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Authority on the Border of Work and Play: Oakeshott and Democratic Theory

Jason Edwards

Department of Politics

Birkbeck, University of London

United Kingdom

Abstract

The distinction between work and play is a defining feature of the modern world. But the border between them has been a site of major political contestation, giving rise to new forms of authority. I turn to the work of Michael Oakeshott to examine the distinction between work and play and how it relates to the idea of authority. I argue that reading Oakeshott on work, play, conduct, and authority can give us important insights into key questions of democratic theory at a time when socio-economic and technological changes are once again transforming the border of work and play.

Keywords

Oakeshott, work, play, conduct, authority.

One of the defining features of the modern world is the separation of the activities of work and play. This separation appears, and is conceived of, in a variety of ways. In one form, it is reflected in the distinction between the public and the private, with work occupying a public domain in which we associate with strangers, while play – often represented by the word “leisure” – is a private occupation that takes place only in the “domestic” sphere of

intimates. In another appearance, work and play are confined to particular and separate spaces and practices: manufacturing cars in a factory is work; a night out in a restaurant with a group of friends is play. But regardless of the particular formulation in which the separation is expressed, what is being articulated are two views of the world (or at least the world of human activity) that have been central to the western philosophical tradition: that human activities can be divided into distinct categories; and following on from this, that two of the most significant categories are activities that have the purpose of producing outcomes that give satisfaction, and activities in which satisfaction is derived from the performance of the activity itself. This view of separate categories of human activity that are either instrumental or inherently rewarding predates the modern world by a considerable amount of time – indeed, it goes back to the origins of the western philosophical tradition in Greek antiquity.ⁱ But it has been central to the way in which the modern world has understood itself, and, as many political and social theorists have claimed, the way in which it has accorded priority to instrumental over intrinsically satisfying modes of activities – or to work over play.ⁱⁱ

This essay proceeds from the view that the understanding of our contemporary predicament requires scepticism towards the conceptual separation of work and play. Any general abstract account of the distinction between the two runs the risk of overlooking how their meanings are interrelated and are formed in the everyday experience of the contested practices that are taken to constitute “work” and “play”. The interrelated meanings of the terms are thus historically conditional and at decisive points in modernity have been the subject of intense political disagreement. In particular, as I argue here, disputes over the border of work and play have been a key condition for the repudiation of

existing and the formation of new forms of authority in the modern world. Accordingly, I argue that political theory in general, and democratic theory in particular, should focus on the contested borders of work and play in order to gain a better view of the obstacles to and possibilities for the renewal of democratic practices of political authority. Our understanding of democratic politics should regard it not only as the “play” or contestation involved in open-ended and contingent relations between political actors, but also as the cooperative work involved in the fabrication and reproduction of the material conditions of practices of democratic authority. Democratic theory has placed too much emphasis in recent times on the autonomy of politics and the performative character of democratic action, at the cost of acknowledging their embeddedness in material social and economic relationships that are often identified with paid work, and which are at the same time are central conditions of cultural and political life. A related neglect has been of the key role of authority in the constitution of democratic political association, a result of authority’s long-standing conceptual confinement to a narrowly-conceived of sphere of political office. The kind of relationships of authority that act as the conditions of democratic political association are, however, not restricted to the formal domain of the political but are rather rooted in everyday social and economic practices.

My objective in this article, then, is to make the case for a democratic theory more oriented to the question of democratic forms of authority and their generation in overlapping and contested practices of work and play, and to contribute to the development of an understanding of authority that deflates the autonomy of the political and seeks its grounding in those same practices. In pursuing this goal, I turn to the work of a political philosopher who on first glance seems an unlikely ally. Michael Oakeshott is perhaps best

known for his defence of the idea of the state as a civil association, that is an association defined not by its substantive goals (what he terms an “enterprise association”), but by the commitment of its associates to abide by its rules or laws. Authority, for Oakeshott, is thus a formal or legal feature of the state and has no constitutive outside. This is why, on the face of it, he is an unpromising candidate to bolster my case. Oakeshott rejects the idea of the constitution of authority by relationships of work and play that are on the exterior of its restricted domain.ⁱⁱⁱ However, as I argue in the first section, Oakeshott’s account in his essay “Work and Play” (2004) raises important questions about the distinction between those two activities, and performs a significant role in the theory of conduct elaborated in his magnum opus, *On Human Conduct*.^{iv} Together, these contributions point to the manner in which we can conceive of practices of fabrication, which are often seen to be instrumental in character, as possessing qualities of intrinsically satisfying activity – these practices, then, can be located in the border areas between work and play. Practices involved in the production and reproduction of the material conditions of authority can, from this perspective, be seen as intrinsically satisfying in a way that makes them essential to democratic citizenship.

In the second section, I elaborate on the sense in which authority can be seen as arising along the contested borders of work and play. By scrutinising Oakeshott’s formalistic account of the recognition or acknowledgement of authority, I argue that authoritative practices are often challenged and reconstituted through the tensions between and contestation of practices of work and play. Authority as the performance of office has historical and material (socio-economic) conditions that should not be regarded as being in the exterior of its exercise in the manner suggested by Oakeshott’s account of “The Rule of

Law” (Oakeshott 1999). Rather, the concrete relationship between ruler and ruled is a necessary condition of the exercise of authority in so far as it makes and reproduces authority-recognising *personae*. In the final section, I turn to some implications of my argument for democratic theory today, in particular engaging with Bonnie Honig’s recent case for the value of “public things” and Richard Sennett’s work on earned authority. Democratic theory should review the challenges posed by ongoing changes to work in the twenty-first century by a re-examination of the connections and tensions between work, play, and authority in the modern world.

