it is imperative to examine Oakeshott's idea of enterprise association and its relation to civil association.

One civil association and many enterprise associations

Enterprise association is commonly understood as the antithesis of civil association. This common understanding is not baseless given such expressions in the third essay of *On Human Conduct* as 'two irreconcilable dispositions represented by the words *societas* and *universita*s'.[58] Also, since Oakeshott discusses civil and enterprise association mainly in the context of the emergence and development (or degeneration) of modern European states, the tendency to view both associations in terms of different, even oppositional, modes of the state, rather than as two irreconcilable *dispositions*, is not entirely incorrect. Furthermore, despite his supposed neutrality toward both modes of association, Oakeshott's clear preference for civil association, as evidenced in expressions such as 'the superior desirability of civil association',[59] is likely to make his readers approach civil and enterprise association in comparative and normative terms of good and bad.

However, Oakeshott's criticism of the decadence of the European states into enterprise associations is one thing; his general stance toward enterprise association as a mode of disposition is another. In an otherwise illuminating essay, David Mapel asserts that 'the defining aim of civil association is to express and protect the realization by "agents" that they are "agents"',[60] insinuating that enterprise associations cannot accommodate

such free agents. I do not think this represents Oakeshott's position accurately. In my view, Oakeshott's commentators often gloss over the important fact that the existence of various forms of voluntary associations is the natural corollary of abundant human (cultural, religious, economic and political) pluralities. Consider the following statement by Oakeshott regarding enterprise associations in civil society:

> Agents thus related may be believers in a common faith and concerned or not concerned to propagate it, or they may be partners in a productive undertaking (a bassoon factory); they may be comrades or allies in the promotion of a 'cause', colleagues, expeditionaries, accomplices, or conspirators; they may be joined in belonging to the same profession or in having the same trade; they may enjoy a 'common life' or they may be united merely in having common enemies; they may comprise an army, a 'village community', a sect, a fellowship, a party, a fraternity, a solidarity, a *collegium*, or a guild. The ties of this association may be close like those of a corporation; or they may be the looser ties of partnership or alliance.[61]

In civil society, a free agent occasionally associates with others with whom he or she shares a common purpose and for Oakeshott there is nothing morally wrong with this free association, because it is one of the contingent choices free agents can make in a pluralist society. In fact, Oakeshott makes it abundantly clear that enterprise association is a voluntary association: 'An agent need not have expressly enrolled himself by a deliberate act, but this joint pursuit of a common purpose entails agents related to one another in the acknowledgment of it as their common purpose and it is a relationship from which an agent may extricate himself by a choice of his own.'[62] The 'choice' to extricate oneself from the association when it fails to serve the alleged common purpose is an integral component of free agency understood as reflective consciousness. As Mapel rightly notes, since 'freedom' (and accordingly agency) is a postulate of *all* human conduct, it is clearly compatible *both* with civil and with enterprise associations.[63]

From a political standpoint, however, the real issue is not merely the compatibility between free agency and enterprise association, but, more importantly, the indispensability of the freedom of association (and dissociation) to the agent, which is, as Oakeshott acknowledges, the most familiar way of coping with contingent situations. Purposive enterprise association is the relationship of 'a many in one where the singleness lies in the joint recognition of "managerial" choices of response to contingent situations contingently connected with the pursuit of a joint purpose or interest'.[64] As individuals do not form and join associations without substantive purposes – political, economic, or cultural – it is natural to conclude that the (kind of liberal) society Oakeshott has in mind is composed of an almost infinite number of purposive associations.[65]

It may be objected that the 'managerial' character of purposive association is significantly at odds with the free exercise of agency, and thus that even if an individual member in the enterprise association has the freedom to exit, her or his agency is critically constrained by the very nature of the association. Oakeshott's statement that 'a corporation is not composed of persons with divergent wants or interests associated in making bargains with one another for the satisfaction of their different wants or interests of each'[66] could perhaps lead to such a misgiving. However, Oakeshott's main concern in this statement is with the nature of purposive association (i.e. many-in-one), not the

constraints it puts on the agent. It is only to say that *within* a purposive association, the given purpose, to which every member has consented (explicitly or tacitly), and the terms with which the members identify themselves, holds a supreme moral value, and its very existence would be threatened if there were different wants or interests, which would collide with the purpose of association – in which case, the members would be driven back to contingent situations where there are only hazardous transactions among self-disclosing and self-enacting individuals.

