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Michel Foucault and Michael Oakeshott: The Virtuosity of Individuality

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ABSTRACT: In this paper, I reinterpret Michael Oakeshott's idea of a liberal self through the conceptual framework of Foucault's theory of the aesthetics of the self. Oakeshott believes that agents can create themselves as a "style" or a distinctive shape. This style is a "virtuosity," an artistic achievement that is also an "excellence" in itself. Oakeshott's liberal version of the aesthetics of the self is a new way to think about what Foucault's argument might mean. Oakeshott's theory is an internal challenge to liberalism insofar as liberalism is purportedly a theory of individuality and the unalienable worth of each person; but for Oakeshott, this individuality pertains to the agent gaining a distinctive style, sustaining "distinctness," not achieving "distinction." Oakeshott draws our attention to how distinctness is undermined by the forces of conformity and "normality" in existing liberal society. I also argue that the purportedly "radical" social policy of the basic income, which, while in tension with parts of Oakeshott's theory, provides all citizens the opportunity to enjoy his particular idea of the self.

Keywords: Oakeshott, Foucault, Individuality, Basic Income, liberalism

In this paper, I reinterpret Michael Oakeshott's idea of a liberal self through the conceptual framework of Foucault's theory of the aesthetics of the self.¹ Oakeshott believes that agents can create themselves as a "style" or a distinctive shape. This style is a "virtuosity," an artistic achievement that is also an "excellence" in itself. I demonstrate how this self enjoys its freedom as an end in itself, a first-order good and that this freedom is an ethical practice, both about the self and about the way in which the self treats others.

My project has two interrelated aims. First, Oakeshott's liberal version of the aesthetics of the self is a new way to think about what Foucault's argument might mean. He provides details to a concept often left vague in poststructuralism. Oakeshott describes the material the self has to enact itself as a style in a liberal political order. Oakeshott describes how the self enacts itself, as a style, through the moral moment of activity and how this self emerged in

¹ A number of commentators have connected Oakeshott with the liberal tradition. For example, see Wendell John Jr., "Michael Oakeshott as Liberal Theorist," *Canadian Journal of Political Science*, Vol. 18, No. 4 (December 1985), 773-787, and Paul Franco, "Michael Oakeshott As Liberal Theorist," *Political Theory*, Vol. 18, No. 3 (August 1990), 411-436.

modern European history. Second, Oakeshott's theory is an internal challenge to liberalism insofar as liberalism is purportedly a theory of individuality and the unalienable worth of each person; but for Oakeshott, this individuality pertains to the agent gaining a distinctive style, sustaining "distinctness," not achieving "distinction." Oakeshott draws our attention to how distinctness is undermined by the forces of conformity and "normality" in existing liberal society. I argue that Oakeshott's liberal critique of liberalism reveals the ambiguous place of certain institutions and market relations in liberal theory. I also argue that the purportedly "radical" social policy of the basic income, which, while in tension with parts of Oakeshott's theory, provides all citizens the opportunity to enjoy his particular idea of the self

Like Foucault, Oakeshott identifies a "normalized self" in the modern order. This shows that power is "productive," not merely repressive, and that this power has many sources beyond the state. This normalization compromises distinctness, a concern that we see in the poststructuralist writer Bonnie Honig in a passage on Hannah Arendt.

The atonal passion for distinction, which so moved Arendt's theoretical account, may also be read as a struggle for individuation, for emergence, as a distinct self: in Arendt's terms a 'who' rather than a 'what,' a self possessed not of fame, per se, but of individuality, a self that is never exhausted by the sociological, psychological, and juridical categories that seek to fix it.²

Foucault speaks of resistance by the self to the forces that create it. While Oakeshott does not use this language specifically, he does describe a historical and "protean" self that sustains itself despite constant changes. We find in his work an agonistic self, in which different "dispositions" about experience struggle. This struggle is both public and private because he argues that every action aiming at an "end" is "conditioned" by moral considerations that are "public." Oakeshott challenges the traditional public/private distinction of liberalism. This element of the self is always potentially subject to debate.

The moral moment of the self is also essential to Oakeshott's understanding of itself as a virtuosity. The moral moment of action is "present" oriented, not concerned with the future. Moral considerations are an element in Oakeshott's long engagement with finding "self-sufficient" experience and activities, which are valued for themselves. I show how these self-sufficient experiences are the material through which agents constitute themselves as a style and a virtuosity. To be sure, Oakeshott understands that both self-sufficient and instrumental activities (and the frustrations of those ends-oriented acts) have their place in a human life. My argument is that Oakeshott identifies self-sufficiency—developed as a style—as a more meaningful and more individuating experience.

I develop this argument through the following sections. I first briefly explore the debate about the correct ideological label for Oakeshott and the place of my argument in this debate. I then discuss Oakeshott's concern with normalization and its parallels with Foucaultian thought. We see here Oakeshott's early criticism of what can be called mainstream "bourgeois ethics." Third, I develop Oakeshott's concept of morality and action as a moral practice.

² Bonnie Honig, *Political Theory and the Displacement of Politics* (Cornell: Cornell University Press, 1993), 159.

We also see here how Oakeshott calls into question the liberal distinction between public and private. Fourth, I show how Oakeshott understands action as a virtuosity and a style. Finally, I argue that the basic income vindicates Oakeshott's concept of individuality, even if it goes beyond the strict limits of Oakeshott's theory.

Oakeshott's Liberalism

Labeling Oakeshott a liberal is controversial. Nonetheless, the current scholarly consensus does identify him with that tradition, albeit with some dissent. In this paper, I follow the scholarly consensus placing Oakeshott within the liberal tradition. Oakeshott himself avoided ideological labels and was explicitly critical of aspects of liberalism. Earlier in his career, with the publication of his collected essays, *Rationalism in Politics and Other Essays*, in 1955, Oakeshott was seen as a "conservative" traditionalist and a critic of liberal rationalism. *Rationalism in Politics* does suggest liberal themes in his defense of markets as systems for dispersing power.³

Oakeshott's major theoretical statement, *On Human Conduct*, is the best expression of his liberalism. Central to this work is Oakeshott's distinction between two forms of the state: an illiberal enterprise state that has a "purpose" such as engendering goodness or economic growth, and a liberal "civil association," a non-instrumental association wherein the law regulates the manner of acting but never describes specific goals to individuals. Oakeshott replicates the basic liberal framework of state indifference to the goals of individuals, only creating the conditions under which individuals are able to pursue their goals. Oakeshott speaks favorably of the "umpire" concept of the state, famously articulated by Locke in the *Second Treatise of Government*.⁴

Oakeshott's theory can be seen as close to the "classical" market based liberalism of a F.A. Hayek.⁵ Oakeshott's idea of the law is similar to the Hayek's central notion of the rule of law as non-instrumental law. Oakeshott has been linked to the conservative critique of social democratic uses of the state for collective ends. He is a ceaseless critic of what he calls the state as a "managerial" association, that is, the state that directs individuals to specific goals, such as the exploitation of nature to satisfy human needs, or the forcible imposition of a "fair" distribution of resources, or provision of a communal "warmth" that shelters individuals from life's difficulties.

