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# The Method of Antinomies: Oakeshott and Others

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**Abstract:** Michael Oakeshott employed a device of argument and analysis that appears in a number of other thinkers, where it is given the name “antinomies.” These differ from binary oppositions or contradictories in that the two poles are bound together. In this discussion, the nature of this binding is explored in detail, in large part in relation to Oakeshott’s own usages, such as his discussion of the relation of faith and skepticism, between collective goal-oriented associations and those based on contract, and between a legal regime based on neutral rules and one oriented to policy goals. Other examples might include Weber’s distinction between the politics of intention and the politics of responsibility. Moreover, such ambiguous concepts as “rights,” have antinomic interpretations. In each of these cases, the full realization of one ideal led, in practice, to consequences associated with the other: in political practice, neither polar ideal was realizable without concessions to the other. But these features are rooted in the deep history of institutions. They are contingent, not philosophical. They nevertheless preclude conventional approaches to political theory.

**Keywords:** Michael Oakeshott, antinomies, meta-politics, democratic theory, Max Weber, Hans Morgenthau, genealogy

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Several of Michael Oakeshott’s writings, including *On Human Conduct* ([1975] 1991), employ an argumentative device that is shared with several other twentieth century thinkers, but which has not received much attention on its own terms. The device involves antinomies—the most famous of Oakeshott’s being the antinomy between the state understood as a civil association and as an enterprise association. The antinomies between the politics of faith and the politics of skepticism, individualist and collectivist thinking, rationalist and pragmatic politics, and, in the essay “The Rule of Law” (1983), between the pure neutral rule of law and policy, work in the same way. These uses compare to some other prominent cases: Max Weber’s antinomic distinction between the politics of conviction and the politics of responsibility; Carl Schmitt’s claims about the ultimate incompatibility of liberalism and democracy; Hans J. Morgenthau’s antinomy of love and power; in Edward Shils, who explicitly addresses antinomies in “The Antinomies of Liberalism” ([1978] 1997) and in *The Torment of Secrecy* (1956), and more recently in Chantal Mouffe’s *The Democratic Paradox* (2000).<sup>1</sup>

These thinkers exemplify a core project of de-mythification and de-ideologization which can be understood as a liberal counter project to ideological liberalism and to ideology generally. A naïve reading of these thinkers treats them as relativists. But this is a misreading. The antinomic

vision of politics is different from relativism in any simple sense of this term. It is specifically distinct from, and opposed to, the idea that there can be an ideological “solution” to the antinomies in question. This is not relativism: it is not relativistic about the ideologies in question. It denies that they can be correct doctrines. For these thinkers, ideological thinking is an error: a false escape from the irreducibly antinomic character of political life and political choice. From the point of view of antinomists, projects like “democratic theory” presume, in contrast, that the relevant antinomies can be reconciled in theory: that the antinomies are, in the end, false ones.

In this paper I will examine the use and meaning of these antinomies, and disentangle their use from misinterpretations, as well as show how their recognition represents a critique of and alternative to standard modes of political philosophy. In doing so I will cover some familiar ground. My aim, however, will be different: to explicate the form of reasoning itself. Oakeshott says a good deal about the antinomic character of the specific antinomies he explores, and their conditions, though he uses a different terminology. But he does not discuss antinomies as a class, or, so to speak, from the outside. He does not say, for example, that freedom and equality are not antinomic in the sense of the antinomies he does explore, though this, and the antinomies of the term freedom, in the famous case of Isaiah

Berlin's *Two Concepts of Liberty* (1958), formed a large part of the intellectual landscape in which he wrote. Nor does he distinguish the cases he focuses on from other binary oppositions—life and death, good and evil, *eros* and *thanatos*, yin and yang, and so forth. In what follows I will attempt to distinguish the genuine antinomies from the mere oppositions, and explain what makes these antinomies work, and what is implied by their existence. In doing so I will draw from Oakeshott, especially from works such as *The Politics of Faith and Scepticism* (1996), where he is especially open and plain-spoken about their sources and nature. Oakeshott was famously disinclined to talk about method. As Kenneth Minogue says, “Oakeshott’s inclination was to reject methodological formulae and to rely upon a philosophical self-consciousness about the precise relevance of the questions being asked and answered” (Minogue 1993, p. viii). But he often did speak about the conditions for and the goals of understanding political ideas, if not in a way that readily answers the questions I have raised here, so there are resources in addition to the analyses themselves with which to answer them.

