

Oakeshott's Early Conception of Authority

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INTRODUCTION

There appears to be a single thread that runs through Michael Oakeshott's thinking, from his earliest book reviews to his final essays. This single thread is the concept of authority. When Oakeshott first began to publish his work, the focus of authority was mostly on God; but for much of his life, the focus was on authority in law. To examine this thread of authority would require at least an entire book so the intention here is much more modest. It is to explore Oakeshott's early conception of authority by examining his 1929 essay "The Authority of the State."¹ While this short essay may not be as elegant nor as sophisticated as many of his post war writings, it does focus on some of thorniest problems of political philosophy: the nature of authority, the purpose of the state, and the role of authority in and of the state.²

This essay has four parts: Oakeshott's review of Philip S. Belasco's *Authority in Church and State*, Oakeshott's essay "The Authority of the State", some comments, observations, and questions, and then some concluding comments. The intention here is to draw more attention to Oakeshott's essay and to set out his early conception of authority.

OAKESHOTT'S REVIEW

In the summer of 1929, Michael Oakeshott published his twelfth book review. He had published his first three in 1927 followed by another seven the following year. Each of the first three appeared in *Journal of Theological Studies* while only one from 1928 was published in that journal. The other six appeared in the *Cambridge Journal*. Oakeshott did not publish any reviews in 1928 and only two in 1929: The first one appeared in *Journal of Philosophical Studies* while the second was in *Journal of Theological Studies*. The subject of the first review was philosophical: *Fundamental Problems of Life: An Essay on Citizenship as Pursuit of Values* by John Stuart Mackenzie and the subject of the second was theological: *Authority in Church and State* by Philip S. Belasco. Both books were published by George Allen and Unwin in 1928. As both titles indicated, the books were a combination of disciplines: philosophy and political thought and theology and political thinking. Mackenzie was a retired professor and well-respected author of a half dozen books; Belasco had just received a degree from the London School of Economics and this was his first book.

Oakeshott's early reviews tended to be very brief but those on the two books were close to three pages. His review of Mackenzie's book is very positive and he praises the

author for his erudition and his moderation (Oakeshott 2007a, pp. 52-53). In contrast, Oakeshott is highly critical of Belasco's *Authority in Church and State*. Oakeshott accused Belasco of producing a book which covered "a wide and miscellaneous field of topics" and doing so "in a rather unsystematic manner". In addition, he faulted Belasco for writing two different books: one on the Quakers and one on authority. This gives the book its "dual character: it is an historical survey and an account of the author's own position" (Oakeshott 2007b, p. 54).

Oakeshott indicated that as an historical study, *Authority in Church and State* "has much to recommend it" but adds that it has its defects. One problem is Belasco's attempt to separate politics and religion. In response, Oakeshott noted that these were not separate during the seventeenth century and that Belasco was not consistent in his discussions of them. Another problem that Oakeshott found was that Belasco was almost exclusively interested in practical matters; thus, he failed to provide a theoretical account of authority. An additional problem was Belasco tendency to simplify things as well as being occasionally incorrect (Oakeshott 2007b, p. 55). But Oakeshott leveled two major criticisms at Belasco. First, he misunderstood and misused history. Belasco believed that the contemporary situation was similar to the historical period that he had explored and as a result he engaged in "vague and unhistorical generalizations". Both of these are, in Oakeshott's opinion, "dangerous paths" and that Belasco "felt the seduction of both these paths", but he seemed to have found "the second more fascinating" (Oakeshott 2007b, p. 54). Second, Oakeshott criticized Belasco for his style of execution and that the reader does not know whether "an argument is the author's own, somebody else's, or merely hypothetical." (Oakeshott 2007b, p. 56).

Was Oakeshott's criticism of Belasco warranted? The first major criticism can be answered only by consulting Oakeshott's later writings on history. That would provide a justification for Oakeshott's criticism of Belasco but is beyond the scope of this paper. The second main criticism regarding Belasco's views requires a brief examination of his book.

Oakeshott complained that one could not determine whose ideas were being investigated and he alleged that part of the problem was that Belasco's account was neither systematic nor focused. Oakeshott may have meant that Belasco's *Authority in Church and State* has three parts: Part One is "The Political Ideas of the Quakers of the Seventeenth Century", Part Two is "Authority in Church and State", and Part Three is "A Defence of William Penn." But these are not unrelated but are interconnected: there is the theme of liberty of conscience which runs through all three Parts. In Part One, Belasco emphasizes the Quaker conviction that each individual's conscience is the authority so that neither the Church nor the State have a legitimate claim of authority over a Quaker (Belasco 1928, pp. 32, 42, 86-87). Belasco indicated that both the Church and the State were too preoccupied with material matters and as a result ignored spirituality. Both the Church and the State believed in compulsion—but the Quaker rejects force. A Quaker is not a beast, but is a human being (Belasco 1928, pp. 62, 72). Compulsion can make a person do things but it cannot persuade him; progress cannot be made from fear, but from ideals. Ideals would then benefit society (Belasco 1928, pp. 63, 69-70). Belasco argued that the Quakers believed that society as it existed was dominated by the few and they were indifferent to the sufferings of the poor. In contrast, the Quakers were concerned with the welfare of all and they based their struggle on the "absolute liberty of conscience" (Belasco 1928, pp. 84, 86-87, 108).