The Play of Work

In this first section, I set out Oakeshott’s account of the relationship between work and play and how this lends itself to his later theoretical understanding of conduct. As Noel O’Sullivan has argued, play is an important concept in Oakeshott’s thought and he read sympathetically the account of it given by the Dutch cultural historian Johan Huizinga in his influential book *Homo Ludens* (O’ Sullivan 2001: 38-9; Huizinga 1998).^v Like Huizinga, Oakeshott suggests that play, the activity of *homo ludens*, is the mark of civilization, but that in the modern world it has been subordinated to work, the activity of *homo laborans*. This distinction between play and work – or in an alternative formulation the sentiments of play and seriousness – has been seen as underlying Oakeshott’s separation of enterprise and civil association as fundamentally distinct moral systems (Cheeseman 2014). In contrast, I argue that in developing his account of what play involves, Oakeshott is drawn into conceiving of the playful character of activities that possess the key characteristics of work as an

instrumental undertaking oriented towards the achievement of a particular goal. Rather than simply accepting Huizinga's distinction between work and play, Oakeshott's account can be read as a (sympathetic) problematization of it. His allusion to the play involved in work is an important prelude to the elaboration of his theory of conduct, which, as I argue, is itself of much significance in challenging conventional views of the conceptual distinction between work and play. It also contributes to an understanding of the character of authority and how it is implicated in the connections and tensions between activities of work and play, though as I show in the next section, Oakeshott strives to maintain the autonomy of authority in a way that is at odds with his theory of conduct.

Oakeshott's first sustained consideration of the problem of work and play comes in an essay written around 1960 (O'Sullivan 2004: 6). Following Huizinga, he suggests that we can understand play as the expression of human freedom. Work, in contrast, is presented as a "serious" activity, the servant of necessity rather than freedom, and a means by which we pursue extrinsic goods rather than intrinsically rewarding experiences. It is the enterprise of satisfying wants rather than needs. While this enterprise of want satisfaction is "as old as the human race" what is new in the modern world "is the faith and fervour with which it is pursued and the manner in which all else tends to be regarded as subordinate to the happiness that comes from the satisfaction of wants" (2004: 307-8). But there is a heavy price to pay for this enterprise. We are constantly anxious about meeting an unending series of desires, and we recognise that to be a creature of wants "is itself a curse" that creates "a life in which every achievement is also a frustration" (2004: 308-10). Play, as a "form of activity particular to human beings," is seen as providing relief about the anxieties and frustrations of work. For Oakeshott, "The complete character of a human being does not

come into view unless we add *Homo ludens*, man the player, to *Homo sapiens*, intelligent man, *Homo faber*, the maker of things, and *Homo laborans*, man the worker.”^{vi} Oakeshott uses the word “play” here in a “wide sense to stand for an activity that, because it is not directed towards the satisfaction of wants, entails an attitude to the world that is not concerned to use it, to get something out of it, or to make something of it, and offers satisfactions that are not at the same time frustrations” (2004: 310). When played a game is “an experience of enjoyment that has not ulterior purpose, no further result aimed at, and begins and ends in itself.” Because of this character, a game is a “free” activity: “It may have rules of its own, and it may be played with energy and require effort, but it is emancipated from the seriousness, the purposefulness, and the alleged ‘importance’ of ‘work’ and the satisfaction of wants” (2004: 310-11).

In presenting the distinction between work and play, it is not always obvious in whose voice Oakeshott is speaking, but it is clear that he sees it as an invention of the modern world that warrants scrutiny. This questioning begins with a declaration – in a way that looks back to his earlier work – that the activities involved with understanding and explaining the world, namely philosophy, science, and history, do not belong in the sphere of work but of play.^{vii} The knowledge produced by them is concerned with matters of “truth and error” not “with what is useful or useless” (2004: 311). Even more so than these pursuits, the “poetic imagination”, by which Oakeshott designates aesthetic activity broadly speaking, appears distinct from knowledge employed in the pursuit of want satisfaction. The “practical imagination” of the politician or businessman cannot be confused with this poetic imagination, which is “not a preliminary to doing something” but is rather “an end in itself” (2004: 312). While the Greeks distinguished the “musical arts” (poetry, dancing, music, and

acting (belonging to the “Muses”)) from “crafts” employing the “materials of the world”, such as sculpture and painting, Oakeshott thinks we have “risen above” this distinction and can see in painting and sculpture, “the emancipation from the ‘deadliness of doing’ that distinguishes art from ‘work’.” These undertakings of material transformation are part of “play” and it is only in play that humans beings can “enjoy a freedom and illumination that the satisfaction of wants can never supply” (2004: 312-13).

Oakeshott’s identification of material crafts as play activities raises important questions about the boundary between work and play, but more specifically it points to the difficulty of any simple mapping of work onto the instrumental production of material things and play onto the expression of an inner-freedom. This boundary problem arises as the concepts of work and play do not refer to activities with their own distinctive features, but the *experience* of activities that to the non-participant observer may appear identical. The problem mirrors that confronted by Oakeshott in his earlier consideration of the question of the separation of distinct modalities of experience (Lessnoff 1998: 117-20). All such modalities of experience (with the possible exception of philosophy)^{viii} are, he concludes, “conditional”. His concern for the boundary problem in “Work and Play” is explained by his aim of defending the (conditional) playful activities of philosophy, science, history, and poetry against their “corruption”, their transformation into “mere” work, and the argument that their value is only as forms of knowledge that aid the satisfaction of wants. In particular, he voices concern about the corruption of education.^{ix} “School” is not a site of work but of play, as witnessed in the English word’s derivation from the Greek *skole*, meaning “leisure” or “free time”. The idea of a “liberal” education has its roots in the Roman *liberalia studia*, studies “liberated” from “the concerns of practical doing.” He makes

a plea not “to confuse the two quite different experiences of the world” (2004: 314). But nothing that Oakeshott says in defending the importance of the demarcation suggests that philosophy can itself provide an understanding of precisely what differentiates those experiences. What is play, and what is work, are questions that can only be posed from within the entanglements of human experience, and there is no vantage point for philosophy outside such conditional experiences that allows it to act as final judge.^x