When a person joins a religious association, say, a Christian Church, she does not deem her free agency as seriously encumbered by the way it operates, nor by the purpose it serves. Rather, her agency, which is aligned with the purpose of the Church, is fully realized only when the Church remains the kind of the 'managerial' (hence purposive) organization that it purports to be. Put differently, although enterprise association is formed for and operates on *extrinsic* purposes, for members such purposes hold an *intrinsic* value. For instance, a religious person cannot think about herself, her integrated self-identity, without her religiosity, even though the particular mode of religiosity (associated with the religion's distinctive doctrines, theology and ceremonies) is not inherent in her. To varying degrees, the same is true of secular social organizations and associations including workplaces, political parties and various forms of fraternities and sororities. In a free society, the value of association (all- purposive) is an intrinsic value[67] – hence Oakeshott's active defense of enterprise associations in civil society.

Thus understood, what worries Oakeshott is not enterprise association as such. It is the *enterprise state* that Oakeshott objects to: 'The "freedom" inherent in purposive association is that of the choice to be associated and the consequent capacity to dissociate if the purpose or the management of its pursuit is disapproved. But where the association is a state this is excluded by the logic of its constitution.'[68] Then, the so-called 'superior desirability of civil association' should not be understood vis-à-vis any particular kind of enterprise association in civil society, but against the purposive state, which, as will be shown shortly, is the greatest enemy of human plurality. Likewise, Oakeshott's increasing attention to legality, rather than the arts of agency, his persistent use of the term 'civility' notwithstanding, should be appreciated against the backdrop of new, more formidable, challenges that associational pluralism poses to civility and stability.

IV Political pluralism

Then, how can we make sense of Oakeshott's political theory of civil association in the context of contemporary liberal political theory? Given the anti-foundationalism undergirding Oakeshott's political theory, it can be easily inferred that his liberal theory is structurally distinguished from many liberal political theories that start with an antecedent and pre-politically derived philosophical foundation, be it conceptions of right or justice.[69] Unlike liberal political theories predicated on some sort of Archimedean point, Oakeshott's anti-foundational liberal theory begins with the ineluctable human condition of contingency, characterized by uncertainty, indeterminateness and unpredictability, thus without positing natural rights or free-standing justice. In this section, therefore, I pay special attention to two dominant positions in contemporary liberalism with regard to pluralism – namely liberal pluralism and political liberalism – that are equally anti-

foundational. By critically engaging Oakeshott's anti-foundational pluralist liberalism with these two versions of liberalism, we can come to a clear understanding of its distinctively liberal nature.

Contra *liberal pluralism*

In a free society various forms of purposive associations arise through the freedom of association and, as Oakeshott notes, such associations are formed contingently (according to different values, faiths, doctrines and identities) to cope with various contingent situations. Then the free polity is faced with a new challenge – namely, value pluralism and the paradox it naturally gives rise to in a free society. William Galston aptly captures the 'paradox of pluralism' as the following:

> If we insist that each civil association [read: enterprise association for Oakeshott] mirror the principles of the overarching political community, then meaningful differences among associations all but disappear; constitutional uniformity crushes social pluralism. If . . . our moral world contains plural and conflicting values, then the overzealous enforcement of general public principles runs the risk of interfering with morally legitimate individual and associational practices.[70]

As a 'liberal' thinker in a way that Oakeshott is not, Galston's worry is that civic liberalism, a mode of liberalism that has positive ambitions and transformative projects to realize them,[71] is likely to promote the congruence between the principles of the overarching political community, which in Oakeshott's language is the purposive enterprise state, and the principles governing the internal affairs of enterprise associations in civil society. Unlike Oakeshott, who posits civil association as indifferent to any kind of substantive purpose, Galston understands liberal polity, which includes a variety of social associations (i.e. purposive associations), as a purposive association predicated on characteristically 'liberal' purposes.[72] Galston's greatest concern, therefore, is how to make a liberal polity commit itself to a policy of *maximum feasible accommodation* of associational pluralities by refusing the civic congruence thesis, according to which social associations should mirror the principles of the overarching liberal political polity or firmly commit to its public reason. In the end, Galston's preferred way to overcome (or rather to moderate) the paradox of pluralism is the virtue of tolerance understood as 'the principled refusal to use coercive state power to impose one's views on others, and therefore a commitment to moral competition through recruitment and persuasion alone'.[73]

Though similarly faced with the question of how to accommodate abundant and fluctuating human pluralities exercised through the freedom of (purposive) association, Oakeshott's breakthrough is qualitatively different from what is suggested by Galston's liberal pluralism. First of all, it is self-contradicting to postulate the state, a compulsory entity by nature, in terms of an enterprise association that is voluntary. Oakeshott writes: '[C]ompulsory enterprise association is a self-contradiction: enterprise association is necessarily constituted by the continuous choice of each associate to be related to others in terms of a common purpose, a choice from which he must be able to extricate himself. There is no such thing as collective choice.'[74]

More importantly, Oakeshott does not (or refuses to) postulate the overarching polity, in which purposive associations are nested, as a purposive liberal community, thereby differentiating himself from political liberals. For him, it must be a civil association, which is neutral to all kinds of substantive purposes (except the purpose of abating contingency) and whose authority solely resides in *lex*.