In the chapter "Political Implications", Belasco argued that the Quakers were the first to challenge the State's claim of sovereignty. He pointed especially to Hobbes' *Leviathan* and his notion of the contract of giving up freedom for security. But the Quakers rejected this as artificial; only one's conscience mattered. Hence, there is the problem of authority (Belasco 1928: 110-117).

Part Two is "Authority in Church and State" and Belasco suggested that when the Church lost its sense of infallibility, the State became the authority (Belasco 1928, pp. 130-131, 142). It was then the State which granted some authority to the Church (Belasco 1928, pp. 146-152, 193). Whereas the Catholic Church continued to differentiate between what is owed to God and what is owed to Caesar, the Protestant Church believed in the nation and provided "the formative elements of its authority" (Belasco 1928, pp. 196, 201-204). Belasco concluded Part Two with the claim that organized religion believed that the State has authority

(Belasco 1928, p. 221). But Belasco's interest was not in organized religion but in its dissenters: the Quakers. Thus, Part Three is "A Defence of William Penn" and does not have relevance here.

It would appear that Oakeshott's criticisms of Belasco's book are partially warranted and partially unwarranted. They are unwarranted because Belasco was providing an account of the Quakers as dissidents who believed in the sole power of conscience. As such, Belasco was arguing against the notion of authority and denying that the visible Church and the actual State have any legitimate claim to authority. The criticisms are warranted in that Belasco's account is a unwieldy mixture of history and theory and that it is not always clear whether the value judgments are from Belasco or from the Quakers. In essence, Oakeshott's review is revealing; but what is really important is that Belasco's book prompted Oakeshott to investigate the role of authority in church and state.

OAKESHOTT ON AUTHORITY

Michael Oakeshott's essay "The Authority of the State" was not intended to address the question of the power of authority; it was intended to address the more fundamental question of what authority is. Actually, Oakeshott had three questions: 1) what is meant by authority?, 2) what is meant by the state?, and 3) what is meant by the authority of the state? Each of the three could be a subject of a book and it was audacious of Oakeshott to think that he could provide answers to all three in a single, brief essay. He devoted most of the essay to the first question, a lesser amount to the second, and he dispatched the third question in just over two pages. There are two additional pieces which follow Oakeshott's essay: a critical letter from G. E. G. Catlin and Oakeshott's rather caustic reply.

Oakeshott begins the large first section with the question "What do we mean by authority?" and he suggests that there are three possible answers to this question. First, simply answer it by appealing to "what is commonly understood by the word." Yet, Oakeshott indicates that this answer is not nearly as straightforward as it seems. It is neither readily apparent by the usual term "authority" nor is there some deeply embedded idea that lurks underneath our everyday usage of the word. Oakeshott insists that what is needed is something both less and more than these two approaches: an agreed upon meaning. But this is also insufficient because what is needed is not a "merely agreed upon meaning"; what we really need is "a coherent and unambiguous conception of authority." This does not mean that Oakeshott rejects the common meaning of the term "authority"; in fact, he readily admits that it should be the starting point of any inquiry into the definition of the word "authority." He also insists that the means of dealing with the inconsistencies regarding authority should not be resolved by adopting some arbitrary definition but by "transforming them into a coherent whole"—which is what he sets out to do (Oakeshott 1993b, pp. 74-75).

Oakeshott draws attention to two ambiguities in the common notion of authority. On one hand, it is regarded as an external and coercive power. It is external in the sense that we experience that as being ordered or commanded by someone else. It is coercive in the sense that we are ordered or commanded by an individual instead of that individual either persuading us or explaining it to us. This is the notion of authority that we learn as a child. Oakeshott contrasts authority with reason. Reasoning is, briefly, the process that one does by one's self. It is the mental process of seeking reasons and justifications for one's own actions. But authority is the belief that someone has the competency to make the judgments for us. That this is not a form of persuasion is indicated by the fact that it is delivered "dogmatically"—it is the forcing of opinion. Oakeshott explains the difference by a reference to Socrates who dogmatically opined "I am confident that the dead have some kind of existence." Oakeshott explains that Simmias is dissatisfied with this assertion, asks Socrates to share this belief. This is asking Socrates to move from authority, which "merely constrains opinion" to reason which "persuades and enlightens" (Oakeshott 1993b, p. 75).