What philosophy can do, however, is to provide a theoretical account of human conduct, a central objective of Oakeshott’s magnum opus, *OHC*. The concept of play performs an important role in that work, but less in the sense that it characterises civil association as a substantive moral system, and more in that it appears as a generalised feature of all human practices as Oakeshott so presents them. For Oakeshott, conduct is an “ideal character” that is “postulated” by the whole range of human performances and is the term in which they may be understood. It is the relationship between the performances of transacting agents that marks out the specificity of conduct and makes it possible for humans to live with considerable autonomy from biological drives and the satisfaction of material needs. Human “performances” are performances of a practice, the product of free agents who are not slaves to their needs but the active choosers of their wants. The central assumption concerning the character of human action necessary in the performance of conduct is “freedom”, or the intelligent capacity to make choices in response to the performances of others. Importantly, the freedom of the “free agent” of conduct does not denote the freedom of self-direction, that may also be called “self-determination” or “autonomy” (1975: 36). Oakeshott is not, then, pursuing the kind of argument concerning the autonomy and authenticity of the actor associated with some parts of the existentialist tradition. While

the free agent is a “self-enacted reflective consciousness” who has come to understand the world they inhabit in a particular way (an understanding which may or may not be mistaken about the way the world actually is), this self-enactment in conduct is inextricably linked to self-disclosure to others through conduct.

The fact that conduct concerns not simply self-recognition through enactment, but self-disclosure, highlights the sense in which it can be regarded as ludic beyond the expression of free agency. The positioning of a reflective consciousness in response to its situation takes place as a reaction to transactions; it goes on continuously between agents in a way that disqualifies claims about the individual’s sole authorship of their actions: “To understand conduct *inter homines* in terms of the postulates agency, choice, performance and response is to recognize it as an engagement in which agents negotiate bargains with the future. The future is composed of the choices and actions of other agents, and consequently these bargains are recognized to be transactions between agents.” Such strategic transactions go beyond the ad hoc, and there is thus a need to “postulate more enduring relationships between agents” that are the “conditional contexts of all such transactions” (1975: 54). These more enduring relationships are what Oakeshott calls “practices”, where each is understood as “a set of considerations, manners, uses, observances, customs, standards, canons, maxims, principles, rules, and offices specifying useful procedures or denoting obligations or duties which relate to human actions and utterances.” Practices are “adverbial” qualifications of performances, setting out procedures to be followed in choosing and acting and ranging from a “mere protocol” to a “way of life” (1975: 55). Oakeshott says here more or less explicitly that we play with practices. Agents appear as “subscribing” (rather than being subject) to “a multiplicity of practices, each composed of

considerations to be subscribed to in choosing and doing, and each constituting a specific formal relationship between the participants” (1975: 59).^{xi}

OHC thus outlines an argument for considering all human practices, including practices of work that seek the satisfaction of wants, as the playing of a game. But Oakeshott also problematises the distinction between play and work activities characteristic of the modern world, in a way that takes further the claim in “Work and Play” that material arts (or crafts), that have as their end the production of things, are not necessarily instrumental performances. In a suggestive passage on “fabrication” (1975: 35) he claims that in any instance of a performance we cannot distinguish between “acting” and “fabricating”. Acting involves self-disclosure, actions that elicit responses in the performance of other agents, and “every such performance is an episode in an interminable adventure”. While fabricating has as its outcome an artefact, “a finished product”, an “artefact is an interpolation which does not necessarily deprive fabrication of the character of a performance.” In an elaboration of an important argument from “Work and Play”, the poetic imagination, particularly in the form of the practice of sculpture and painting, appears as the unity of acting and fabricating. “In most fabricating engagements the imagined and wished-for outcome is not the artefact itself but the response it is designed to evoke in the conduct of other agents or in the fabricator himself.” Fabrication only ceases to be a form of performance when the artefact becomes a “work of art” and “what is made may be said to be made with no other intention but that of making it” (1975: 35-6). While Oakeshott does not acknowledge the point explicitly, practices of fabrication are unlikely to ever meet this stringent stipulation of making objects “with no other intention” than making them.

Practices of fabrication, as much as acting, are thus performances, and as such, contain the ludic elements of conduct to which Oakeshott points.

In considering the work-play distinction, Oakeshott is not, then, constructing an action typology that maps discrete practices onto one or the other. Rather, he is primarily exercised by the corruption of playful practices – of which he takes education to be exemplary – by practices of work that are concerned only with satisfactions derived from outcomes rather than those that arise in their performance. But in reality, such practices are constantly subverted by the satisfactions sought in their performance rather than their outcomes. In the context of our contemporary world, the fabrication of a work of art may seem like a rarefied example. But who can doubt that the fabrication of more mundane objects – the mass-produced consumer commodities of contemporary capitalism – does not involve practices that have a purpose for their practitioners other than their material outcomes? Even from an orthodox Marxist perspective, the “objective” relationships formed within the production process are central to the worker’s self-understanding and the character of their relationships with other workers, the owners of capital, and the fetishized world of commodities they all inhabit. The worker’s self-enactment and self-disclosure to others, by definition, can only take place through their conduct in work. Oakeshott is very far from orthodox Marxism, but his exploration of the border of the work-play distinction and, crucially, his acknowledgement of the ludic character of all conduct, are prompts for the rediscovery of the play and contestation that goes on in work.