## PRINCIPLISM AND ITS METHOD

We can begin by describing a methodological contrast, which may itself have the character of an antinomy, between antinomism understood as a method or meta-theory of the political, and what we might call principlism. This ugly term will be discarded, however, once the implications of the “antinomist” alternative become clear. The contrast can be seen in a simple recent case, Eric Beerbohm’s *In Our Name: The Ethics of Democracy* (2012). The core of his argument is that citizens are responsible for actions taken in their name. As the argument was recently summarized, Beerbohm

takes on the important question of citizen responsibility for policy decisions, and demonstrates that it should be the primary lens through which we should view the problem of self-government. He convincingly shows why many of our assumptions about representative government and institutional design are mistaken. He argues that democracies should make transparent the responsibility that each citizen bears for policies as a result of participating in elections. Current institutions often mask that responsibility and require redesign. They should be constructed to

ensure transparency and so that citizen responsibility might be realized (Brettschneider 2015, np).

This is a simple example of the procedure. It tries to identify the underlying and grounding principle of democracy, “the primary lens,” and derives a normative lesson from it, making this into a critical or standard-setting theory by which democracies can be judged, and also reformed, in accordance with the principle.

In this case, and indeed in principlism generally, principles are held to be in some sense both derived from “current institutions” and superior to them. In this particular case, and indeed for “democratic theory” generally, antipathy to actual democratic institutions is at the heart of the argument. Here the argument is that the ordinary machinery of government, and indeed elections themselves, fail to make transparent the responsibilities each citizen bears, and need to be given an institutional redesign in accordance with the principle. It is only a slight irony that this kind of democratic theory is itself anti-democratic: the procedures and institutions which are being challenged by the theory were themselves arrived at through democratic procedures, and may rightly represent enduring preferences of the people who are governed by them. Democratic decisions about the nature of the democracy under which people live are not, however, sufficient for “democratic theory.” The theory tells us that the mode of democratic approval was itself not properly democratic, and therefore the actual untutored will of the people is to be ignored in favor of the design that follows the principle, which in turn is derived not from the will of the people but from some other source.

Interestingly, there is an antinomy produced by the unreality of this principle. The creation and execution of policy requires leaders—decision-making is normally concentrated. And it is difficult to see how a model with no leadership and no special concentration of responsibility in leaders would work, at least in many of the situations faced by democracies. This points to a question and provides a suggested answer. What, if anything, then, is the antinomy of “citizen responsibility”? Presumably it would be something like leadership—or responsible leadership, the ideal promoted by Morgenthau and before him by Weber. The point of responsible leadership is that the leader takes responsibility—for persuading the citizens, if necessary by deception, to support him or her in acting in the national interest. And with this simple example one can begin to see what the issue between the antinomist and the principlist is. In its pure form, “citizen responsibility” is not possible: deci-

sions need to be made on behalf of others, by people who take responsibility for these decisions—this is the essence not only of leadership, but of government itself. One might want to minimize these kinds of decisions, and maximize “citizen responsibility for policy decisions” by such means as feeding information about the consequences of policies back to the citizens in a transparent fashion, but in practice some decision-making will always be made on behalf of citizens: it would be impractical for every citizen to know everything about policies. The ideal is an unrealizable ideal-type. Dictatorship, in contrast, in which leaders take all the responsibility for decisions, is not an unrealizable type. But even dictators need legitimacy, and are in this sense at least accountable, and their followers “responsible.”