Oakeshott has pointed to the claim that authority is both external and coercive; but now he insists that it cannot be both—it must either be external *or* coercive. He justifies this assertion by pointing out that if it is external, then it must be coercive in some "vague, metaphoric sense." Oakeshott attempts to base this on the distinction between a *cause* and a *ground*. He explains that "it would be absurd to maintain that

the power which actually compels a belief belongs merely to its cause.” (Oakeshott 1993b, p. 75). It is this sentence that will be the basis for Catlin’s first criticism of Oakeshott’s conception of authority. However, Oakeshott does not simply assert this statement; he spends the next two pages elaborating and defending this distinction between external and coercion.

This distinction is not a minor one; but is actually a very important one. He offers three scenarios in which we believe a statement to be true: 1) we have been taught it; 2) a friend believes it; and 3) the whole village believes it. The basis for this belief is trust—trust in education, trust in friends, and trust in the community. It is the opposite of trusting in one’s ability to determine the relevant facts and then draw the appropriate conclusion. This is relatively straightforward but his distinction between cause and ground is not. He tries to explain this by discussing the belief that a man is a convicted murderer. The cause is knowing from media that he has been convicted in a court of law. But the ground of the belief is not a simple absorption of that fact, but the accumulated information about the workings of courts, the amassing of facts, the judge’s instructions, the jury’s deliberations, and finally, the judge’s determination of guilt. The cause and the ground of belief are different. As Oakeshott explains “A mere external authority is, then, left hanging in the air; it is a cause severed from a ground.” The ground is more than a mere cause; the ground is the basis for the authority of the belief. Oakeshott further clarifies this by pointing out that the basis for authority lies outside the sheer cause. If it were simply a matter of accepting the cause as ground, then all such assertions would be unremarkable. This belief that authority is external and coercive is untenable. Oakeshott insists: “In short, this ‘authority’ is a vicious abstraction; if it be external, it cannot be itself coercive, and if it be not coercive I fail to understand in what sense it can be authoritative.” This claim for authority fails the test of being unambiguous, so Oakeshott states that he must look further for determining a proper definition of authority (Oakeshott 1993b, pp. 76-77).

However, Oakeshott does not actually do that. Instead, he states that the common notion of authority is self-contradictory as he has just explained. It is also self-contradictory in another way. Oakeshott does not state what way that is; instead, he points to a number of problems. First, he points to the fact that we tend to distinguish between authority as a matter of right and as a matter of power. The question is what confers legitimacy on a particular authority; that is, what makes it different from a particular authority which is a usurper? He writes “All authority is, as such, legitimate so long as it is really authoritative” (Oakeshott 1993b, p. 77). But is this not tautological? Oakeshott does not address that nor does he explain how it might not be redundant. Instead, he moves to a second point, that of “limited authority.” But this is, he contends, problematic because how can somebody be authoritative and yet be reliant on another authority. Again, Oakeshott does not elaborate on this; but the proper answer would be that we often meet authorities who answer to higher authorities. One does not need to think about Belasco’s conviction that one’s conscience is the higher authority in contrast to any and all earthly authorities. Instead, one needs to think of most Western legal traditions in which a lower court gives deference to a higher court. Oakeshott seems to conclude his discussion of the problems with the common notion of authority by pointing to the difference between someone who *claims* authority and someone who actually *exercises* it (Oakeshott 1993b, p. 77). Much of the remaining discussion regarding the notion of authority centers on the belief that somehow authority is an external coercive force. These five lengthy paragraphs are densely argued and Oakeshott’s thread of thinking is not always easy to follow. Some of the density is due to the difficulty of the material but some of the density is because of its style. Oakeshott had not achieved the brevity and precision that he would soon be known for; here there are almost Germanic sentences, perhaps a legacy of his several years of study in Germany. For example, there is one sentence that consists of seventy-one words, contains two semi-colons and two commas, and covers almost seven full lines. It is worth exploring because of its importance as the first sentence of the five-paragraph explanation and because it is so complex.

I take it that only a measure of perversity which can expect no reply will question the supposition that coerciveness is inseparable from whatever is actually authoritative; that which does not actually compel belief or action, and from the command of which there is no appeal, is not in the full

sense authoritative; and conversely, that which is really coercive of belief and action is the authority upon which they rest (Oakeshott 1993b, p. 77).