Replaying Authority

On my reading of “Work and Play” and *OHC*, Oakeshott can be regarded not as making a categorial division between practices of work and play, but rather as questioning practices that lie along the border of those activities. It is on the edges of practices of work and play, I want to argue, that we often discover the formation and consolidation of authority. Again, Oakeshott may seem an unhelpful figure in substantiating this claim since, as most commentators on his work have argued, his account of authority, properly speaking, is one that regards it in the purely formal terms of subscription to rules and the performance of office. As Richard Flathman has argued (1980: 72) Oakeshott considers there to be no external conditions of political authority. But this observation doesn’t fully capture what it is at stake in Oakeshott’s account: it is the *recognition* of authority, rather than the practice of authoritative office, that Oakeshott understands to be unconditional. He is keenly aware, as he shows in the third and longest essay in *OHC*, of the historical conditions that made the authority exercised by the modern European state possible. Oakeshott does want to maintain that a philosophical account of the idea of authority is distinct from a historical account of those practices that constitute the de facto authority of the sovereign state as it rises in Europe, as well as those practices that provide legitimacy to such states in the eyes of those subject to their rule (Nardin 2012: 189). It does not follow, of course, that we have to accept that these accounts do not inform one another, nor that as an analytical concept authority should be confined to a description of its formal and abstract features. As I argue in this section, if that is Oakeshott’s view it renders his theory of authority of little use in trying to understand democratic practices of authority and their conditions of possibility in the present.

In what sense might authority be regarded as arising on the border of work and play? The rise of the modern sovereign territorial state in Europe was a highly complex process that combined the emergence of innovative practices of governing territories and populations with critical reflection on and the philosophical justification of those practices. But a key relationship was, it is widely recognised, that between religion and politics. The Protestant Reformation and the subsequent wars of religion placed a check on the serious work of state building for a century and a half. Protestantism, particularly in its mainstream Lutheran and Calvinist forms, eschewed the all-too worldly political goals of the Roman Catholic Church, insisting that the satisfactions of faith came in the commitment to one's calling, not in the performance of good works in the pursuit of salvation. In so far as a resolution to religious war was provided by the assertion of the state's authority over the religion of its subjects, and the effective subordination of religious conflict to political authority, the legitimacy of the state was established by its provision of the conditions of civil peace in which the faithful were free to subscribe to the laws and rites of their religion. While Oakeshott sees Hobbes's account of the state as a defence of the idea of civil association as non-purposive (Oakeshott 2000; Tregenza 2003), historically the work of the state, or at least a key justification of its work, has concerned its provision and protection of spaces of non-purposive work in which intrinsically satisfying practices can be pursued. This is the real pay-off for subjects of the protection-obedience relationship. In the period of state-building post-Westphalia, the ever-more embedded distinction between the times of work and play in everyday life grew out of a conception of the sanctity of time devoted to faith, reflected in particular by the protection in law of the sabbath and holy days from the encroachments of work.

Writing after the Second World War, Oakeshott's concerns turned to what he perceived to be the threat to individuality (Gamble 2012; Galston 2012) posed by the authority claimed by the burgeoning welfare state in Britain and Europe. The Labour government elected in Britain in 1945 came to power with the promise of an extensive expansion of the welfare state, but it is a mistake to believe this marks the point at which new questions concerning the purposes and legitimacy of the state in Britain, Europe, and indeed in the United States were first formulated. If post-Westphalia the state's legitimacy was founded in its containment of religious strife at the same time that it protected the following of a religious life, the grounds for the legitimacy of the welfare state had been constituted by the socio-economic transformations of the nineteenth and early twentieth centuries that led to mass, urbanised societies, with industrialised economies. Political identity in the competitive party-political systems that became established in the western world after the Second World War was substantially shaped by perceptions of social and economic interests formed in the workplace. In the social democratic imagination in particular, the legitimation of the active role of the state in directing and managing national economic activity was seen in terms of protecting and expanding a domain of life providing relief from the demands and conflicts of the (industrial) workplace. If life without work were not possible – as most social democrats who charged themselves with the governance rather than replacement of industrial capitalism believed – the disputed territory between work and play was nevertheless the site on which political contestation was located. The de facto authority of the welfare state stood on its capacity to contain and regulate the demands of work, allowing for the preservation and growth of the sphere of play (or “leisure”) in the experience of everyday life.

These are historical illustrations of the way in which the state has come to gain authority through what it does. As Nardin points out, Oakeshott's theory of authority is not, however, concerned with the question of how states come to be seen as having authority, but rather with the character of the state as a "mode of association" and with "specifying the purpose and therefore the duties or responsibilities of its government" (Nardin 2012: 188). For Oakeshott, we confuse this purpose if we seek the "principle of association in a state" in "a consensual approval of its performances" rather than in "the authority of its government" (Oakeshott 1991: 445). *OHC* sees an effort to articulate this understanding of the state as a mode of association by drawing the distinction between an enterprise and a civil association. As we have already seen, the move to map the work-play distinction onto this enterprise association/ civil association divide is one that we should doubt Oakeshott makes. Nonetheless, *OHC* and, more particularly his later essay, "The Rule of Law", one of the three pieces that make up the collected volume, *On History and Other Essays* (Oakeshott 1999), does see Oakeshott formalising his account of authority in a way that might be interpreted as drawing a bolder line between the activities of work and play. The essay on the rule of law, as the title suggests, is primarily a reflection on the character of law, but it continues and to an extent amends Oakeshott's view of human conduct and practices given in *OHC*. In understanding "civil association" as association under the rule of law, Oakeshott returns to the model of playing a game. The relationships involved in the playing of a game involve different kinds of *personae*. First, there is the *persona* of the competitor who, like a *persona* in an enterprise association, is concerned with "the pursuit of a wished-for substantive satisfaction", i.e. winning the game or enjoying playing it (though, of course, the aim might not always be winning as dependent on the context it may be better to lose or draw) (1999: 136). In addition to this purposeful *persona* there is

“superimposed” another, who is constituted “in terms of the recognition of the game.” A game, in this regard, “is nothing other than a set of rules”. Moreover, in playing a game what matters to the participants is the authenticity of the rules, not the “desirability of the conditions they prescribe.” Put in another way, playing the game involves following the rules even if each and every rule is not necessarily desirable (1999: 137-8). Oakeshott claims that it is this second relationship that gives us some insight into association in terms of the rule of law.