The principlist deals with objections and obstacles, especially with incompatible ideals, in various ways. In the literature on Weber, which is also concerned with the problem of legitimacy and leadership and the antinomies it produces, the standard “democratic theory” strategy is to impute to Weber a “democratic theory” which makes democratic legitimacy a ground and principle (Breiner 1996; Kalyvas 2008) or alternatively to criticize him for having the wrong theory of this sort (Maley 2011). Much of the effort of recent democratic theory has been focused on the troublesome idea of freedom: democracy is supposed to be the font of all good things, but of course it is also a form of rule, and engaged in coercion. So these raw facts need to be reconciled with the ideal of rule by the people. One way is to redefine freedom, as for example Phillip Pettit does (1997), in terms of non-domination, and then to define domination as that which the people regard as cases of domination. This salvages an idea of democracy by making freedom depend on what the people say, but indirectly: we are no longer talking about freedom in even the ordinary sense of the term. Another method is to reconcile justice and freedom by putting them in different categories: freedom can be seen as a good which must be distributed according to the principles of justice. Yet another way is to claim that there is a real, or at least possibly real, embodiment of the democratic idea in certain circumstances in which there is no state, and no machinery of democracy, in a revolutionary event in which all contradictions disappear: in which a kind of collective mental fusion occurs in which the people’s will is simultaneously formed and expressed, without the impediments of procedures and authority, and therefore both freely and democratically at once.

The procedure of reconciling conflicts by subsuming them under a principle is particularly fertile in one respect:

it provides the basis for academic writing which applies, refines, or generates alternatives to the principles proposed by others. Much of this reasoning depends on definitions and the refinement of definitions, redefinitions which are supposed, as Pettit’s replacement of freedom in the sense of non-interference with “non-domination” does, to allow conflicts to be eliminated. It was an ironic consequence of neo-Kantianism that it aspired to identify the transcendental conditions of knowledge, its necessary and therefore unique presuppositions, but produced, rather than a unique list, a proliferation of competing and conflicting systems, all of which claimed to have identified the “necessary” conditions in question. Principlism in political philosophy has the same effect: after a long period in which Rawlsian principles and philosophical methods and their application held sway, only to become passé, the same goal of finding a single unifying principle rooted in a special philosophical method has lived on. The only lesson learned from the Rawlsian project was that system building grounded in a single principle is a good thing.

What we are dealing with in the case of antinomies are conflicts or incompatibilities in the domain of principles. The temptation to resolve the incompatibility at the level of principles is thus not surprising. From the point of view of logic, in any case, there is nothing inconsistent about choosing freedom over equality, or the reverse. So why is there an issue about making them compatible in the first place? From a principlist point of view, it might be seen to be better to have a theory that can not only explain more than its rivals but also explain its rivals. So there are clear motives for an argument that eliminates many apparently conflicting claims by redefining them and reducing them to a more fundamental principle.

What is the antinomist’s motive? Without falling into principlism, she cannot simply be proving another principle by the same means. Nor can the antinomist provide principled reasons for the claim that a resolution in principle between the antinomic sides is impossible. But antinomic arguments nevertheless are about the relation between principles. The relation, however, is not philosophical: the antinomist assumes that the principles or ideas in question are, on the one hand, “ideal,” and on the other that they cannot both be realized fully without conflict with the other: one cannot in the actual political world, for example, maximize freedom without producing as a by product some inequality. Nor can one reduce inequality, at least in the radical manner envisioned by equality understood as an ideal, without depriving people of some of their freedom.

These are banalities. Some of the ideals may be impossible to realize, but can be realized partially. But the antinomist makes a more interesting point: that the achievement of the ideal requires, as a condition, in some sense, things associated with its apparent contrary. This is not a philosophical requirement, though in some cases it comes close to being one, but a practical requirement, that holds in the particular world governed by a large set of particular or local contingencies, such as the world of modern European politics rather than in all possible worlds, as a genuine relation of entailment would. It involves factual conditions rather than logical ones. It is therefore a method, so to say, of political *theory* rooted in real political possibilities, rather than political philosophy rooted in ethical or other principles. But the factual conditions in question become apparent and relevant only through the lens of the conflict of ideals.