> An empire, a realm, or a state which is in some significant degree a civil association will have no more difficulty in accommodating such communities than it has in allowing room for individuals of eccentric persuasions. It has no purpose of its own to defend against such community purposes, their concerns do not seriously conflict with the conditions of a *respublica* ... All this is well within the character of a state understood in the terms of *societas*. But a state understood as itself a corporate association can have no place for them. If such a private community were to devote itself to a purpose eccentric to that of such a state it will probably be considered even more dangerously divisive than individual defection; and if its purpose were to coincide with that of such a state, to pursue it thus in a private adventure will be regarded as a usurpation of the managerial office of the government.[75]

From Oakeshott's standpoint, the paradox of pluralism is likely only in the context of purposive political association, or if we conceive of the polity in terms of purpose, be it liberal or otherwise. But this problem is not salient in the state understood as civil association. Moreover, liberal pluralism of the kind advocated by William Galston and Nancy Rosenblum is dangerously divisive and unsettling[76] – if the polity were itself a purposive association, on what terms can the conflict between it and other purposive associations in civil society be adjudicated, let alone resolved? As liberal pluralists rightly claim, why should priority be given to public reasons and civic ambitions as opposed to private purposes and associational values? Oakeshott stipulates that 'purposes modify one another and cannot be related in terms of addition if only because each is necessarily a competitor for the total resources of time and energy'.[77]

Tolerance is merely a modus vivendi solution for the fact of (value) pluralism and it is always vulnerable to the vicissitudes of pluralism. Tolerance may be able to accommodate pluralism to *some extent*, but if solely relying on the 'arts of agency', it is short of protecting minorities effectively. Only within a civil association can associational freedom be fully realized and associational life (and by implication individual agency) flourish. Only there can certain political equality among associations, large or small, be guaranteed. Oakeshott says:

> Just as such a state [as an enterprise association] cannot tolerate performances eccentric or indifferent to the pursuit of the purpose which constitutes the association, so it cannot accommodate purposive associations whose purposes are eccentric or indifferent to its purpose ... What are called 'minority' associations can exist only where a state is recognized in the terms of civil association; and there they require no authorization.[78]

In a recent essay comparing Oakeshott and Galston, Jacob Segal approaches their differences from a somewhat different angle. Segal, too, is interested in the way Oakeshott and Galston come to terms with the apparent dilemma in liberalism, namely, how to

reconcile the moral value of pluralism and the requirement of a bond of shared characteristics to sustain social unity. From Segal's view, despite its strong emphasis on the moral value of innumerable human ends and purposes, Galston's liberal pluralism ends up generating a weak form of state perfectionism because of its simultaneous endorsement of liberal purposes and virtues at a regime level.[79] The result is an unwitting justification of a Foucaldian disciplinary society in which the liberal self is conformed to and constituted by liberal social norms and standards, thereby forsaking its authentic self-identity and spontaneous freedom, the intrinsic moral values that Oakeshott is most concerned with. Unlike Galston, argues Segal, Oakeshott's pluralism is free from this danger because civil association is singularly committed to the intrinsic value of acting. However, this commitment should not lead one to the conclusion that civil association is a form of purposive association as well. Thus Segal stresses that '[f]or Oakeshott the legal order has no purpose, but it engenders his preferred agency'.[80] Put differently, by positing it as the positive effect, but not a political purpose, of the *lex* of civil association, Oakeshott secures his moral commitment to the intrinsic value of free moral agency without going through state perfectionism, thus avoiding a Foucaldian normalizing process.