If I understand this sentence (which I may not), Oakeshott is making four points. One, that there must be a willingness to understand in order to achieve agreement. Any unwillingness to do so is a type of perversity which prevents any real discussion. If one is not perverse and is willing to discuss, then there needs to be a focus on the supposed connection between authority and coercion. Two, that there are levels of authority and that the “final” level of authority is that which is the actual power to command belief and action. Three, it is only that which is “really coercive of belief and action” that is authoritative. Four, it is this “final” level of authority which cannot be appealed. From this lengthy sentence Oakeshott draws the conclusion: “If this be so, it follows that authority is never external, for we are never compelled by that which remains outside of us” (Oakeshott 1993b, p. 78). Here it seems that Oakeshott has distinguished between coercion and compulsion and that the former is a threat while the latter is a persuasion. Again, there is Oakeshott’s difference between a cause and a belief. He provides the example of the soldier who has been ordered to shoot. The commander’s order to shoot is external and is a cause; but, the soldier who has decided to obey has made a judgment about the commander’s authority. This is an internal decision and provides the belief that justifies the soldier’s decision. Oakeshott emphasizes that that superior’s command is external but the soldier’s decision to obey is internal.

Oakeshott offers a slightly different approach and that we may have external sources which compel us to believe: “a book, a person, or a tradition” but we do not believe them simply because they are a book, a person, or a tradition; we believe them because we believe them to be trustworthy. There are millions of people, thousands of books, and hundreds of traditions and none of these are authoritative in and of themselves. It is only in the rare cases that we are not only familiar with these sources and that they speak to us. He offers a slightly different example: He first believed that the earth was round because his nursemaid or kindergarten teacher told him so. That was the external cause but is no longer the ground of his belief. Oakeshott emphasizes his (internal) willingness to believe; without it, the (external) cause is not an authority (Oakeshott 1993b, p. 78).

Oakeshott reinforces his contention by again stressing that what one believes cannot be dependent on something further down the line. That is because that cause is dependent and Oakeshott explains that the “real authority” is that, and only that, which “can show itself to be absolute, irresponsible, self-supporting and inescapable” (ibid.). This quotation is revealing for two reasons: first, it reveals Oakeshott’s continued fascination with Idealism and second, while “absolute” and “self-supporting and inescapable” seem self-evident, the other term does not. It is not clear what he means by “irresponsible”—one would think that an authority would be the ultimate provider of responsibility. He does, however, later clarify that irresponsible means being ultimately responsible only for itself and that there is no possibility for any type of responsibility for anything or anyone else.

Oakeshott offers a further reinforcement. The genuine authority is “always single and indivisible.” He explains that the foundation for belief is always a unity. If it is not, then it is insufficient to support the belief. He insists that it is “nonsense” to attribute the authority of Christianity to “history, reason and spiritual experience” because none of these are sufficient grounds for belief. As a further indicator of his idealism, Oakeshott is adamant that the final authority which is the only thing that possesses “the power to coerce” is “our world of ideas as a whole.” (Oakeshott 1993b, p. 79). He differentiates between inauthentic “authority” which is merely an imposter, and authentic “authority” which alone has the capacity to compel. He claims that with genuine authority, we must accept it as “we have no choice in the matter.” Again, an “authority” from which we can “escape” is no authority but an imposter. Oakeshott returns to his distinction between an external authority and an internal one. An external “authority” does not exist; regardless whether it is a person, an institution, or a society; it lacks the power to compel. Again, an authority can only be internal and this is true if the original origin of the belief was external. We were taught to believe things as children so it seems as if the authority was external. Oakeshott addresses this by reminding us that even as children

we have the sense of who to believe. As adult, we do not simply accept someone else's word as authoritative; we have sufficient grounds to take that word and turn it into ours. We are the ultimate judges of what counts as an authority. Oakeshott repeats his distinction between cause and ground of belief. Authority is always greater than a mere cause. "An absolute, compelling and at the same time external authority is as much a psychological curiosity as it is a logical monster" (Oakeshott 1993b, p. 79). Oakeshott's final point in the section on authority involves reason. Something that is contrary to reason cannot be the grounds for a belief in an authority because reason is the only ground for legitimate belief. In a case in which superstition or something like it claims authority, it is no more than a usurper and the basis is nothing more than something that is "random, capricious and unstable."³

OAKESHOTT ON THE STATE

Oakeshott turns to his second question "What do we mean by the state?" but instead of answering it, he launches into a scathing criticism regarding political thought. He has little regard for contemporary theology because it is dark and misplaced, but he thinks that political philosophy is not just dark and misplaced but is downright ill and evil. He complains that it is too consumed with jargon and its ideas are divorced from reality—there is no hope for "any sudden rejuvenation." There is only "the familiar wreckage of dead controversies" and he is afraid that whatever answer he attempts to give to the question "What do we mean by the state?" will be inconclusive and obscure—two of the greatest flaws that Oakeshott tries to avoid (Oakeshott 1993b, p. 80).