The obvious alternative conclusion—that there is a plurality of irreducibly competing and conflicting principles each of which has some attraction—cannot be addressed with the methods of redefinition and assimilating to a foundational principle. But there is a problem with this conclusion that the principlist will instantly recognize. Even acknowledging the fact of irreducible conflict turns into a discussion of the grounding principle of this acknowledgement. The principlist will immediately assimilate this acknowledgement to relativism, and conclude that relativism is self-refuting and consequently this conclusion cannot be genuinely rational. And one can see that the antinomist can easily fall into this trap by providing non-relativist “grounds” for their position, for example as Chantal Mouffe does, by in effect proposing a new doctrine of agonistic liberalism, in which the recognition of irreconcilable conflicts is given an implicit teleological justification, to stand alongside the teleological ends of principled, reductionist political philosophies. This creates its own antinomy—with the kind of politics represented by Jürgen Habermas, in which there is a teleological pull toward the elimination of disagreement. But Mouffe falls into the temptation of justifying agnostic liberalism as “progressive”: Oakeshott famously denies that politics has a teleology, other than his comment on seeking coherence, to which we will return.

But what if principlism as a style of philosophizing is, as neo-Kantianism was, defective and inherently unable to achieve its goal of identifying the underlying true normative principles of politics? A plausible reason for thinking this to be the case would be that there are antinomies—that there are conflicting and incompatible ideas which have some sort of attraction or intellectual compulsion, but

which cannot be reduced to a framework based on either of the ideas. This is the core thought of the antinomists. But it depends on a number of other ways of thinking about these issues which have never been fully articulated, and which may seem obvious, but which are perhaps worth making explicit, if only to clarify how antinomism both differs from principlism, and what principlism looks like if we accept the existence of irreducible antinomies.

## WHAT ARE ANTINOMIES?

One point about such principles should be already apparent: for each principle there is not only an alternative, but something more: a kind of counter-principle which trades on the absences, qualifications, or deficiencies of the principle in question. Put a little differently, one situation of argumentation involving “alternatives” would be this: we agree on certain premises, perhaps many, and disagree on a few—opening up the possibility that these disagreements, once isolated, may be open to being resolved. Antinomism makes a different point: that there are attractions, independent of one another, of each pole of the antinomy. They are in tension. The tension is a result not of some sort of conceptual error, but of the real presence of attraction, either the attraction of an ideal or the attraction of practical necessities which cannot in the end be denied. Nevertheless, the two poles are bound to one another.

This binding is difficult to explain, in part because, as we will see, it is not a binding at the level of principle, but of contingent fact. But there are also other relations, which are important for historical interpretation, and therefore of understanding the principles and disentangling them from their counterfeits. One of these involves the ambiguity of political terms and their malleability, which gives an illusion of commonality and continuity as well as feeds the hope that a further principle can resolve the ambiguities. Oakeshott makes the point that the term *salus populi* has been appropriated for a vast range of political purposes and thus been given a variety of meanings. “Democracy” is not merely ambiguous but deeply ambiguous—the home of its own antinomic interpretations. Similarly for “a right”:

The word “right” when preceded by the indefinite article enjoys a scale of meanings which ranges from one extreme to another, the extremes of meaning being, I contend, the meanings respectively appropriate to our two styles of politics (Oakeshott 1996, p. 42).

These terms have a traceable genealogy, which can reveal how the antinomic interpretations arise and how they change.

But Oakeshott makes the further point that resolving these conflicts and ambiguities is not in principle impossible, because the conflicts are contingent in the first place.

Confucius, when he was asked what he would do first were he appointed governor, replied: “the one thing necessary is the rectification of names.” He meant that “things” could never be “straightened out” while words remained equivocal. The observation was, of course, immediately appropriate to the politics of his situation, where government was not distracted between two opposed directions of activity (Oakeshott 1996, p. 132).