Part of the difficulty of identifying Oakeshott ideologically is the ambiguity of the labels themselves. Anthony Gamble argues that Oakeshott is a conservative when conservatism is defined as an ideology that supports nineteenth century English traditions, resists change, and seeks that which has intrinsic worth.⁶ Gamble recognizes the liberal, indeed libertarian aspects of *On Human Conduct* and argues that Oakeshott defends the basic liberal idea of

³ See Michael Oakeshott, "The Political Economy of Freedom," in *Rationalism in Politics and Other Essays* (Indianapolis, Indiana: Liberty Fund, 1991), 284-406,

⁴ Michael Oakeshott, *The Politics of Faith and the Politics of Skepticism* (Yale: Yale University Press, 1995), 55-56.

⁵ F.A. Hayek, *The Constitution of Liberty* (Chicago: University of Chicago Press, 1978).

⁶ Andrew Gamble, "Oakeshott's Ideological Politics: Conservative or liberal" in Efraim Podoksik (ed.), *The Cambridge Companion to Oakeshott* (Cambridge: Cambridge University Press, 2012), 153-176.

“freedom to choose between a variety of beliefs, values and activities to invent and reinvent oneself” within the context of laws that forbid the direction of individuals toward specific goals.⁷ Gamble argues, however, that these liberal ideas are embedded in a larger conservative framework. For Oakeshott, politics is a conservative enterprise that protects the basic English traditions in which individuals pursued their own ends while subscribing to properly formulated law. For Gamble, Oakeshott rejects a number of aspects of “doctrinal liberalism,” such as the focus on “human rights,” laissez-faire economics and mass democracy.⁸

In his important essay in 1985, Jeremy Rayner rejects the association made between Oakeshott and U.S conservatism.⁹ This conservatism is understood in terms of the founding of political society in “natural right” and an equation of liberal politics and free enterprise. Rayner notes that, for Oakeshott, law is not authoritative because of an extra-human value like natural right, but because humans come to accept the law as authoritative. Rayner also argues that civil association is non-instrumental association, and so not organized to “limit government” or to reproduce a capitalist order. He writes that Oakeshott

denied that a preference for civil association has anything to do with a preference for a limited or noninterventionist style of government. Such considerations are simply irrelevant to any distinction between civil and purposive association. He denied that civil association has any necessary connection with capitalism which, if it refers to anything, denotes an arrangement for the satisfaction of needs.¹⁰

It is easy to falsely conflate Oakeshott with writers like Hayek and Milton Friedman insofar as Oakeshott’s work appears to be directed against government intervention. Rayner insists that Oakeshott’s conception of the state is without ends, non-instrumental and so cannot aim at the promotion of an economic system. He argues that “freedom” and “prosperity” might result as a by-product of the system of non-instrumental law but is not its goal and cannot be justified in these terms.¹¹

My interpretation builds on these insights. Gamble shows how Oakeshott’s thought is connected to a traditionalist attachment of the intrinsic worth of existing social relations married to a more liberal view of the self-creation of the individual. I show that self-creation is a form of intrinsic worth. Rayner correctly notes that Oakeshott’s historicism entails a rejection of the transcendental foundation of politics. This historicism needs to be extended in the analysis of the self itself. He notes how Oakeshott separates the justification of civil association from capitalism. I show that Oakeshott criticizes market relations insofar as they engender the value of instrumentality.

⁷ *Ibid.*, 170.

⁸ *Ibid.*, 172-173.

⁹ Jeremy Rayner, “The Legend of Oakeshott’s Conservatism: Skeptical Philosophy and Limited Politics,” *Canadian Journal of Political Science*, vol. 18, no. 2 (June 1985), 313-338.

¹⁰ *Ibid.*, 315.

¹¹ *Ibid.*, 335.

Oakeshott and Normalization

These debates about Oakeshott's politics have not paid sufficient attention to Oakeshott's criticisms of the norms and institutions of "really existing" liberalism. For Oakeshott, the values of market society, the power of the state, and social welfare institutions all generate forms of being that compromise distinctness.

Foucault has famously challenged how liberals limit the discussion of the problem of power to the excesses of the state. Foucault finds power in how agency in modern society is produced through a training in "normal" or correct behavior through a variety of state and non-state "disciplines" such as hospitals, schools and prisons.¹² This training aims at the internalization of the norms so that individuals guide their own conduct by being healthy or hard-working or good consumers. In later work, Foucault shifted his focus to biopower, understood not as the training of individual acts, but a focus on the manipulation of life processes and capacities of the population: "propagation, births and mortality, the levels of health, life expectancy and longevity."¹³

Some have noted the theme of normalization in Oakeshott's work. Suvi Soininen writes that Oakeshott shares with Foucault a "notion of individuals as being created by power."¹⁴ She writes that there is a "Foucaultian flavor" to Oakeshott's thinking that "the more a given activity ... occupies human life, the more people internalize its rules, which then becomes a part of conduct as such."¹⁵

For Oakeshott, the problem of normalization is linked to the temporal orientation of activity.¹⁶ The value of instrumental activity is more liable to be defined by confining social meanings. We seek achievements that get the approval of others. Oakeshott believes that the present or self-sufficient moment of activity belongs to the self and is more "distinct" or individuated.

In a youthful essay, "Religion and the World," Oakeshott describes this potential conformity in terms of an orientation to experience he calls worldliness, in which action is valuable insofar as it contributes to the external social world. The worldly self finds worth primarily in "work" and the "results" of getting "things done." The worldly self wants to make a contribution to the "stability of the present order." This contribution requires a concern for the future, an orientation to what is achieved. "This belief implies what may be described as an external standard of value ... what is prized is success, meaning the achievement of some ex-

¹² Michel Foucault, *Discipline and Punish* (New York: Random House, 1975).