Oakeshott considers four notions from three contemporary books. He has two references to R. M. MacIver's *The Modern State*, one to Ernst Barker's *The Study of Political Science*, and one to Harold Laski's *The Study of Politics*.⁴ Despite the fact that all three of these authors had significant reputations and held professorships at distinguished universities, Oakeshott took issue with all three. MacIver was wrong on two counts: the first was his allegiance to what Oakeshott referred to as "perverted realism" which led MacIver to believe that the state was a "fact" when it is only an idea, if not a fiction. Laski's mistake was prompted by his "pluralism run to seed" which led him to contend that there are bare alternatives from which we should choose while MacIver's second mistake was to believe that there are two opposing conceptions of the state. Finally, Barker's problem was that one can construct a complete conception of the state from "lesser and different conceptions" (Oakeshott 1993b, pp. 80-81).

Oakeshott does not elaborate on the flaws in MacIver's, Laski's, and Barker's notions of the state. Instead, he suggests that he will pivot to his own understanding of what we mean by the state. However, he does not do that; what he does is he justifies his dismissal of these other conceptions on the basis that they compete among themselves but offer us nothing new. He suggests that the attempts to offer alternatives are doomed to fail just like an attempt to compare a mathematical conception of the world with a moral notion—they are not just irrelevant but misleading. These other views "are obstacles to be overcome, abstract points of view to be superseded" (Oakeshott 1993b, p. 81). Yet he does borrow from the common conceptions of the state, just as he began his quest for the meaning of authority by considering its common conceptions. Like his earlier question, here he builds upon the less satisfactory and moves to higher levels of satisfaction.

Oakeshott notes that there are at least four common conceptions of the state: 1) the state is geographical, 2) the state is a collection of people, 3) the state is a secular whole, and 4) the state is a political whole. Regarding 1), Oakeshott does not think it will involve much effort to show that this is obviously an insufficient conception. He states that this is easily shown by the fact that its proponents do not insist that it is territory as much as they insist that it is "at least a piece of a territory" (Oakeshott 1993b, p. 81). But it is not a definition of the state as it is part of what a state is. Oakeshott admits that territory is indeed a necessary part of what makes up the state; however, it cannot be a definition because the boundaries of any state are subject to change. Since the territory limits are arbitrary, abstract, and agreed upon, a state's geographical

limits cannot be regarded as a definition of what counts as a state. In Oakeshott's Hegelian approach, this definition "must be superseded."

Something similar can be said about 2) and that a state is a collection of people. Yes, as with land, persons are also necessary for a state. Just as a state cannot exist without some territory, no state can exist without a population. But Oakeshott counters that this number is abstract and is merely mathematical; what is necessary is not something abstract, but something concrete. Like the claim that a state is territory, a state as a collection of persons must also be superseded.

Conception 3) is intriguing because it is something that most Englishmen believe. Oakeshott explains this by pointing out that the English in particular hold that the state is a secular whole; that it, the state exists to further a non-theological entity. Oakeshott thinks that this is also incomplete in that a secular collection of persons is still only an abstraction. Since he thinks that abstractions are fictions, the state as a secular whole is also a fiction and not a fact.

Oakeshott takes up conception 4) and he thinks that this conception is perhaps the most common of the four. He quotes two scholars: G. D. H. Cole's *Self-Government in Industry* and Laski's *Authority in the Modern State*. Like Laski, George Douglas Howard Cole was a leftist politician and had connections to the Webbs and their community. *Self-Government and Industry* was rather Marxist—it first appeared in 1917 and Cole revised it in 1920. Oakeshott's quotation is "The state is the political machinery of government in a community." By community, Oakeshott suggests that Cole meant "the political whole." Laski published his *Authority in the Modern State* in 1919 and, out of the more than 400 pages, Oakeshott quotes one sentence from page 26: the state "is concerned with those social relations which express themselves by means of government" (Oakeshott 1993b, p. 82, and notes 9 and 10). Again, he finds fault in both Cole's and Laski's conceptions as being abstractions. The state as a political whole is an abstraction just as the other three; but, in this case, it is an abstraction because it is a group assembled for some indeterminate purpose. As with the other three, this conception of a state is a fiction and not a fact; it is abstract and not concrete. Oakeshott regards the notion of the political whole as only less barren than the others.

Having devoted three and a half pages to four conventional conceptions of the state, Oakeshott spends only two pages on his own conception. Even then, he cautions that it is neither full nor without its own problems. It is, however, an honest attempt at defining what makes a state a state. As with his conception of authority, he insists that any realistic concept of the state must be both concrete and self-contained. It must be a fact and not a fiction; it must be self-explanatory. By the first, he means it exists and not as an abstraction; by the second, he means that it cannot rest upon some further and external explanation. His answer is that the state is the "social whole"; that is, it is an "actual community." Oakeshott does not explain how this differs from either a collection of individuals or from a political whole. What he does say is that the state is "an actual community which satisfies the whole mind of the individuals who comprise it" (Oakeshott 1993b, p. 83). This is the final end of the state—not as a teleological end but as an explanatory end. Government, law, economic, religious, and intellectual considerations are only means; this self-regarding community is the final resting point.