This was not an isolated comment. Oakeshott makes the more general point that certain kinds of societies may not experience these antinomies.

In a community whose members, engaged in few activities and those of the simplest character, are not drawn in a variety of directions, the politics of faith will have some appropriateness. Indeed, a monolithic society may be expected to have a monolithic politics (Oakeshott 1996, p. 95).

These remarks raise a number of important questions. The contingency of these antinomic conflicts distinguishes them from disagreements, dichotomies, taxonomies, and mere alternatives. But what are the contingencies? Are they escapable, or deep? And the contingent character of the conflicts raises the question of whether the political approach to them should be to alter the contingencies themselves through revolutionary means.

Understanding the contingent character of the antinomies, in general and specifically those discussed by Oakeshott, may be helped by comparison to Weber’s distinction between the ethics of intention or conviction and the ethics of responsibility. Weber’s point about these “ethics,” which of course are abstractions from commonplace ethical thinking conditioned by Christianity, is not that they are always and everywhere in conflict. In general good things follow from well-intended actions: we would find it difficult to understand them as well-intended if the intender foresaw harms from them. But there are situations in which this is not the case, and for Weber, as for Oakeshott, it is in

politics—or as Oakeshott puts it, in the activity of governance—that the antinomies reveal themselves.

The way the conflicts appear in politics, in the activity of governance, however, differs from the general case. In one sense, there is a categorical distinction between an ethic of consequences and one of intentions. Intentions in the Christian tradition from which Weber came were visible only to God, and sin was intending in a way contrary to His will. *Fiat justitia et pereat mundus*<sup>2</sup> is a slogan that makes sense in this tradition, because the “world” which is allowed to perish is inferior to the other-world promised by God. But the relation between this-worldly and other-worldly is not an antinomic choice: it is merely a choice—the choice Weber underlines by quoting Machiavelli on the Florentines who put their city above their soul in the war with the Pope ([1919] 1946, p. 126). In the realm of the political itself, however, matters are different. Politics is a this-worldly affair. There, the extremes of the ethics of intention are barely intelligible. Weber’s example is the bomb-throwing anarchist who has no hope for, or care about, the realization of the this-worldly political goal of anarchism. This person can only be understood in other-worldly, which is to say non-political, terms. Similarly for the extremes of the ethic of consequences: without intending to realize some ideal good, but seeking only power, the career of the power-politician “leads nowhere and is senseless.”

Within politics it is a contingent fact that the two ethics conflict, and they conflict only over specific instances of political decision: a politician may never be faced with this conflict. To be sure, there is such a thing as an other-worldly politics: this is the politics of the Grand Inquisitor, as described by Carl Schmitt, who places the salvation of his subjects’ souls above any earthly goal (Taubes [1987] 2013, p. 7). But there is nothing antinomic about this choice: the Grand Inquisitor is not an impossible figure, limited by a nemesis that arises from his own actions; neither is the politician with this-worldly goals. Nor is there any de facto requirement that each partake in the character of the other. In the case of Weber’s distinction, it is different: when Weber quotes Luther in his comment that “here I stand I can do no other” ([1919] 1946, p. 127) he is pointing to the limits of the politics of responsibility, its nemesis, the need for an element of conviction that saves it from the senselessness of the power politician. And when he discusses the Christian in politics motivated by the law of love and the belief that only good comes out of good acts, he is pointing to the nemesis of either failure or morally compromising action, the moral compromise resulting from the fact that

politics is an activity in which the morally dangerous and unpredictable means of violence is characteristic, because it is characteristic of states.