¹³ Michel Foucault, *History of Sexuality: An Introduction* (New York: Vintage Books, 1990), 139.

¹⁴ Suvi Soininen, *From a Necessary Evil to an Art of Contingency: Michael Oakeshott's Conception of Political Activity* (Exeter: Academic Imprint, 2005), 86-87.

¹⁵ *Ibid.*, 94.

¹⁶ For a discussion of temporality in Oakeshott's work see Campbell Corey, *Michael Oakeshott: On Religion, Aesthetics, and Politics* (Columbia, Missouri: University of Missouri, 2006); *Michael Oakeshott: On Religion, Aesthetics, and Politics* (Columbia, Missouri: University of Missouri Press 2006); Andrew Sullivan, *Intimations Pursued: The Voice of Practice in the Conversation of Michael Oakeshott* (Exeter: Academic Imprint, 2008); and David Mapel, "Civil Association and the Idea of Contingency," *Political Theory*, vol. 18, no 3 (August 1990), 392-410.

ternal result.”¹⁷ Oakeshott employs a famous existential description of existence. He writes that worldliness promises an “illusory immortality” that makes “humanity a Sisyphus and its life a pointless trundling of a useless stone. For, as like as not, if we set value upon external achievement alone, death or disease will rob us of our harvest, and we shall have lived in vain.”¹⁸

In his critique of a future-orientation, Oakeshott rejects the central temporal bourgeois norm of the indefinite “progress” of society. Progress or the continuous improvement of external circumstances cannot be the source of life since it is a “practice of death,” the death of what is most valuable, “ourselves” in the here and now.

Oakeshott links this instrumental thinking with conformist bourgeois, future-orientated virtues. These virtues are normalizing since they require a self-manipulation in order to achieve generalized expectations. Oakeshott criticizes the middle-class values of career and “reputation” in which the vividness of present experience is subordinated to the future: “[F]or the sake of an hypothetical old man, who may bear his name thirty years hence, the young man hoards his energies and restrains his activities.”¹⁹ A reputation is something recognized as valuable by the community and so activities are restrained in order to create an impression on others. Individuals mold or discipline themselves in order to fit a collective idea of how to live. Oakeshott condemns the virtue of “prudence” because it robs the present of meaning and teaches that we ought to live “ahead of ourselves.”²⁰ The prudential person focuses on future considerations. This person is careful, likely to avoid the eccentric. Oakeshott warns against an impulse toward averageness that creates a predictable self. He argues that that modern life is “saturated” with “the middle-class passion for safety, regularity, and possession.”²¹ These three notions, so central to bourgeois concerns, all speak to a normalizing force. Safety and regularity are averse to the unusual and the abnormal. Difference must be suppressed as unsafe.

In “Religion and the World” Oakeshott’s focus is on the conformity engendered by bourgeois norms. In *On Human Conduct*, he discusses conformity as a function of state power and subpolitical institutions. Oakeshott’s arguments are similar to Foucault’s arguments concerning individuals and how they are normalized, that is, by bringing life-processes under control in order to maximize desirable outcomes.

Oakeshott examines two forms of the enterprise state. In one case, the state is organized to maximize “the efficient exploitation” of the “estate” of the state. Human beings are organized by the state to contribute to this goal to the maximal degree. Oakeshott understands compulsory schooling in terms of this corporate goal:

¹⁷ Michael Oakeshott, “Religion and the World,” in *Religion, Politics and the Moral Life* (New Haven: Yale University Press, 1993), 31.

¹⁸ *Ibid.*, 32.

¹⁹ *Ibid.*, 31.

²⁰ *Ibid.*, 33.

²¹ *Ibid.*, 33-34.

The right and duty of the government of a modern European state is to 'school the nation' in such a manner that each of its human components might recognize himself as a member of the corporate association and be made fit to contribute to the pursuit of the corporate enterprise according to his abilities and in relation to the current managerial policy.²²

Another version of the enterprise state is one in which the inhabitants are seen as diseased or disordered and the "therapeutic" state is organized to cure them by enforcing a normality. Oakeshott argues that social science and social welfare workers of all kinds—"sociologists, social psychologists, psychiatrists, group therapists"—are instruments of the rule of therapy. Citizens become "associates joined in being diseased and recognizing themselves ... as the 'subjects' of *therapeutae* (as well as for the therapists themselves), everything is what it is in terms of curative virtue: work (except, of course, 'social work') is occupational 'therapy', education is curative, leisure is remedial treatment." The function of the state is to guarantee a universal "'sanity'; that is, a uniform so-called normality."²³

Self-Sufficiency and freedom as an ethical practice

In the following two sections, I describe Oakeshott's alternative to a normalized self, a self within the limits of a liberal political order that creates itself as a virtuosity through activities that are self-sufficient. In this section, I trace the idea of self-sufficiency in Oakeshott's thought. In the next section, I reconstruct Oakeshott's idea of agency in terms of Foucault's concepts of the aesthetics of the self.

I recall, for the purposes of contrast, that Foucault grounds his idea of aesthetics of the self in the notion of Enlightenment as "an historical investigation into the events that have led us to constitute ourselves and to recognize ourselves as subjects of what we are doing, thinking, saying."²⁴ For Foucault, the "undefined work of freedom" is the positive result of enlightenment, which allows us to "separate out from the contingency that has made us what we are, the possibility of no longer being, doing, or thinking what we are, do or think."²⁵ Foucault identifies this as a "present activity." He agrees with Baudelaire that in modern experience the individual finds something "eternal" in the present. It is a "heroic" concept of the present, in which there is an intensification of experience: "natural things become 'more than natural,' 'beautiful' things become 'more than beautiful.'"²⁶

In ancient Greek and Roman ethics, Foucault finds agents who created themselves in a style of being and enacted presentness. In his study of Greek ethics he examined how Greeks acted in terms of a style of being "good, beautiful, honorable, estimable, memorable and exemplary."²⁷ He writes that this mode of self-constitution entails a "stylization because the rare-

²² Michael Oakeshott, *On Human Conduct*, 307.

²³ *Ibid.*, 310.

²⁴ Michel Foucault, "What is Enlightenment?" in Paul Rabinow (ed.), *Ethics: Subjectivity and Truth* (New York: The Free Press, 1997), 315.