Segal's penetrating comparison is full of insights but it exaggerates the perfectionist impulse in Galston's liberal pluralism. What Segal glosses over is the critical 'Hobbesian turn' in Galston's political thought in the past decade,[81] which has made his recent political theory far less perfectionist and much closer to the kind of pluralism long endorsed by George Kateb, Richard Flathman and Nancy Rosenblum.[82] As noted earlier, the Aristotelian influence is still paramount in Oakeshott's political theory of civil association and its republican character is undeniable. The republican legacy deeply implicated in Oakeshott's political theory of civil association, when combined with his anti-foundationalism and moral valorization of contingency, gives an important twist to the way he comes to grips with pluralism.

Contra *political liberalism*

Granted that Oakeshott's politics of pluralism is distinct from liberal pluralism, can we align him with political liberals or public reason liberals such as John Rawls and Amy Gutmann, who are equally wary of the divisiveness of liberal pluralism?[83] As is well known, Oakeshott's political theory of civil association is in tension with the kind of 'teleocracy' Rawls subscribed to in *A Theory of Justice* with his preoccupation with distributive justice.[84] But would Oakeshott find equally problematic the later Rawls' political liberalism, which begins with the fact of pluralism and strives to abate contingency by means of overlapping consensus and public reason? After all, the later Rawls distinguishes between the basic structure (and constitutional essentials) and what he calls the background culture in civil society. In the former, citizens are obliged to confine their proposed justifications to public reason, while in the latter, they, as private individuals, are free to employ their preferred comprehensive doctrines as the basis of argument.[85] To use Oakeshott's terminology, Rawls's political sphere is insulated from the fact of pluralism characteristic of the background culture consisting of various forms of purposive enterprise associations.

Though Richard Rorty, solely focusing on their shared anti-foundationalism, calls both the later Rawls and Oakeshott 'liberal ironists',[86] Oakeshott would have difficulty agreeing with Rawls' 'political, not metaphysical', theory of justice. This is not merely because of Rawls' persistent concern with justice, particularly distributive justice in *Political Liberalism*. From Oakeshott's philosophical viewpoint, Rawls' political liberalism, though being criticized by liberal pluralists as too civically overbearing, is not 'civilly political' enough. As many recent commentators on Rawls claim, in Rawls' political liberalism, the idea of public reason is still (mildly) perfectionist as it is deeply embedded in or even 'parasitic' on liberal democracy.[87] Accordingly, the free-standing status of public reason can be seriously compromised when it comes to the public deliberation and adjudication of pluralist claims. Gerald Gaus, therefore, finds troubling Rawls' idea of the fact of 'reasonable pluralism': 'Because notions of political reasonableness will be affected by our epistemic, religious, and other commitments, there is little prospect of a consensus emerging on what is politically reasonable in a society that disagrees on what is religiously, morally, and epistemologically reasonable.'[88] If (liberal) public reason is contrived as a justificatory apparatus only for liberals but not concerned with non-liberals (e.g. evangelical Christians and Muslims)[89] and if political liberalism embraces only what it deems as *reasonable* pluralism – reasonable in light of liberal public culture and reason – political liberalism cannot help becoming a kind of sectarianism. And insomuch as it is a sectarian philosophical doctrine, it is another form of perfectionism, comprehensively committed to putatively political liberal rights and values, values and rights cherished only by those who are pre-committed to them.

In short, insofar as public reason is conceived as parasitic on liberal democratic public cultures and institutions, thus being 'purposive' in its essence, and as long as politics remains a justificatory enterprise, the epistemological conundrum surrounding the reasonableness of public reason is inevitable. Oakeshott, then, would conclude that even Rawls' otherwise stringently civic model of liberalism turns out to be premised on the assumption of the polity as *universitas*. Despite Rawls' admirable endeavor, public reason, permanently exposed to the burden of justification, is not (and cannot be) authoritative. In the absence of an authoritative civil authority, Oakeshott would assert, associations in civil society will suffer civic monism and be subject to public management or administration. In the end, it is individuals who will fall prey to servility and become role-performers, deprived of freedom of association and disassociation.[90]

Conclusion

Oakeshott's political theory of civil association in *On Human Conduct* is constituted by his judicious attempts to abate contingency without scarifying individual and associational pluralities. Postulates such as 'self-enactment', 'deliberation', 'the arts of agency', 'civility' and 'civil association' have all been devised to come to terms with various kinds of human pluralities – individual (in terms of self-disclosure) or associational (in the mode of purposive/enterprise association). However, Oakeshott does not valorize civil association merely because it fits well with his philosophical pluralism. Civil association is politically required because it best protects the free society in which abundant human pluralities can flourish even more.