However, Oakeshott notes the sense in which the rules of a game vary from the rules of civil association in key ways: for example, a game is an engagement that is “intermittent and undertaken at will”, it is strictly bound by time, and the rules usually only apply to a small number of simple actions (1999: 143-4). Thus the rule of law is not a form of a game, but rather of moral association “exclusively in terms of the recognition of the authority of known, non-instrumental rules (that is, laws) which impose obligations to subscribe to adverbial conditions in the performance of the self-chosen actions of all who fall within their jurisdiction”. This is what the rule of law *must* mean: it is a legalistic concept and like “all other modes of association it is an abstract relationship of *personae* – persons solely in respect of being alike and without exception the subjects of these obligations to one another”. Oakeshott here extends his analysis of civil association in *OHC*, to argue that it is the idea of legalistic association that centrally informs one conception of the state as it arises in early modern Europe: i.e. as moral association whose members subscribe to the law not for instrumental purposes but solely as a condition of their membership of the association.

Even if we identify authority with the rule of law thus understood, it is still entirely reasonable to ask what is the purpose of this non-purposive mode of association. If someone enters into an association with others with no other reason than to follow its rules, they have still entered into it in order to take satisfaction from following its rules. As William Galston claims, for citizens to voluntarily recognise authority they must have good reasons, and in so far as Oakeshott accepts this, it is on the grounds of the Hobbesian view that the sovereign's laws allow citizens to pursue their associations outside of the state freely and in conditions of civil peace and security (Galston 2012: 239-40). But as Steven Gerencser has argued convincingly, Oakeshott's account of citizens' recognition of authority fails to provide a full report of the beliefs that are necessary for such acknowledgement or recognition of authority in civil – as opposed to enterprise – association (Gerencser 2003).^{xii} This criticism can be broadened out. What Oakeshott fails to see, or at least to fully explore the implications of, is that the recognition of authority is a *precondition* for the rule of law that requires conditions for the formation of *personae* endowed with the capacity to acknowledge or recognise authority. In other words, the acknowledgement or recognition of authority required for the rule of law is itself a practice that has conditions, and in the absence of these conditions consistent practices of authority recognition are likely to break down.^{xiii} We can, of course, choose to strip “recogniton of authority” of its historical conditions of possibility, and regard it purely as a postulate of a theory of civil association; but even then, on Oakeshott's own terms, our understanding of that postulate is itself conditional, and that conditional understanding is itself historical.

It may not be necessary, however, to deny the historical conditionality of the recognition of authority to accept Oakeshott's view of civil association as mode of association without

substantive ends. Nardin has argued that to attribute a “purpose” to civil association confuses that “purpose” with the purpose of meeting a substantive end or satisfying the instrumental wants of agents (Nardin 2001: 216). The requisite sense in which the rules of civil association have a “purpose” – given that it is possible to redescribe any rule using purposive language (Friedman 1992) – is that they regulate the conduct of citizens on the grounds of presuppositions about moral conduct: that citizens are to be treated by others as ends in themselves and not instruments for the satisfaction of substantive wants or particular purposes (Nardin 2001: 203; Mapel, 1992: 78). If authority has a purpose, therefore, it is not the same kind of purpose as that of working to achieve substantive outcomes, or stipulating who has or can do what, but rather to set limits on the type of conduct that can be performed in the attempt of an agent to legitimately get or do something. But this claim presupposes that there is available to us a general means of distinguishing between actions that have the purpose of acting and actions that have the purpose of making, or at least reproducing, the conditions in which acting takes place. As we have seen, Oakeshott himself brings into question this distinction between actions of acting and fabricating. The authority of the state cannot be employed simply for the purposes of placing adverbial conditions on action, but must concern what those subject to its authority do or do not do in reproducing the conditions in which they act as civil associates. As Galston argues, it is unclear what the purpose is of a state whose associates have no substantive “shared purposes” (Galston 2012: 242); if a state fails to attend to the conditions which produce authority-recognising *personae* then it promotes the dissolution of its own authority. Far from calling such an organisation a “state”, we are more likely to think of it as a “failed state” or even having no features of statehood at all; even the organised “criminal” enterprise associations (the monarchs and their entourages) that were

the proto-states of early modern Europe recognised the importance of fostering shared purposes in their subjects as a means of consolidating their sovereign command (see Tilly 1985). Indeed, “statecraft”, as the act of fabricating the state, was considered very much in these terms (see Burckhardt 1990).

Oakeshott thinks that the formal character of authority is maintained by the distinction between the *auctoritas* and *potestas* of an office. He rejects the Weberian view of authority as the exercise of “legitimate domination” (Weber: 1978). Authority cannot go by the name of “domination”, whether enforced or voluntary. Persons who occupy authoritative office may dominate others persons who are citizens, but they do not do so by virtue of exercising their authority but their contingent powers derived from external resources (Oakeshott, 1975: 157-8). Others have reflected on how we might retain or retrieve an understanding of political authority as a form of non-power or non-domination. This was Hannah Arendt’s objective in her well-known essay, “What is Authority?” (2006). Arendt too recognises the Roman origins of the distinction between *auctoritas* and *potestas*. But while Oakeshott obscures the Roman understanding of authority as that which springs from a definite tradition and a set of (politico-cum-religious) practices around it, Arendt sees it as inextricably rooted in that concrete tradition, one which locates authority in the hands of the Senate, while power lies in the hands of the people, the *populus*. The binding force of this authority is given by its connection to the *auspices*, signs of divine approval that were first given to Romulus as founder of the city (Arendt 2006: 122-3). Thus, for Arendt, the exercise of (Roman) authority cannot be divorced from the question of its historical conditions and the perpetual recognition of its grounding in its practices, practices that are

not on its outside but are the means of its reproduction. Roman authority was constantly performed and (re-)made.