²⁵ *Ibid.*, 315-316.

²⁶ *Ibid.*, 311.

²⁷ Michel Foucault, "The Ethics of the Concern for Self as a Practice of Freedom" in Paul Rabinow (ed.), *Ethics: Subjectivity and Truth*, 286.

faction of sexual activity presented itself as a sort of open-ended requirement."²⁸ This stylization constitutes what Foucault calls for the individual an "attitude and a question that individualized his action."²⁹

In relation to the Stoic ethic he writes of a care of a self that "belonged" to itself. Selves look to what they can control, that is to say their inner sensibility, not "external circumstances." For Foucault, this constitutes the self as a "pleasure" for itself as it forgoes interest in externality. This pleasure "arises out of ourselves and within ourselves." He notes that "it knows neither degree nor change."³⁰ We will see very similar reflections by Oakeshott on the nature of self-sufficient experience.

Foucault argues that since the self is not "given to us" it has no end-point, such as a destiny, salvation or authentic completion, but must be a changing outcome of a "creative process." He assents to an interviewer's formulation that his program fits Nietzsche's idea that the individual creates himself or herself in a "style ... through long practice and daily work."³¹

Foucault argues that the aesthetic of the self is in itself "ethical." He notes that the inward concern of the self in sexual relationships is inherently with the pleasure of the other. He argues therefore that "freedom is the ontological condition of "and ethics" but ethics is "the conscious practice of freedom." On the one hand, an individual cannot be ethical without acting freely. On the other hand, our action is always ethical, reflecting a concern with others.³²

The idea of presentness, the experience of which is central to the self as style, has been a consistent feature of Oakeshott's work. In "Religion and the World," Oakeshott describes in detail what he calls a "religious" sensibility that focuses on present experience. He develops this from the experience of early Christian communities that imagined the end of days would occur any moment and therefore felt salvation in every moment. The religious life "carried in each of its moments its whole meaning and value."³³

The religious life is informed by a non-instrumental attitude toward things and individuals. "Life to ... [the religious person] is not a game of skill, people and events are not counters valued for something to be gained, or achieved, beyond them."³⁴ Oakeshott argues that experience gains meaning with "present insight."³⁵ In present insight, experience is valued for what is nearest, namely, "ourselves." The religious self achieves "freedom from all embarrassment alike of regret for the past and calculation on the future."³⁶ For this reason, the religious person "lacks nothing" and "so far as is possible he lives as an immortal."³⁷ Glenn

²⁸ Michel Foucault, *The Uses of Pleasure: Volume 2 of the History of Sexuality* (New York: Vintage Books, 1988), 92.

²⁹ *Ibid.*, 62.

³⁰ Michel Foucault, *The Care of the Self: Volume 3 of the History of Sexuality* (New York: Vintage Books, 1988), 64.

³¹ Michel Foucault "The Ethics of the Concern for Self as a Practice of Freedom," 284.

³² *Ibid.*

³³ Oakeshott, "Religion and the World," 32.

³⁴ *Ibid.*, 37.

³⁵ *Ibid.*, 33.

³⁶ *Ibid.*, 37.

³⁷ *Ibid.*, 37-38.

Worthington writes that religiosity concerns “the self is its own end. Salvation in a religious system of value is understood in terms of a self realizing what it is.”³⁸

In *Rationalism in Politics*, Oakeshott develops this concept in a discussion of aesthetic experience. Aesthetic experience involves the “contemplation” of “images” that are “permanent and unique.”³⁹ The permanence of the images of contemplation resides in their intrinsic value. These images have worth not as means to an end, but as things valued for themselves. Such images are entirely liberated from the constraints of “pragmatic requirement.” Aesthetic experience is characterized by “self-sufficiency enjoyed by each engagement in the activity and by the absence of any premeditated end.”⁴⁰ For Oakeshott, the delight of art is complete within itself:

The images which partner contemplation, on the other hand, have the appearance of being both permanent and unique. Contemplation does not use, or use-up or wear-out its images, or induce change in them: it rests in them, looking neither backwards nor forwards. But this appearance of being permanent is not to seem durable instead of transitory; like any other image, the image which partners contemplation may be destroyed by inattention, may be lost, or may decompose. It is permanent merely because change and destruction are not potential in it; and it is unique because no other image can fill its place.⁴¹

The crucial point of this abstract passage is that the delight of aesthetic experience looks neither “backwards nor forwards,” that is, neither to the past nor future, but “rests” in the present, filling, as it were, the entire space of experience with its meaning. Agency is intensified, a delight in doing, because it is not dissipated into the other temporal elements.

The comprehensiveness of Oakeshott’s idea of intrinsic worth appears in his account of education. For Oakeshott, education is wholly without “extrinsic purpose” including the production of “socially” functional individuals. Schools and universities are places of refuge from the instrumentality of daily life. The place of learning is liberated from “the urgencies of the here and now” and it provides a non-instrumental place “to listen to the conservation in which human beings forever seek to understand themselves.”⁴²

In *On Human Conduct*, Oakeshott shows how this presentness exists in all human action. Oakeshott argues that action has four elements or postulates: an action in relation to an end, a practice, “self-disclosure,” and “self-enactment.” A human action aims at the realization of an external end and is governed by a practice that regulates the manner in which that end is pursued. These practices are adverbial, generalized conditions of action. One type of practice is “instrumental,” that is oriented to the pursuit of an end. The rules that govern firefighters

³⁸ Glen Worthington, *Religious and Poetic Experience in the Thought of Michael Oakeshott* (Exeter: Academic Imprint, 200), 61.

³⁹ Michael Oakeshott, “The Voice of Poetry in the Conversation of Mankind” in *Rationalism in Politics and Other Essays*, 510.

⁴⁰ *Ibid.*, 514.

⁴¹ *Ibid.*, 510.

⁴² Michael Oakeshott, “A Place of Learning” in *The Voice of Liberal Learning: Michael Oakeshott on Education* (New Haven, Yale University Press, 1989), 41.

are purposeful; they are aimed at putting out fires. More important to Oakeshott are “moral practices,” modes of relationships that have nothing to do with ends. He writes, “a morality is the *ars artium* of conduct; the practice of all practices; the practice of agency without further specifications.”⁴³ A moral practice is like a language that supplies the grammar and vocabulary of speaking, but does not demand particular speech-acts. A moral practice of being neighborly does not specify how we treat a neighbor. A moral practice has no “extrinsic purpose.”⁴⁴

In addition to a moral practice and a substantive end, an actor engages in an act in relation “self-disclosure” and “self-enactment.” The former is action among others, the act in the external world; the latter is the self-understanding of the actor.