Benjamin Barber once criticized Oakeshott for committing quasi-foundationalism, saying: 'Oakeshott treats *societas* not only as one form of politics but as the only legitimate form it can take when properly understood. Betraying his own antifoundationalism, he raises conservative ideology to the status of pure theory.'[91] It is true that Oakeshott's postulate of 'politics', conceived strictly in the context of civil association and in reference to *lex*, is too juridical and rule-directed rather than *political* as we ordinarily understand the term, which is end-directed. But his political theory of civil association goes beyond what is postulated in the abstract idea of civil association when it aspires to be a kind of political pluralism, concerned with the protection of individual and associational freedom.

Still, the theory's striking difference from the mainstream liberal political theories of pluralism – liberal pluralism and political liberalism – means the attempt to make sense of it in any familiar political terms is one of constant bafflement. However, it presents an important normative political theory of pluralism, exposing the weaknesses both in liberal pluralism and in political liberalism. Of course, how practical Oakeshott's political theory is in a concrete socio-political context of pluralism is a different matter.[92] Also, his failure to differentiate purposive *voluntary* associations from purposive *involuntary* associations[93] and *civil* associations from *uncivil* associations in civil society[94] renders his political theory of civil association as political pluralism rather incomplete.

What is certain, though, is that its obsessive – 'conservative' in terms of its disposition – concern with the stability and civil-orderliness of the liberal polity is far from political conservatism, with which Oakeshott's political theory is frequently associated. The conservative outlook of Oakeshott's political theory is not to conserve the political (or partisan) status quo, nor to produce complaisant role-players. Quite the contrary, it is to conserve the pluralistic societal conditions that accommodate and encourage varieties of social, economic, political and cultural adventures and enterprises. If Oakeshott's political pluralism is 'liberal', it is radically liberal in the sense that it allows no public constraint of associational freedom. Ironically, this radicalism sometimes makes us find Oakeshott's political theory too ideal, too philosophical, or too conservative.

Funding

Notes

1. See Terry Nardin, 'Michael Oakeshott: Neither Liberal Nor Conservative', in Terry Nardin (ed.) *Michael Oakeshott's Cold War Liberalism* (New York: Palgrave Macmillan, 2015), pp. 23–37.
2. Wendell John Coats, 'Michael Oakeshott as Liberal Theorist', *Canadian Journal of Political Science* 18(4) (1985): 773–87; Paul Franco, *The Political Philosophy of Michael Oakeshott* (New Haven, CT: Yale University Press, 1990); Paul Franco, 'Michael Oakeshott as Liberal Theorist', *Political Theory* 18(3) (1990): 411–36; David Walsh, *The Growth of the Liberal*

Soul (Columbia: University of Missouri Press, 1997); Efraim Podoksik, *In Defense of Modernity: Vision and Philosophy in Michael Oakeshott* (Exeter, Devon: Imprint Academic, 2003); Kenneth B. McIntyre, *The Limits of Political Theory: Oakeshott's Philosophy of Civil Association* (Exeter, Devon: Imprint Academic, 2004); Jacob Segal, 'Virtue and Normalization: Oakeshott, Galston, and the Problem of a Liberal Personality', *Contemporary Political Theory* 10(2) (2011): 190–209.

3. Andrew Gamble, 'Oakeshott's Ideological Politics: Conservative or Liberal?', in *The Cambridge Companion to Oakeshott*, ed. Efraim Podoksik (Cambridge: Cambridge University Press, 2012), pp. 153–76.

4. See Paul Franco, 'Oakeshott, Berlin, and Liberalism', *Political Theory* 31(4) (2003): 484–507.

5. For an illuminating discussion on the curious fusion of Hegelian and Hobbesian elements in Oakeshott's political theory, see Paul Franco, *Michael Oakeshott: An Introduction* (New Haven, CT: Yale University Press, 2004).

6. Wendell John Coats, 'Some Correspondence Between Oakeshott's "Civil Association" and the Republican Tradition', in his *A Theory of Republican Character and Related Essays* (Cranbury, NJ: Associated University Presses, 1994), pp. 63–77; David Boucher, 'Oakeshott, Freedom and Republicanism', *British Journal of Politics and International Relations* 7(1) (2005): 81–96.

7. For the implicit implications of Oakeshott's anti-foundationalism for his democratic theory, see Michael Minch, *The Democratic Theory of Michael Oakeshott: Discourse, Contingency, and 'The Politics of Conversation'* (Exeter, Devon: Imprint Academic, 2009).

8. David Mapel argues that despite Oakeshott's understanding of civil association as purposeless, it has one crucial purpose, which is to abate contingency. See David R. Mapel, 'Civil Association and the Idea of Contingency', *Political Theory* 18(3) (1990): 392–410 (400).