Oakeshott admits that this definition is not as clear as he would like it to be nor does he elaborate upon it. Instead, he confronts three of the "commonest misapprehensions" of it. One, that this is tantamount to maintaining that the state is the government. However, it is a social whole which the "government implies" so they are not one and the same. Two, it fails to distinguish between society and the state. Yet, the state as government is an abstraction whereas the members who comprise the social whole are concrete individuals. He argues further that separating state from society not only does not provide us with a concept of each; it also fails to give us something "full enough to dignify with the name of 'fact'" (Oakeshott 1993b, p. 84). Three, allowing that the state and the social whole are the same, then "where, then, is the state?" Oakeshott's reply is that the locus of the state is unimportant; what is, is that the state meets the needs of the individuals which make up this social whole.

Oakeshott defends his view by pointing out that it is a fact and not a mere abstraction. He allows that these abstractions are useful fictions. However, as generalities they cannot serve as definitions. It is

Oakeshott's method to proceed from the general to the less abstract to the concrete. He offers as an example "society as politically organized" is less general than "secular society" because it specifies the political aspect of secular society. But when the state is defined as that which satisfies the needs of concrete persons, then the state is a fact.

Oakeshott concludes the discussion about the state by allowing that there are apparent difficulties with the idea that the state is the members. But, this difficulty cannot be addressed until such time that political theorists abandon the conviction that the state is somehow "the moral or legal conception of the individual" (Oakeshott 1993b, p. 85).

OAKESHOTT ON AUTHORITY OF THE STATE

One might think that Oakeshott would spend close to the same amount of time discussing authority of the state as he did with the notion of the state, if not the concept of authority. Instead, he devotes one brief paragraph to it and even then he suggests that his answer to the third question is not a real answer. The reply to the third question "where, then, is the authority of the state?" is only implied by his answer to the first two questions (Ibid.). Instead of developing this implication, Oakeshott addresses two fashionable answers. The first answer is the "government" and the second is the "people."

The first answer is not only "government" but "government and law." Oakeshott reminds us once again that the proper definition must be "something from which there is no appeal, something irresponsible, inescapable, and something complete in itself" (Ibid.). He admits that the "legislative authority" is absolute and irresponsible—but adds that this is true only from one point of view. That is, it is true from the point of view of the administrator or the practicing attorney—they do not ask whether the law is just or is expedient. Instead, they ask only what it says. In this sense and only in this sense does the law appear to be an "absolute and inescapable authority." Oakeshott adds that for the administrator, attorney, and judge, "The law, for him, can do no wrong" (Ibid.). Yet many laws not only do wrong; they are wrong. Oakeshott does not pursue this line of thinking; instead, he again points out that this belief that the law can do no wrong is an abstract fiction and is not a concrete fact. He does not question that this fiction is a useful one; just that it remains a fiction.

In addition, it is a fiction to assert that the legislative body is an authority. Laws are frequently changed and even governments are occasionally overthrown. That is to say that the legislators and governmental officials are answerable to the people. It is here that Oakeshott clarifies what he means by "irresponsible." He means the lack of responsibility but not in a negative sense; rather, while the legislative is the "creator" of the law, "it is always responsible to another and wider tribunal"—the subjects. Oakeshott does not embody "the people" with wisdom; instead, he suggests that sometimes the government turns "opinions of idiots into laws." He also references Montaigne's saying that there is nothing so gross as the faculty of laws (Oakeshott 1993b, p. 86). Instead of the government and laws being an authority, it is derivative—it draws its power from outside of itself. Rather than being sovereign, it is dependent. It is a "legal fiction and not a fact." It lacks the power of the real authority which "actually compels any belief or action."

The second answer is based upon the notion of consent or a type of contract. In almost every variation it involves the idea of "the people." Oakeshott begins this discussion by considering John Locke's assertion that the supreme power remains with the people. This involves the will of the people, if not all, at least most of them. Oakeshott dismisses this notion as being scarcely better than the one it was designed to replace. First, as he points out, consent is not authority. Consent can be a cause but not the ground of a belief. Consent can be given or withheld but since it is dependent it cannot be "absolute and independent". Second, he asks, what is meant by "the people"? Is this not a fluctuating group? Even Rousseau's general will is neither sovereign nor authoritative. It lacks the marks of authority which are "absoluteness, self-subsistence and irresponsibility" (Oakeshott 1993b, pp. 86-87).

In the final paragraph of "The Authority of the State" Oakeshott again dismisses the claim that authority is founded upon the government and he rejects again the assertion that it rests on the people. But he cau-

tions that such rejections should not lead one to think that authority is some illusion. Rather, our own experiences dictate that we believe in authority and he repeats that authority is in and of itself. It is “absolute and inescapable”; it is the “absolute, irresponsible, inescapable power.” It is neither a form of government nor a type of consent, but is a power that is complete in itself. It is “the whole ground upon which a belief or action rests.” The final sentence is “*Non est potestas super terram quae comparetur ei.*”—“There is no power on earth greater than he”....—that is “authority of the state” (Oakeshott 1993b, p. 87).