Every human practical action can be placed in a matrix that relates to these four elements. A self discloses itself in relation to a substantive end and by subscription to a practice. A self also enacts itself in relation to an end and a practice. For example, when selling a car, the seller is disclosed in the attempt to make the best deal. The seller is also disclosed through subscription to the practices of selling honestly, although such considerations do not help conclude a successful deal. Further, the seller is enacted in pursuit of this end, in this case, of the goal of getting a profit. Finally, the seller is enacted through the reason for subscription to the practice of selling honestly, the fear, for instance, of punishment, or the desire for an inner sense of being honest. Here Oakeshott argues that the “agent may recognize himself in respect to “virtuousness”⁴⁵

Oakeshott relates each moment of acting to temporality. Seeking an external end in self-disclosure is the least meaningful moment of activity; it is “immersed in contingency ... it is interminable, liable to frustration, disappointment, and defeat.”⁴⁶ Morality understood in terms of self-disclosure, acting with others but limiting what one does according to moral rules, abates contingency because it stipulates “general conditions for choosing less incidental than the choices themselves” and establishes “relationships more durable than those which emerge and melt away in transactions to satisfy a succession of contingent wants.”⁴⁷ In selling a car, a person acts in accord with the moral code of honesty. She discloses the problems with the car and responds with precision to questions. These “disclosures” take place without consideration of the outcome. The customer may purchase the car believing the seller honest, and knows the car’s true condition. Or the customer may reject the car because of what was revealed about its true condition. However, the honest practice of selling has value independent of the outcome.

Self-enactments abate contingency. In terms of external ends, the reason for seeking a goal is less transitory and precarious than the achievement of the goal. However, the most stable or “present-oriented” moment of acting is virtue (moral self-enactment), wherein the self is “as unconcerned as may be with the brittle pursuit and enjoyment of satisfactions and

⁴³ Oakeshott, *On Human Conduct*, 60.

⁴⁴ *Ibid.*, 62.

⁴⁵ *Ibid.*, 75.

⁴⁶ *Ibid.*, 73.

⁴⁷ *Ibid.*, 74.

therefore as indifferent as may be to its frustration."⁴⁸ The value of my honesty to myself is freedom from the dissolvent effect of time. For Oakeshott, the non-instrumentality of virtue is not "altruistic" but self-affirming, wholly "indifferent to consequences of any sort. And it is this [...] which constitutes its release from the bondage of contingent circumstances."⁴⁹ Oakeshott takes pains to note that virtue is not self-denial but the affirmation of personal character without regard to what happens in the world. Virtue may "improve" the world, but the inner value of virtuous conduct does not depend on any such improvement.

Oakeshott revises the common idea of the public/private distinction common in liberal thought. He denies that public and private are separate spheres between which the individual moves. While he does not "politicize" areas of family, as poststructuralists would want, he does open up the personality for a greater political questioning as to what it means to be a person. Oakeshott argues that the content of a moral practice, such as honor, is not private, because it is a shared notion, developed over time. In other words, virtue is publicly defined through moral practices. Individuals enact moral rules in contingent circumstances on the occasion of purposeful action. What counts as integrity is at the disposal of the agent, but the agent's reflection on this problem is based on generally shared considerations. Every action is "private" in seeking a goal, e.g. selling a car, but this private consideration is qualified by the "public" consideration of selling honestly. Every purposeful action is both public and private.⁵⁰

Oakeshott's liberalism lies precisely in how law or what he calls "*lex*" is codified morality that places conditions on action rather than mandating specific purposes. For Oakeshott, *lex* does not infringe on freedom because lawful requirements are adverbial, non-instrumental considerations. He writes that the law forbids not the substantive act of murder but the adverbial consideration of a type of killing, done murderously. The liberal state cannot be administrative because it has no tools to manage the individual or the economy. The liberal state is constituted by non-instrumental law. This non-instrumentality means that there is a fundamental limit on what the state can do. Much controversy has been raised about these formulations.⁵¹ My aim, however, is to show the suggestive power of Oakeshott's theory. For Oakeshott, the liberal, non-instrumental state provides the opportunity for a non-instrumental individuality. This contrasts with a thinker like Hayek, for whom agency is purposeful while the rule of law is non-instrumental.

Individuality as Style and Virtuosity

In this section, I bring together the strands of Oakeshott's thought that produce his theory of an aesthetics of the self. It flows from Oakeshott's historical and protean notion of the self. Oakeshott assents to Le Bon's assertion that humans have a "history" but no "nature" and so a

⁴⁸ Ibid., 75.

⁴⁹ Ibid., 75-76.

⁵⁰ Ibid., 146.

⁵¹ See for example, Bhikhu Parekh, "Oakeshott's Theory of Civil Association," *Ethics*, vol. 106, no. 1 (October 1995), 158-186.

human being is “what in conduct he becomes.”⁵² Oakeshott approves of the following symbol: “[N]ot Adam, not Prometheus, but Proteus—a character distinguished on account of limitless powers of self-transformation without self-destruction.”⁵³

Timothy O’Leary, in his work on Foucault’s ethics, argues that the aesthetic of the self emerges from this historical self. He writes: “myself and my life has no shape, no purpose, no justification outside of the form which I give to them. It is, therefore, imperative (non-categorically imperative) that I think about that form, develop the techniques that will help me to transform it, and that I reflect upon the ends, the *teloi*, to which I will direct.”⁵⁴

Oakeshott also sees the self as something it creates from its historical material and that the greatest “achievement” of this individuality is creating itself as a distinctive style. He writes that an interpretation of modernity is that the self can “find virtue in being a distinct person” and this self is “apt to recognize and respond to ‘distinctness’ (rather than distinction) in others.”⁵⁵

This distinctness is achieved partly through the highly individualistic engagement with a language that offers a variety of patterns of subscription. Oakeshott writes that moral activity is an “art” that is “learned” and that offers “an almost endless opportunity for individual style in which virtuosity and mastery are distinguishable.”⁵⁶ We do not “master” moral practices since our activities are constituted by these practices. They escape our control, but we enact ourselves through them and partly become a virtuosity (or an excellence) through them.