9. Throughout this article, 'civil society' is understood as 'a realm of pluralism', which includes groups based on religion and ethnicity, fluid voluntary associations organized around ideology, professionalism, social activities, or the pursuit of money, status, interest, or power. For this pluralist definition of civil society, see Robert C. Post and Nancy L. Rosenblum, 'Introduction', in Nancy L. Rosenblum and Robert C. Post (eds) *Civil Society and Government* (Princeton, NJ: Princeton University Press, 2002), pp. 1–12 (p. 3).

10. See Michael Oakeshott, *Rationalism in Politics and Other Essays* (Indianapolis, IN: Liberty Fund, 1991), pp. 53–5 and 377–8 (hereafter cited as *RP*) and *On Human Conduct* (Oxford: Oxford University Press, 1975), pp. 245 (n.2), 278 and 314 (hereafter cited as *OHC*). Also see Franco, *Political Philosophy of Michael Oakeshott*, pp. 92–3.

11. So I generally agree with Franco's characterization of Oakeshott's political theory. See Franco, 'Michael Oakeshott': 411.

12. *OHC*, p. 1.

13. ibid.: 103.

14. ibid.: 89.

15. ibid.: 32.

16. ibid.: 88.

17. Hannah Arendt, *The Human Condition* (Chicago, IL: University of Chicago Press, 1958). For a reinterpretation of Arendt's political theory with a special focus on her emphasis of human plurality, see Dana Villa, *Arendt and Heidegger: The Fate of the Political* (Princeton, NJ: Princeton University Press, 1995). In his recent essay where he compares Arendt and

Oakeshott, however, Villa largely misunderstands Oakeshott by attributing the concern with plurality only to Arendt. See Dana Villa, 'Oakeshott and the Cold War Critique of Political Rationalism', in *The Cambridge Companion to Oakeshott*, pp. 319–44 (p. 335).

18. On Oakeshott's philosophical pluralism, see his *Experience and Its Modes* (Cambridge: Cambridge University Press, 1966[1933]); *OHC*, pp. 31–107. Also see Richard E. Flathman, *Pluralism and Liberal Democracy* (Baltimore, MD: Johns Hopkins University Press, 2005), pp. 109–61; Terry Nardin, *The Philosophy of Michael Oakeshott* (University Park, PA: Penn State University Press, 2001), pp. 32–44.

19. *OHC*, p. 36; also see p. 35. Once again, there seems to be a striking resemblance between Oakeshott's understanding of the 'world' (and its connection to human plurality) and that of Arendt.

20. ibid.: 37. For an illuminating essay on Oakeshott's concept of freedom in relation to contingency, see Efraim Podoksik, 'Oakeshott's Theory of Freedom as Recognized Contingency', *European Journal of Political Theory* 2(1) (2003): 57–77.

21. *RP*, p. 60.

22. *OHC*, pp. 40–1.

23. ibid.: 80.

24. Oakeshott famously contrasts role-performers, the servile members of the enterprise association, and *cives*, the subjects of *lex* (*OHC*, pp. 144 and 264).

25. ibid.: 237–8.

26. ibid.: 251.

27. ibid.: 45.

28. ibid.: 43.

29. 'Strong democrats' such as Benjamin Barber argue that democracy has no antecedent philosophic or metaphysical foundation and its sole goal is a pragmatic solving of the problem through collective judgement among the citizens. For Barber's famous defense of democracy as problem-solving, see his *Strong Democracy: Participatory Politics for a New Age* (Berkeley: University of California Press, 1984). For democracy's anti-foundational premise, see Benjamin R. Barber, *The Conquest of Politics: Liberal Philosophy in Democratic Times* (Princeton, NJ: Princeton University Press, 1988); Amy Gutmann and Dennis Thompson, *Democracy and Disagreement* (Cambridge, MA: Belknap Press, 1996); Jack Knight and James Johnson, *The Priority of Democracy: Political Consequences of Pragmatism* (Princeton, NJ: Princeton University Press, 2011).

30. *OHC*, p, 64. Also see ibid.: 277 and 295.

31. Of course, whether or not Oakeshott's understanding of democracy is warranted is another matter. As noted earlier, Michael Minch is strongly convinced that there is interesting resonance between Oakeshott's political theory and recent deliberative democratic theory but the full investigation of this issue goes beyond the purpose of this article.