CATLIN VERSUS OAKESHOTT AND OAKESHOTT VERSUS CATLIN

The first “appendix” was a letter signed by a certain G. E. G. Catlin from Cornell University. Both parts of this are slightly misleading. G. E. G. stood for George Edward Gordon and Catlin was only temporarily associated with Cornell University. George Edward Gordon Catlin (1896-1979) was born, educated, and lived most of his life in England. He was at Cornell from roughly 1926 through 1929 and was there teaching political science. He had made a name for himself with the 1927 publication of *The Science and Methods of Political Science* in which he argued that “political science” needed to become a genuine science alongside the physical sciences. In his letter, Catlin lodged three criticisms against Oakeshott’s essay. First, he accused Oakeshott of confusing authority with the “grounds of accepting authority.” Second, he accused Oakeshott of confusing the nation state with an ideal. Third, he accused Oakeshott for insisting that “a society must have organization.” Regarding the third point, Catlin maintained that Oakeshott was mistaken for believing that a society must be organized as a state when there could be other means of organizing. Catlin insisted that his criticism was not “mere carping” but was a reaction to a very popular but very vulnerable argument which is actually “most dangerous” (Oakeshott 1993b, pp. 87-88).

The second “appendix” is Oakeshott’s reply. Oakeshott did not begin his reply with any pleasantries but went straight to Catlin’s first criticism. As he had indicated in the opening paragraph of his essay, here Oakeshott writes about his attempt to avoid confusion. He acknowledges that he is well aware of the distinction between an ‘authority’ and its ground but chose to ignore it because of its confusion. He argued that authority is not respected as an abstraction, but because of one’s belief. Oakeshott clarified that a police officer is not by himself authoritative but that the law confers authority upon the officer. But the law itself is not authoritative but rests upon the belief that law should have authority.

Oakeshott countered Catlin’s second criticism by admitting that some of his argument drew from Hegel and Bosanquet but added that he also rejected some of their lines of reasonings. He claimed that Catlin misrepresented Oakeshott’s claims. One such claim that he denied making was Catlin’s assertion that Oakeshott was referring to an “‘ideal’ state.” Furthermore, Oakeshott denied that he wrote exclusively about the “nation state”, and he objected to the idea that “state” has one and only one meaning—the “nation state.”

Oakeshott objected to Catlin’s third criticism by replying that he was insisting only that government is just one aspect of “social experience.” Instead, Oakeshott insisted that he did not use “national state” in either the sense that it is the best form of organization or that it was the only type of organization. Finally, Oakeshott complained that if a critic accuses someone of being an “Erasian, Hegelian, ‘old Bosanquetian’” then there is an end to rational discussion. He would be as inclined to call himself an “Erasian” as he would be to call himself “pink or mammalian” (Oakeshott 1993b, pp. 89-90). Oakeshott’s questioning of Catlin’s judgment would resurface a year later. As much as Oakeshott disagreed with Catlin, it should be allowed that there was some basis for all three of Catlin’s complaints. In particular, it seemed that Oakeshott’s rebuttal of Catlin’s first criticism not only missed its mark but contradicted what he had actually written. Oakeshott’s other responses were more accurate but the overall sense that one gets is that Oakeshott was upset by Catlin’s critique.

COMMENTS, OBSERVATIONS, AND QUESTIONS

It is noteworthy to compare Oakeshott's book reviews from the 1920s with those from the 1930s. His earlier, overtly critical tone is replaced by a more measured approach. It is as if his earlier sense of being right has shifted into an increasing comfort with skepticism—including doubting himself. There is at least one exception to this and that is both notable and relevant. It is notable for its negativity and it is relevant because it was a review of Catlin's 1930 book *The Principles of Politics*. First, Oakeshott objects to Catlin's aim to make political science into a science like chemistry. Second, he objects to Catlin's shift from chemistry to economics. Third, he objects to Catlin's definition of the state. These are specific complaints; Oakeshott's general criticisms are that this book is largely unintelligible unless the reader is well acquainted with Catlin's earlier *The Science and Method of Politics*. Oakeshott's damning assessment was that the topic seemed to be tangent and there is no central argument to be found. Oakeshott concludes with one comment that it was "particularly difficult to ascertain what Prof. Catlin's views are" and another comment that "Catlin's learning (which is evidently great) is better than his judgment" (Oakeshott 2007d, pp. 61-62). Catlin might have been highly educated but he was mistaken to think that political science could ever be a genuine science. Of course, Oakeshott would go on to develop a political thinking that was more "art" than "science."