Oakeshott broadens the categories of the ways in which the identity of the actor is enacted through a variety of “dispositional capacities, the outcome of learning and education.” Morality here is a part of a larger concept of a personality. He identifies “ideal characters” of “dominant demeanours” such as “The Miser, the “Stoic” the Magnanimous, the Treacherous, the Secretive, the Ambitious.”⁵⁷ All of these labels reflect styles by which individuals adapt themselves to various practices. Paige Degeser and Richard Flathman specifically argue that these formulations by Oakeshott reflect his belief that individuality is a “virtuosity.”⁵⁸

Oakeshott describes the emergence of this individuality in European history. These agents appreciate experience for its own sake. It emerged out of the moral, substantive communities of medievalism in which personality has been submerged. This individuality has the

disposition to transform this unsought ‘freedom’ of conduct from a postulate into an experience and to make it yield a satisfaction of its own, independent of the chancy and intermittent satisfaction of chosen actions ... the disposition to recognize imagining, deliberating,

⁵² Oakeshott, *On Human Conduct*, 41.

⁵³ *Ibid.*, 241.

⁵⁴ Timothy O’Leary, *Foucault and the Art of Ethics* (London: Bloomsbury Academic, 2006), 188-189.

⁵⁵ *Ibid.*, 250.

⁵⁶ *Ibid.*, 62.

⁵⁷ *Ibid.*, 93.

⁵⁸ Paige Degeser and Richard Flathman, “Oakeshott’s On Human Conduct” in *The Cambridge Companion to Michael Oakeshott*, 210.

wanting, choosing, and acting not as costs incurred in seeking enjoyments but as themselves enjoyments, the exercise of a gratifying self-determination or personal autonomy.⁵⁹

The language of “deliberating, wanting, choosing, and acting” clearly flows from the analysis of self-sufficiency in “The Voice of Poetry in the Conversation of Mankind.” In this disposition, selves find their meaning in the experience of the activities and subordinate the result of acting to the doing of acting. The impulse to reshape and manipulate the self loses force.

Wendell John Coats has elaborated on the aesthetics of selfhood in Oakeshott. According to Coats, Oakeshott asserts the importance of “form” in experience because of his emphasis on the “poetic character of all human experience.” Coats writes that the poetic quality of experience lies, in part “a kind of evanescent immortality, a partial escape from the ‘deadliness of doing,’ in doing things for their own sake when possible and appropriate—doing them for formal rather than substantive reasons. This Oakeshottian preference, then, to highlight the ‘poetic character’ of human activity explains his preference for activities that lend themselves to ritualistic or formalistic performance: fishing and friendship, for example.” Coats notes Oakeshott’s “aversion” to activities, however necessary “where self-sufficient engagement is not appropriate, such as the market activity of shopping for the real deal or product.”⁶⁰

In *On Human Conduct*, Oakeshott describes the various ways in which the virtuosity of individuality has appeared in European history. In each case, the individuality finds value apart from external circumstances, finding its value in its own style of being a self. And these selves moderate their behavior toward others because they understand that the control of others is part of the foolishness of the control of circumstances.

Oakeshott describes one personality that tends towards a “masterful egoism” that overlooks the “concerns” and “opinions” of others. This egoism is part of a more general “disdain for consequences or recognition.” This self-sufficient personality avoids tendencies toward conformity. But a concern for action for itself should not be confused with an interest in “self-gratification.”⁶¹

Another character knows its limits in an “unaggressive self-reliance” and finds meaning in “self-enactment.” This agent has an “aristocratic recognition of one’s own unimportance” and a “humility devoid of humiliation.” Such modesty means that this character “knows how to belong to himself” and is not “dismayed” at his own “imperfections.”⁶²

A third type identifies “self-direction in conduct” as an “important virtue.” This means that agency takes place in a “moral practice” and authenticity becomes central as the “excellence” of this character or “justifiable” in these terms. Oakeshott relates this personality in its ideal form to Martin Luther’s famous statement: “Here I stand, I can do no other.” And while

⁵⁹ Oakeshott, *On Human Conduct*, 236.

⁶⁰ Wendell John Coats, Jr., *Oakeshott and His Contemporaries: Montaigne, St. Augustine, Hegel, Et Al* (Cranbury, New Jersey: Associated University Presses, 2000), 105.

⁶¹ *Ibid.*, 238.

⁶² *Ibid.*

this personality can degenerate into fanaticism, it remains an important interpretation of self-sufficiency.⁶³

These individualities, like all individualities, are agonistic because of the tension in agency between different dispositions. An element of the drama of being human is the contrast between two dispositions that are “powerful and contrary,” where neither one is “strong enough to defeat or put to flight the other.”⁶⁴ One disposition is concerned with ends-attainment. The other disposition prefers to be “self-employed.” This self emphasizes or “self-determination” is understood as the enjoyment “of wants rather than slippery satisfactions, of adventures rather than uncertain outcomes.” Traveling is preferred to the destination and “ambulatory conversation” to “deliberation about means for achieving ends.”⁶⁵

The Basic Income and the Politics of Virtuosity

In this section, I take Oakeshott’s theory in an egalitarian direction by exploring how his concept of individuality might become widely available. I argue that the basic income, a large monthly grant of money by the state independent of all conditions, including work or outcome, would help enlarge the scope of his individuality even if doing so might violate his principle about non-instrumental law or *lex*. I also explore how this argument relates to tension between egalitarianism and elitism in Oakeshott’s theory, the problem of poverty in his work, and how my discussion of Oakeshott contributes to the larger debate around Philippe Van Parijs’ influential case for the “highest sustainable basic income.”⁶⁶

Often understood as an elitist, Oakeshott’s thinking actually contains both egalitarianism and elitism. An egalitarian interpretation of Oakeshott can flow from his belief that his prized individuality is inherent in experience and therefore possible for any person, perhaps even the “poorest he.”⁶⁷ In this, for example, Timothy Fuller, notes that Oakeshott’s work corresponds to a “spiritual democracy: he did not think anyone could gain exemption from the limits of mortal human existence.”⁶⁸

Oakeshott, also, sometimes describes this individuality as aristocratic. In an essay on Hobbes he writes that Hobbes was primarily concerned with the “rarely found” individuals who were motivated by “pride” more than “fear”. For this Hobbesian personality, pride “appears as self-knowledge and self-respect. ... the delusion of power over others is replaced by the reality of self-control, and the glory of the invulnerability from which courage generates magnanimity and magnanimity, peace.”⁶⁹ This aristocratic figure, concerned with self-

⁶³ Ibid.