32. On this point, see Flathman, *Pluralism and Liberal Democracy*, p. 127. According to Oakeshott, tradition, which is an ensemble of moral practices, is itself accommodative of pluralism because it is 'not a fixed and inflexible manner of doing things; it is a flow of sympathy. It may be temporarily disrupted by the incursion of a foreign influence, it may be diverted, restricted, arrested, or become dried-up, and it may reveal so deep-seated an incoherence that (even without foreign assistance) a crisis appears' (*RP*, p. 59).

33. *OHC*, p. 73.

34. ibid.: 72.

35. ibid.: 73.
36. ibid.: 74.
37. Note that for Oakeshott, rule of law or the civil authority of *lex* is itself a moral practice.
38. ibid.: 84.
39. ibid. Also see Flathman, *Pluralism and Liberal Democracy*, p. 129.
40. On Hobbes' profound concern with the perils of pluralism, see Richard Boyd, *Uncivil Society: The Perils of Pluralism and the Making of Modern Liberalism* (Lanham, MD: Lexington Books, 2004), pp. 55–82.
41. *OHC*, p. 77.
42. ibid.: 87.
43. For an insightful discussion of strong individualism in Oakeshott's philosophy, see Patrick Riley, 'Michael Oakeshott, Philosopher of Individuality', *The Review of Politics* 54(4) (1992): 649–64.
44. Franco, *Political Philosophy of Michael Oakeshott*, pp. 230–6.
45. For instance, recent scholarship on republicanism attests to the fact that a particular version of freedom, namely freedom as non-domination, was an integral element of Roman republicanism. See Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press, 1997); Quentin Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 1998); Maurizio Viroli, *Republicanism*, trans. A. Shugaar (New York: Hill & Wang, 2000).
46. Boucher, 'Oakeshott, Freedom and Republicanism'.
47. Richard Dagger, *Civic Virtue: Rights, Citizenship, and Republican Liberalism* (Oxford: Oxford University Press, 1997).
48. Since there is a plethora of literature on Oakeshott's idea of civil association and its postulates, in this section I limit my attention to the importance Oakeshott gives to it in the context of pluralism. For some illuminating accounts of Oakeshott's idea of civil association, see Bhikhu Parekh, 'Oakeshott's Theory of Civil Association', *Ethics* 106(1) (1995): 158–86; Glenn Worthington, 'Oakeshott's Claims of Politics', *Political Studies* XLV (1997): 727–38; Josiah Lee Auspitz, 'Individuality, Civility, and Theory: The Philosophical Imagination of Michael Oakeshott', *Political Theory* 4(3) (1976): 261–94; McIntyre, *The Limits of Political Theory*.
49. Barber, *Conquest of Politics*, pp. 152–76; Parekh, 'Oakeshott's Theory of Civil Association'. Also see Franco, *Political Philosophy of Michael Oakeshott*, pp. 196–9.
50. *OHC*, p. 243.
51. This point is also emphasized in Michael Oakeshott, 'On Misunderstanding Human Conduct: A Reply to My Critics', *Political Theory* 4(3) (1976): 353–67 (355).
52. *OHC*, p. 128.
53. ibid.: 147.
54. Also see Adam B. Seligman, *The Problem of Trust* (Princeton, NJ: Princeton University Press, 1997), pp. 103–23.
55. *OHC*, p. 175.
56. ibid.: 149–54.
57. ibid.: 201.
58. ibid.
59. ibid.: 321.
60. Mapel, 'Civil Association': 393.

61. *OHC*, p. 114.
62. ibid.: 115.
63. Mapel, 'Civil Association': 396.
64. *OHC*, p. 117.
65. Richard Boyd, 'Michael Oakeshott on Civility, Civil Society and Civil Association', *Political Studies* 52 (2004): 603–22 (605).
66. *OHC*, p. 214.
67. This is the central claim of liberal pluralism. See George Kateb, 'The Value of Association', in Amy Gutmann (ed.) *Freedom of Association* (Princeton, NJ: Princeton University Press, 1998), pp. 35–63; Nancy L. Rosenblum, *Membership and Morals: The Personal Uses of Pluralism in America* (Princeton, NJ: Princeton University Press, 1998).
68. *OHC*, pp. 316–17.
69. See, for instance, John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971); Robert Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1974); Bruce Ackerman, *Social Justice and the Liberal State* (New Haven, CT: Yale University Press, 1980); Brian Barry, *Justice as Impartiality* (Oxford: Oxford University Press, 1996).
70. William A. Galston, *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice* (Cambridge: Cambridge University Press, 2002), p. 20.
71. For civic liberalism's positive ambitions and transformative projects, see Stephen Macedo, *Diversity and Distrust: Civic Education in a Multicultural Democracy* (Cambridge, MA: Harvard University Press, 2000).
72. William A. Galston, *Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State* (Cambridge: Cambridge University Press, 1991).
73. William A. Galston, *The Practice of Liberal Pluralism* (Cambridge: Cambridge University Press, 2005), p. 4.
74. *OHC*, p. 119.
75. ibid.: 266.
76. Rosenblum suggests that