If it is the case, then, that the exercise of authority requires authority-recognising *personae*, by necessity a state cannot just be a civil association but must also be an enterprise association. It must concern itself with the purpose of making and reproducing the conditions in which there are authority-recognising *personae*. And this requires attending to the connections and tensions that arise along the border of work and play. This view of the authority of the state becomes a problem for Oakeshott when, as in “The Rule of Law”, he surreptitiously attributes the qualities of play to civil association and those of work to enterprise association. We can speculate on Oakeshott’s political motives for this move (Anderson 1992; Abel 2011; Gamble 2012), but it is not obviously consistent with his earlier account of work and play nor with his theory of conduct. Together these form a challenge to, rather than an affirmation of, the modern world’s separation of work, play, and political authority. In the final section, I want to turn to this challenge in light of some important issues in contemporary democratic theory.

Reworking Democracy

I have shown, in engaging with Oakeshott’s work that, first, work and play are concepts not best viewed as descriptive of distinctive action-types or practices, but as the names given to overlapping performances of conduct, where we can understand conduct in Oakeshott’s terms as related acts of self-enactment and self-disclosure. Practices of work, as acts of making or fabricating, can also be practices of play, in the sense that they are not simply

oriented towards a goal, but are also intrinsically satisfying in the same manner that the playing of a game is (or at least can be). Second, authority – or more precisely the recognition of authority – requires the performance of authoritative practices that are the conditions for the formation and reproduction of authority-recognising *personae* or agents. Such practices of authority can be regarded as often arising on the border or in the contradictions between practices of work and play – as seen, for example, in the tension between the purposive work of state building and the freedom to follow a religious life in early modern Europe, or in the industrial capitalist societies of the twentieth century between the demands placed by capital on wage labour to work longer hours (or for less pay) and the desire of workers for lives of greater leisure and consumption. A formal understanding of authority as the acknowledgement or recognition of the authority of offices is itself historically conditional, and relies upon a variety of practices of authorisation that arise, to a significant extent, in the tensions between work and play in the modern world. In this final section, I want to briefly remark on some implications of these observations about the relationship between work, play, and authority for political theory today, and in particular for democratic theory in light of some ongoing transformations of work and their significant socio-economic and political consequences.

The literature on democratic theory that has developed over the last few decades is complex and, by now, vast. But as I suggested at the beginning of the essay, at least until recently two areas of neglect in that literature have been considerations of the material – and socio-economic – conditions of democratic politics, and the role of authority in constituting democratic practices. “Agonistic” democratic theory, with its interest in matters of contestation, performance, and, indeed, “play”, has been somewhat sensitive to the first

of these concerns.^{xiv} Yet even here, the material conditions of agonistic democratic contestation tend to be taken as a given and the focus is on claims for recognition and identity in the contested sphere of “the political” (see McNay 2014). An important exception here is Bonnie Honig (2017) who has argued that “public things” are essential objects of democratic engagement and contestation. Honig turns to the object-relations theory of British psychoanalyst Donald Winnicott, which posits objects that infants form an attachment to, such as comfort blankets, cuddly toys, etc., as “transitional” in the sense that they aid in the child’s gradual independence from (the figure of) the mother and their development as autonomous players and learners (Honig 2017: 43-4). Honig argues that this relationship of attachment to material objects as a means of expressing independence carries over into adulthood; thus “public things” – common, mundane objects that seem to serve mainly instrumental purposes, such as travel networks, utilities infrastructure, or public libraries – play a key role in maintaining and reproducing a democratic polity of independent citizens who possess the capacity to contest the use and value of these objects. She links the loss of such public things in recent decades to privatisation and marketisation to a general decline in resources for independent citizenship and political action.

Honig’s argument alludes to the theme explored in the first section of this essay of playful fabrication in Oakeshott’s account of conduct. While children don’t (usually) make the objects to which they form attachments, as working adults many people continue to play a role in the fabrication and reproduction of the material objects of public life. That is exactly the case with people who design and build train stations, town halls, public parks, etc., but it is also true of those who work in public offices and services. What is often neglected in

literature that tends to look favourably on technological transformations that substantially augment the work of, or even promise to entirely replace, the architect, skilled joiner, or the town clerk (e.g. Brynjolfsson and McAfee 2014; Ford 2015), is the important role that such figures play in making and maintaining the material public sphere. The contribution they make to public life may well carry its own satisfactions – the satisfaction derived from public service – but where in a democratic civic system, their work is visible and accountable to citizens, they play a key role in generating and maintaining democratic practices of authority. Such personal visibility and accountability is threatened by the delegation of their work to artificially intelligent systems, remote and virtual actors, and increasingly sophisticated robots.