⁶⁴ Oakeshott, *On Human Conduct*, 323.

⁶⁵ Ibid., 324.

⁶⁶ Philippe Van Parijs, *Real Freedom for All: What (If Anything) Can Justify Capitalism?* (Oxford: Oxford University Press, 1995).

⁶⁷ Oakeshott, *On Human Conduct*, 241.

⁶⁸ Timothy Fuller, “The Poetics of the Civil Life” in Jesse Norman (ed.), *The Achievement of Michael Oakeshott* (London: Gerald Duckworth & Co., 1993), 274.

⁶⁹ Michael Oakeshott, “The Moral Life in the Writings of Thomas Hobbes,” in *Rationalism in Politics and Other Essays*, 341.

sufficiency, abandons the delusion of power over circumstances, and so, is a “creature more properly concerned with honour than with survival and prosperity.”⁷⁰ William Galston argues that Oakeshott is an “aristocratic” liberal as Oakeshott believes that “we are not all capable of agency.”⁷¹

This egalitarian versus elitist conflict finds its counterpart in debates about Foucault and poststructuralism. The theory of an aesthetics of the self suggests a dandy quality, a self bent on endless self-creation, caring nothing for others. Critics have linked Foucault and Oakeshott with this personality.⁷² William Connolly finds the problem central to poststructuralist thought itself, noting a division between the elitism of Nietzsche and the egalitarianism of Foucault. Nietzsche, according to Connolly, identifies an “overman” who “cultivating certain dispositions” is able to “rise above” the “resentment” that Connolly sees as the source of normalization in modern society.⁷³ Connolly argues that Nietzsche’s aristocratic overman is ethically unacceptable as in the “late modern” period “everyone is entangled” with everyone else. Connolly finds a path towards a more democratic ethos in Foucault who “eschews the term ‘overman’” and instead focuses on “everyday misfits.”⁷⁴ Connolly suggests a move from a “distinction between types” as found in Nietzsche to a “struggle within selves.” Thinking about a division within selves can lead to an egalitarian ethos because it allows for the possibility that any single person could attain a particular individuality.

This duality of a conflict between types or within a split is the same problem found in Oakeshott. By developing the egalitarian possibilities of Oakeshott, I move beyond the mere possibility that experience can be appreciated for itself, to making that experience more likely. This egalitarian spirit I seek in Oakeshott is “liberal” in taking part in the liberal idea of the “moral” equality of each person. It also deepens that liberal egalitarianism because for Oakeshott idea of self-sufficiency means that each person appreciates his/her experience as intrinsically valuable. This person is accepting of the value of each person because she cares less for control over things and the actions of others.

Using the basic income to develop Oakeshott’s theory in this direction is problematic due to his rejection of distributive justice, or a category of economic justice beyond market economics. Distributive justice is an “outcome” that violates the strict non-instrumentality of the law.⁷⁵ Oakeshott’s main concern with the poor is that they threaten the liberal order. Oakeshott writes: “The poor were recognized to be a threat to civil association because their erroneous belief that they had nothing to lose but their poverty made them the willing instru-

⁷⁰ Ibid., 344.

⁷¹ William Galston, “Oakeshott’s Political Theory: Recapitulation and Criticisms,” in *The Cambridge Companion to Oakeshott*, 236.

⁷² On Oakeshott and dandyism see Steven Wulf, “Oakeshott’s Politics for Gentlemen”, *Review of Politics*, vol. 69, no. 2 (Spring 2007), 244-272. For Foucault see Pierre Hadot, “Reflections on the Notion of ‘Cultivation of the Self’”, in Timothy J. Armstrong (ed.), *Michel Foucault Philosopher* (New York: Harvester/Wheatsheaf, 1992).

⁷³ William Connolly, *Identity/Difference: Democratic Negotiations of Political Paradox* (Ithaca: Cornell University Press, 1991), 187.

⁷⁴ Ibid.

⁷⁵ Ibid., 153.

ments of an ambitious man bent upon subversion."⁷⁶ A redistribution of wealth might have a negative effect on the individual insofar as a person's "capacity for agency" may be "emasculated by eleemosynary benefits."⁷⁷

Still, Oakeshott was entirely hostile to the notion that material goods can support the enjoyment of freedom. He addresses the issue concretely, in a footnote in *On Human Conduct*, in a discussion about Hegel's exploration of the relationship between modern society and the poor. Oakeshott seems to recognize that "great disparities of wealth" could be "an 'impediment' (though not a bar) to the enjoyment of civil association." And so Hegel, and perhaps Oakeshott would allow for the "exercise of a judicious 'lordship' for the relief of the destitute."⁷⁸ Lordship for Oakeshott is the use of the state to redistribute wealth, an instrumental relationship. He suggests that instrumentality can be used to allow for the enjoyment of civil association.

For Oakeshott, the enjoyment of civil association includes that which is gained from the achievement of substantive accomplishments. However, my argument has been that the central promise of this association is the individuality of virtuosity. The basic income would make possible the value of the freedom central to civil association, namely when the person judges "imagining, deliberating, wanting, choosing and acting" to be "enjoyments" in themselves, not as "cost" incurred while pursuing "enjoyments" external to the doing.

A sufficiently high basic income would provide resources to guarantee the necessities of life. The attainment of necessities is an instrumental goal, which requires that the individual understand her activities as means to that overriding concern. The basic income constitutes liberation from these basic needs, and so eliminates this pull towards instrumental judgment of activities.

A high enough basic income would reduce the necessity of the instrumental requirement of earning a living, or reduce the needed work hours. It does not reduce the value of work or creative labor, understood as an end in itself, but only paid labor. Although individuals would still work in order to have higher income or for the pleasure involved in work, it reduces what the consciousness of agents of being a commodity, or a mere means to an end.

The basic income would provide the opportunity for what Oakeshott identifies as self-sufficient activities, such as friendship and love and aesthetics. As noted above, Suvi Soininen argues that for Oakeshott a "given activity" becomes "part of conduct, as such" the more it is undertaken; we might conjecture that an activity decreases its influence on conduct when it decreases in importance. Oakeshott describes a non-instrumental orientation that is enhanced by more non-instrumental and fewer instrumental activities. Here we take seriously Coat's observation that Oakeshott was wary of activities that had nothing to do with the "poetic" possibility of experience, such as the self-understanding of a person who knows that her labor is a commodity to be bought or sold.