    . . . affiliation with voluntary association in which we are wanted and willing members is a key source of self-respect; that discrimination may be safely contained in these groups; and that because associations often owe their origin to a dynamic of affiliation and exclusion, resentment and self-affirmation, liberal democracy is consistent with and even requires the incongruence between voluntary groups and public norms that always accompanies freedom of association. (Nancy L. Rosenblum, 'Compelled Association: Public Standing, Self-Respect, and the Dynamic of Exclusion', in Gutmann [ed.] *Freedom of Association*, pp. 75–108 [p. 76])

77. *OHC*, p. 315.
78. ibid.: 316.
79. Segal, 'Virtue and Normalization': 192–4.
80. ibid.: 200.
81. James B. Murphy, 'From Aristotle to Hobbes: William Galston on Civic Virtue', *Social Theory and Practice* 33(4) (2007): 637–44.

82. Of course, it is open to debate how to make sense of Galston's intellectual transition and I admit that even in liberal pluralism there is found a lingering but much attenuated influence of Aristotelian perfectionism that inspired Galston's earlier works.

83. John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993); Gutmann and Thompson, *Democracy and Disagreement*. This comparison is all the more relevant given strong republican elements in Rawls' political liberalism. See Andrés de Francisco, 'A Republican Interpretation of the Late Rawls', *Journal of Political Philosophy* 14(3) (2006): 270–88.

84. Franco, *Political Philosophy of Michael Oakeshott*, p. 198. Though Oakeshott opposes a teleocracy concentrated on social justice, he does not subscribe to the categorical incompatibility between civil association and the concern with social justice, when he says:

> ... great disparities of wealth were an impediment (though not a bar) to the enjoyment of civil association; and this hindrance could and should be reduced by imposing civil conditions upon industrial enterprise (similar perhaps to those designed to prevent fraud or the pollution of the atmosphere), and where necessary by the exercise of a judicious 'lordship' for the relief of the destitute. (*OHC*: 305, n. 3)

85. Galston, *Liberal Pluralism*, p. 40.

86. Richard Rorty, *Contingency, Irony, and Solidarity* (Cambridge: Cambridge University Press, 1989), pp. 57–9. For a critical difference between Oakeshott and Rorty, see Franco, *The Political Philosophy of Michael Oakeshott*, pp. 65–6, 165–6 and 232–3.

87. Galston, *Liberal Pluralism*, p. 44. Also see Macedo, *Diversity and Distrust*, pp. 169–74.

88. Gerald F. Gaus, 'Reason, Justification, and Consensus', in James Bohmann and William Rehg (eds) *Deliberative Democracy* (Cambridge, MA: MIT Press, 1999), pp. 205–42 (p. 222).

89. On this point, see Jonathan Quong, *Liberalism without Perfection* (Oxford: Oxford University Press, 2011), pp. 137–60.

90. *OHC*, p. 317. Seen in this way, I believe that the kind of critique Segal makes with regard to Galston's liberal pluralism can be more relevantly made to Rawls' (and other public reason liberals') political liberalism.

91. Barber, *The Conquest of Politics*, p. 171.

92. For certain skepticism about the practicability of Oakeshott's political pluralism, see Lucas Swaine, 'Political Theory and the Conduct of Faith: Oakeshott on Religion in Public Life', *Contemporary Political Theory* 4(1) (2005): 63–82.

93. Michael Walzer argues that 'freedom requires nothing more than the possibility of breaking involuntary bonds and, furthermore, that the actual break is not always a good thing, and that we need not always make it easy. Many valuable memberships are not freely chosen; many binding obligations are not entirely the product of consent'; see Michael Walzer, 'On Involuntary Association', pp. 64–74 (p. 64).

94. For recent discussions of 'uncivil society' or 'bad civil society', see John Kean, *Civil Society: Old Images, New Visions* (Stanford, CA: Stanford University Press, 1998), pp. 114–56; Simone Chambers and Jeffrey Kopstein, 'Bad Civil Society', *Political Theory* 29(6) (2001): 837–65.