Oakeshott's review of Catlin's book was published late in 1930 and his reviews from that year as well as the next five reflect a range of interests—from religion, to philosophy, to politics. But it is worth remarking that his earlier concern with theological matters was increasingly being replaced by political philosophy.⁵

Belasco's *Authority in Church and State* is not a political book and he preferred religious figures to political actors. Similarly, political philosophers were mentioned in passing and often with negative tones. This was particularly true regarding Thomas Hobbes. Hobbes was painted as the advocate of absolutism, the opponent of conscience, and the proponent of "slavish obedience" (Belasco 1928, pp. 19 23, 37, 111). Oakeshott himself had little to say about Hobbes until 1934. In his review of Otto von Gierke's *Natural Law and the Theory of Society* Oakeshott noted that the notion of contract of surrendering rights for security might have been better understood "if we had listened to him" (Oakeshott 2007e, p. 99). Oakeshott writes "we" so it is safe to say that he has changed his mind about Hobbes' philosophy. It is clear from "Thomas Hobbes" that Oakeshott realized there was much to be learned from Hobbes' "doctrine of authority." (Oakeshott 2007f, p. 120). However, to pursue the question of what led Oakeshott to write his "Thomas Hobbes" and his reviews of Strauss' Hobbes book leads too far from my focus in this essay.

CONCLUDING COMMENTS

In the "Introduction" to *The Intellectual Legacy of Michael Oakeshott* Timothy Fuller described Oakeshott's view of the transformation from medieval to modern Europe as "the transformation of relations of command and obedience into relations of authority and acknowledgement" (Fuller 2005, p. vii). It would take Oakeshott decades to develop these accounts as found later in *On Human Conduct* and "The Rule of Law." It may have been the problems with Belasco's book that prompted Oakeshott to start thinking about authority. And, perhaps it was Belasco's scattered references to Hobbes that led Oakeshott to begin to recognize Hobbes' importance in political thought. These are questions that can be answered later. The intention in this essay was to draw sufficient attention to the importance of "Authority of the State" and to show how Oakeshott's early essay was the beginning of the red thread of authority that runs throughout almost all of Michael Oakeshott's writings on political philosophy.

NOTES

- 1 To my knowledge, only two scholars have commented on “Authority in the State.” Timothy Fuller discusses it briefly in the “Introduction” to the collection in which Oakeshott’s essay is found. Steven Anthony Gerencser does devote a number of pages to that essay and I will make references to Gerencser’s account. But as with much of Gerencser’s book, his larger purpose is to show Oakeshott’s move from idealism to skepticism and that often means criticizing other scholars. Fuller’s account is more of a contextualization than a commentary, which is appropriate given that is in an introduction to Oakeshott’s published and unpublished works. Fuller 1993, pp. 11-13 and Gerencser 2000, pp. 54-63. This is not to minimize either scholar’s contribution to my understanding of Oakeshott. I have learned from Gerencser and even more from Fuller.
- 2 This is not to suggest that Oakeshott did not write about the state prior to his 1929 book review. He devoted Chapter 4 to “The State” in his 1925 *A Discussion of Some Matters Preliminary to the Study of Political Philosophy*. However, this work was never published during Oakeshott’s lifetime and in it he insisted that it was “a collection of notes” and was nothing more than “scattered notes” (Oakeshott 2010, pp. 39, 138).
- 3 Oakeshott ends the entire section with an odd reference to Ludwig Wittgenstein’s *Tractatus Logico-Philosophicus* (5.1361). The quotation is “Der Glaube au [sic] den Kausalnexus ist der Aberglaube.” “au” is a misprint and it should be “aus”—“The faith out of the causal nexus is superstition” (Oakeshott 1993b, p. 79 note 4).
- 4 R. M. (Robert Morrison) MacIver published *The Modern State* in 1926 and it appeared in Oxford University Press’s Clarendon series. The book has had a long life: it was republished in 1928, 1932, 1941, 1946, 1947, 1950, 1961, 1964, and 1966. It was again republished in 2006. Sir Ernst Barker published his book in 1928 and it had a longer title than what Oakeshott gave: *The Study of Political Science and Its Relation to Cognate Studies*. It was published by Cambridge University Press. Similarly, Harold Laski’s title was *On the Study of Politics*. It was published in 1928 in Oxford by Humphry Milford. It was a lecture that Laski gave at the London School of Economics and is a pamphlet of 27 pages. Barker’s book was slightly longer at 52 whereas MacIver’s book was just over 500 pages. Oakeshott’s two references are just to page 3. Barker and Laski continued to teach in Great Britain but MacIver left Aberdeen for Toronto in 1915 and then moved in 1927 to teach at Columbia. He was later associated with The New School for Social Research.
- 5 Again, this is not to minimize the importance of the 1925 dissertation but to point out that many of his book reviews from the early and late 1920s are on religious and theological works.

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