⁷⁶ Oakeshott, *On Human Conduct*, 304fn.

⁷⁷ *Ibid.*, 305fn.

⁷⁸ *Ibid.*, 305fn.

Is there a path that might make the basic income acceptable to Oakeshott's framework? Efraim Podoksik distinguishes between "human freedom" and "civil freedom." The former is intrinsic to the human engagement with contingency, and occurs whenever human beings choose to do this or that based on reflective consideration of their situation. The latter takes place within the context of *lex*. This freedom can be compromised by the "enterprise association" state that directs individuals to ends without the freedom to exit the association.

For Podoksik the freedom of civil association is enhanced by the fact that its members believe that *lex* is consistent with their freedom to pursue chosen ends. Traffic lights could be seen as impediments to the freedom of motion or as a general set of non-instrumental law that never directs individuals where to go. Podoksik argues that the second judgment is more likely when individuals consider traffic lights not as barriers to activity but as non-instrumental conditions for driving that create the possibility of their achieving their end to drive this way or that. The relationship of law to freedom shifts according to tradition: "In other words, to deprive a law of its character as *lex* is to show that the law does not establish the context in which people pursue their goals, but rather promotes some social goal and therefore restrict civil freedom."⁷⁹

Podoksik argues that Oakeshott's account of freedom is close to "our common-sense" understanding of freedom, and as a fundamental defense of the "modern western liberal view of freedom."⁸⁰ Podoksik's argument would not seem friendly to an interpretation of a Foucault-influenced Oakeshott. However, if Podoksik is correct, then the basic income could be reinterpreted as a culturally appropriate enhancement of the type of freedom Oakeshott prizes as a first order good. The basic income although it appears instrumentally oriented to pursue a goal like distributive justice, is better seen as a vehicle to further a conception of the individual.

My interpretation of Oakeshott can transform the ethical debate about the basic income. The question is whether the basic income violates a principle of reciprocity or solidarity. Van Parijs argues that is based on a "real libertarianism," a "real-freedom-for-all" which means "one is really free, as opposed to just formally free, to the extent that one possesses the means, not just the right, to do whatever one might want to do."⁸¹ Real freedom is the opportunity to live as one wishes, which includes "alternative" life-styles, such as the rejection of paid labor. Van Parijs scrupulously shows how no way of life is encouraged or discouraged by the basic income.

Some opponents of the basic income argue that real libertarianism denies the principle of "reciprocity" wherein recipients of government funds must give back to society.⁸² Some supporters of the basic income reject Van Parijs' account because it assumes that agents are

⁷⁹ Efraim Podoksik, "Oakeshott's Theory of Freedom as Recognized Contingency," *European Journal of Political Theory*, vol 2, no. 1 (January 2003), 70.

⁸⁰ *Ibid.*, 73-74.

⁸¹ Philippe Van Parijs, *Real Freedom for All: What (If Anything) Can Justify Capitalism?* (Oxford: Clarendon Press, 1995), 32-33.

⁸² William Galston, "What about Reciprocity," in *What's Wrong with a Free Lunch* (Boston, Beacon Press, 2000), kindle version, location 301-337.

self-interested, concerned with their own freedom to act, not a feeling of shared value. These critics argue that a better justification for the basic income is that it is a sharing of collective wealth, such as the product of social labor.⁸³

Oakeshott's perspective cuts through this debate. When freedom is understood as a value in itself, and as an ethical practice, then the basic income enhances both the "real freedom" of the person and concern for others. This claim of freedom is neither inherently atomistic, nor grounded in a shared substantive value.

This notion of freedom implies a response to the common objection to the basic income that it "exploits" workers who are compelled to support those who might choose leisure. Oakeshott describes individuals who find value in themselves, and their own self-enactments. Less concerned with external circumstances, they would also be less concerned with the action of those others who get the basic income. The Oakeshottian self, like the Foucaultian self, is focused on its own self as an intrinsic value and does not compare itself to others. The basic income is the political economy of a self free to be its own end, not a self worried about the guiltless omissions of others.

Conclusion

Oakeshott would not agree with Foucault's belief that modern Enlightenment can be summarized as the "permanent critique of ourselves."⁸⁴ Oakeshott did not believe that identity as such should be constantly challenged. His critique of "normality" and bourgeois norms does suggest his suspicion of identity as it has been formed under modern conditions; he believes that this identity should be questioned. Further, the self is open to challenge, being protean, historical and partly framed by the public practice of morality.

We have seen how Oakeshott's political theory can be reconstructed to parallel and supplement Foucault. He challenges liberalism to take seriously the worth of the person, both in the inner experience of intrinsic worth and the social conditions that engender that idea of worth. He develops one avenue Foucault's aesthetics of the self might take. Nikolas Rose, writing in the poststructuralist perspective, captures the ethical principle which, I believe, reveals the inner commonality between Oakeshott and Foucault. Rose calls for a political program that opposes "all that which stands in the way of life being its own telos."⁸⁵ For Rose, this entails opposition to anything that subordinates the value of life to something else: an "external code, truth, authority or goal." Rose brings together the two elements of Foucaultian thought: a criticism of how the normalized self is subordinated to something external and how a self that gives itself a shape or style resists normalization and is its own telos.

A self that is its own end, however, is not a finished or complete self. It is a self that is engaged with itself, for Oakeshott, a self engaged with the knowledge of its own history, struggling with the competing dispositions about the meaning of the activities that can be explored as enjoyments themselves or as means to something else.

⁸³ Robert M. Solow, "Forward" in *What's Wrong with A Free Lunch*, kindle version location 44-45.

⁸⁴ Foucault, "What is Enlightenment," 313.

⁸⁵ Nikolas Rose, *Powers of Freedom: Reframing Political Thought* (Cambridge: Cambridge University Press, 1999), 282.

Oakeshott's account of this agency is detailed but his theory is incomplete. He identifies those forces and institutions that push agents towards instrumentality as first on the scale of values but does not consider the countervailing forces. The basic income, although a violation of the non-instrumentality of civil association, lifts individuals, if they wish, from the pull of instrumentality and grants them opportunity to find meaning in what they do, regardless of victory or defeat.

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