There has, then, been something of a turn to the consideration of the material or socio-economic conditions of democracy in recent democratic theory, but questions about the role of authority in constituting democratic practices remain largely neglected. Ironically, this may be because Oakeshott's highly formalistic understanding of authority is widely, if implicitly shared. But it also because of a general sense that traditional practices of authority, particularly those established in the domain of work, are in decline. Again, this links to views about the acceleration and growing complexity of economic-cum-technological change, its effects on work, and its disruptive consequences for enduring practices and institutions. The sociologist, Richard Sennett, has written about how these changes in work "erode the capacity to cooperate with those who differ" (Sennett 2012: 7). The "silo effect" – the placing of individuals and groups into separate units of an organisation that often seek to control and monopolise information – combine with the physical isolation of workers that has grown with more "flexible" working hours and the rise

of home-working, to weaken skills of cooperation. Home-working, in particular, blurs and leads to the further contestation of the work-play boundary. The COVID-19 pandemic of 2020 highlighted the acceleration of such isolating practices and the decline of face-to-face engagement and collaboration in shared workplaces. The seclusion and atomisation of labour has also been hastened by the rise of precarious work and the “gig economy”, as well as by a proliferation of what the anthropologist David Graeber memorably described as “bullshit jobs” (Graeber 2018), socially and economically pointless roles which satisfy wants only in the narrowest sense of garnering a wage for those who do them.

Citing the work of the psychologist, Erik Erikson, Sennett points to the way in which a capacity for cooperation gradually develops in children in a way that enables them not simply to recognise or accept the rules of the games they play, but rather to question and negotiate those rules. He notes that Huizinga in his book *Homo Ludens* – as we have seen, an important source for Oakeshott’s reflections on work and play – makes the distinction between observing and discussing the rules of a game. While Huizinga presents these as choices made by actors, they are better seen as part of a developmental process, moving from sheer obedience to the collective capacity to negotiate the rules. It follows that “development makes us capable of choosing the kind of cooperation we want, what its terms of exchange are, how we will cooperate. Freedom enters the experience of cooperation as a consequence” (Sennett 2012: 12-13). This claim has more than a passing resemblance to Oakeshott’s view of freedom as a feature of conduct between actors, as something that is relational in character, rather than a capacity of individuals. Like conduct, cooperation involves both acts of self-enactment and self-disclosure. These acts become more complex, and more embedded, as the practices which they constitute become more

enduring and essential to both collective action and the development of individuality through play.

Unlike Oakeshott, Sennett identifies practices of authority as key to the successful performance of acts of cooperation and expressions of individuality. Crucially here, he makes an argument for focusing not on the subject of authority but on the “master”. For all of Oakeshott’s repudiation of Weber’s conflation of power with the authority of office, he follows him in concentrating on the subject’s role in recognising authority without asking precisely what it is in the character of an authority-bearing *persona* that is being recognised. For Sennett, in this regard “earned authority” is vital in negotiating the inequality between ruler and ruled. Earned authority “moderates humiliation in the relation of command and obedience. In the Weberian way of thinking, humiliation occurs whenever a servant has no choice; in a fuller view, humiliation occurs when the master shows no recognition” (Sennett 2012: 151-2). This formulation very usefully turns Oakeshott’s view of authority on its head, making the authority of office dependent on its holder’s recognition, or acknowledgement, of the subjects of their rule. But this insight follows from an understanding of authoritative practices as ones that necessarily involve cooperative conduct rather than acts of domination, a view that, as we have seen, Oakeshott adopted in his theory of conduct. From this perspective, wider practices of earned authority that often exist on the border of work and play – on the floor of the factory or office as much as in the orchestra – form the conditions of, and perhaps a model for, the exercise of political authority. If inequality between ruler and ruled is a necessary feature of politics in modernity, a theory of earned democratic authority attends to the question of the moderation of any political humiliation that follows from it. But if such a theory is to pay-off today, it must focus on the tensions on

the border of work and play that are being heightened at the interface of autocratic and inegalitarian forms of economic governance and technologies that are making paid work redundant for some and ever more inescapable for others.

Conclusion

A great deal of democratic theory in recent times has focussed on questions either of the formal conditions of democratic speech required for the achievement of agreement in highly pluralised societies, or the repudiation of such formal schemes, with democracy conceived of as the expression of difference and dissent. Much less attention has been given to the material or socio-economic conditions that prohibit or facilitate the emergence of democratic *personae* and the interactions that go on between rulers and ruled in the contestation and acceptance of authority. Oakeshott is highly sceptical of “democracy” as the view that politics should be a commonplace activity of citizens. He offers us little in the way of practical or political solutions to our current predicament; but his reflections on work, play, conduct, and authority should draw our attention back to a key site of the problems of democracy and democratic authority in the present. The border of work and play is a very different terrain today than it was at the time of the wars of religion in Europe or the rise of industrialised and urbanised societies; but it is a shifting and, for many, a precarious terrain in which they exercise little, if any, autonomy and individuality. Too often today we look to “culture” as being at the centre of the problems of democracy, when the everyday experience of the tensions between and contested character of work – still a necessary activity for the large majority of people in the world – and play present by far the greater concern.

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Notes

ⁱ Aristotle's *The Nicomachean Ethics* starts off with the declaration that all actions have ends but that "a certain difference is found among ends; some are activities, others are products apart from the activities that produce them. Where there are ends apart from actions, it is the nature of the products to be better than the activities" (Aristotle 1988: 1). As we see below, Oakeshott maintains a distinction between activities that have their products as their end, and activities which are themselves an end. However, Aristotle uses the distinction as a means of denigrating the activity of making things (work, in this sense, is not for Aristotle a virtue) marked by his rejection of the word *demioergos* (a craftsman) in favour of *cheirotechnon* (hand-worker) (Sennett 2008: 23; see also Arendt 1988: 80-84). Oakeshott, in contrast, sees (certain) activities of fabrication as having their own virtues, a point returned to below.

ⁱⁱ Chief among these authors in social theory are Max Weber (1994) and Theodor Adorno and Max Horkheimer (1997). They focus on the political dangers of instrumentalism, and particularly the danger that politics itself comes to appear or be presumed to be an instrumental activity. While many have been prepared to see modernity as a system in which instrumental work dominates, others – such as Jean-Jacques Rousseau, William Morris, Friedrich Nietzsche, and Simone Weil – have discovered in (creative) work the route out of the oppressions of instrumentalism. See Clayre (1974).

ⁱⁱⁱ Another reason is that Oakeshott sometimes appears to say that politics is – or should be – a limited activity and dislikes any understanding of democracy as widespread citizen participation in deliberation or decision on laws (Gamble 2012). In an essay first published in 1939, "The Claims of Politics" (1993), Oakeshott rejects the idea that politics is the only or

most important way of contributing to social life; he gives far greater priority to aesthetic activities. As David Boucher argues, if Oakeshott was any kind of republican, he was a Ciceronian republican, taking the equality of status established in legal and social relations to be of far greater importance than citizens' participation in the political assembly (Boucher 2005). But it does not follow that politics is inessential for Oakeshott. As Elizabeth Corey claims, Oakeshott sees politics as a central activity in a civil association, the form of the state that he defends as key to human flourishing (Corey 2012: 101-2; Worthington 1997).

^{iv} From here on referred to as *OHC*.

^v *Homo Ludens* was first published in 1938. Huizinga is often seen as a successor to Jacob Burckhardt in the development of cultural history. Their emphasis on the aesthetic in history is reflected in Oakeshott's thinking throughout his work (see Huizinga 1972; Burckhardt 1990).

^{vi} There are important parallels, but also significant differences, between Oakeshott's consideration of work and play and Hannah Arendt's well-known discussion of the relationship between labour, work, and action in *The Human Condition* (Arendt 1998). Oakeshott does not draw Arendt's distinction between labour, as the lot of *animal laborans*, from work as the activity of *homo faber*, but the difference is implied in some of Oakeshott's conceptual analysis of the relationship between work and play.

^{vii} At this point, as Luke O'Sullivan claims, Oakeshott seems to have abandoned his idea of philosophy as a superior form of knowledge set out in his early work (O'Sullivan 2003: 22). In *Experience and Its Modes* (first published in 1933), Oakeshott had demarcated philosophy from other areas of human activity that have their own modalities of experience, namely

history, science, and practical action. The difference of philosophy is that it is the experience of experience without “presupposition, arrest, reservation or modification” (Oakeshott 1985: 2), whereas other modalities of human action parcel off portions of human experience and understand them conditionally.

^{viii} There is a debate about the extent to which Oakeshott changes his view of the epistemically privileged role of philosophy in his later work (Franco 1990: 66, 166; Nardin 2001: 44-5; Gerencser 2000: 41), but what is important to note here about his early thought is the claim for the play-like character of philosophical activity and the distinction drawn between it and other activities that are “conditional”.

^{ix} Oakeshott’s key writings on education can be found in Oakeshott (1989).

^x With regard to work and play, activities that are experienced as “play” at the same time often involve “work” insofar as they aim at the achievement of want-satisfaction. This is most obviously the case, as Oakeshott demonstrates in *OHC*, in the case of competitive games, where any intrinsic satisfaction derived from playing the game cannot be separated from the objective of winning and the instrumental work involved in achieving that goal. As Roger Callois, a key critic of Huizinga noted, there are also many games played, most notably those involved in gambling, that have a clear material objective but little intrinsic value (Callois 2001).

^{xi} Included in these practices is the speaking of vernacular language and all forms of moral conduct; indeed, Oakeshott identifies the two (1975: 80). It is this linguistic character of practices that make them playful: a dialogue obeys rules of composition but is nonetheless open-ended and capable of an infinite number of trajectories. But as Nardin claims,

Oakeshott's understanding of play has less in common with post-structuralist and deconstructionist accounts of its perpetual displacement of meaning and more with the views of philosophers such as Gadamer and Wittgenstein for whom "play is not subjective but something that is defined in relation to the rules that constitute a particular game" (Nardin 2001: 232; Grant 1990: 77; Costelloe 1998).

^{xii} The objection to Oakeshott's distinction here is not so much an empirical one – that, in practice, the state will combine both aspects of civil and enterprise association, a concession made by Oakeshott himself in referring to "the ambiguous associations we call states" (Oakeshott 1999: 128; see also Nardin 2001: 197; and Friedman 1989) – but that the failure to distinguish between the character of the authority-acknowledging beliefs of enterprise and civil association threatens to collapse the ideal distinction between the two. In other words, it would seem that civil association as an ideal must be in part be maintained by beliefs about its instrumental, purposive ends, and that its authority must therefore be fabricated as a goal of association.

^{xiii} To compound the problem, as Gerencser shows, it is questionable whether "there is a common set of beliefs or consensus regarding what ought to be acknowledged or recognized as authoritative" (Gerencser 2000: 142). A universal consensus on the composition and conduct of the authority that formulates such rules can never be achieved, and there will always be the possibility of different, contested practices of recognising authority. In contrast, on Oakeshott's view, authority is just given in the laws, and those who contest such authority are to be treated as nothing other than criminals or rebels. The practice of authority is to be simply recognised and obeyed by those subject to it; its

subjects do not themselves participate in the practices that fabricate authority. Yet civil disobedience is often necessary to expose and prompt change to laws that are unjust in acts of re-making authority (Gerencser 2003).

^{xiv} Oakeshott's work has been considered in relation to agonistic theory by Chantal Mouffe (1993: 66-70) and Luke Plotica (2012: 287-306). Others have argued that Oakeshott's work contains much that makes it relevant to debates in contemporary democratic theory that explore the tensions between deliberative and agonistic conceptions of democracy (Boyd 2004; Minch 2009; Khan 2012).