So we have here a complex set of distinctions, including both antinomies and non-antinomic classifications. This-worldly and other-worldly, theory and practice, political ideals and the governance—these are all categorical distinctions, rather than antinomies. Their use enables us to isolate and identify genuine antinomies. But antinomies are not, so to speak, in the Platonic eternal. They are contingent, and contingent in more than one way. One way is revealed by the phenomenon of nemesis, to which we will now turn. Another is the way pointed to by Oakeshott's references to Confucius and to primitive societies. Antinomies are antinomies for us—people with a particular background and history which is present in the attractions we have for particular ideals, which is itself a contingent fact. This contingency, which we may call a deep contingency, because it is not resolvable or alterable by short term or political means, needs some explanation, for understanding this kind of contingency is central to understanding what binds the antinomic pairs together.

## BINDING AND NEMESIS

As we have noted, Oakeshott makes an the observation that many of the key terms of political discourse are ambiguous, and have developed conflicting meanings, or changed meanings, over time. The fact that the terms are the same binds these usages without our having to discover that they are bound. "Ambiguity," however, while it is a useful term for understanding the history of a concept, is not precise enough. There is the ambiguity of the term bachelor, applied to unmarried men and also to graduates. There is no antinomic conflict here—merely multiple meanings. In the case of "democracy," however, the different meanings not only conflict, but stand in a relation to one another that is not extricable by redefinition: the two meanings, are bound to one another in a distinctive non-accidental way. So what we need is an answer to the question "How are antinomic pairs bound to one another?" whether or not they are multiple meanings of the same term.

What makes them antinomic rather than merely typological? One answer is this: the practical exceptions one must make to the principle refer to the antinomic partner. Schmitt turns this into a methodological principle: that, as he quotes Kierkegaard, "the exception explains the general and itself. And if one wants to study the general cor-

rectly, one only needs to look around for a true exception" (2005, p. 15). This part of the idea is simple: the nature of the general claim is revealed by the exception. A simple example of this might be taken from Karl Polanyi's *The Great Transformation* ([1944] 2001). The general principle he invokes is that capitalism dehumanized people by substituting the cash nexus for genuine social relations, and that only socialism can restore them. The "exception" he acknowledges is this: some people will not accede to these genuine relations voluntarily, and must be taken care of separately, as misfits. As Polanyi says, the "objector" should be offered a niche into which he can retire, the choice of a "second-best," that leaves him a life to live. Thus will be secured the right to non-conformity that is the hallmark of a free society. The general principle is revealed by this exception to the principle of socialist solidarity,<sup>3</sup> which is belied by the existence of "objectors" (Polanyi [1944] 2001, p. 255). Both the character of the antinomic principle and its antinomic pair are revealed by this strategy. The demand of conformism is concealed in the idea of solidarity; the need to punish or corral the non-conforming is revealed by the exigencies of the application of the idea.

Leo Strauss, commenting on Weber, dismissed his examples with the comment that the political conflicts could easily be resolved by considerations of prudence and the like. His thought was that issues of conflict in general could be resolved by a suitable Aristotelian hierarchy of ends in which these considerations could be balanced ([1953] 1965, pp. 68-9). But Strauss's appeal to prudential considerations has the effect of conceding Oakeshott's point: there are contingent situations in which an appeal to prudential considerations is necessary to resolve a conflict between principles. The question is whether these situations are central to actual political life, to the activity of governance, or are exceptions which can be ignored in favor of an otherwise applicable hierarchy of the good.<sup>4</sup>

For Oakeshott, in practice conflicting ideals can be and are reconciled, though not definitively: this indeed is the essence of politics. But how do these antinomies work? Why are they not just alternative value choices? This requires some analysis. They are ideal-types, neither of which is fully realizable because it is dependent in some manner on its antinomic pair.<sup>5</sup> The pairs are thus linked, but in conflict. One can suppress one side of the pair, but not obliterate it. Even the state oriented fully to substantive rather than procedural justice, for example, cannot operate without procedures—Cadi justice requires the appointment of a Cadi, for example; the state which aspires to neutrality, similar-

ly, must be legitimate, and seen to be effective in achieving some substantive goods for its participants. These are not hard analytic truths, but lessons that result from putting ideals into practice, as Oakeshott himself says.

Strauss, however, has a point: the argument depends on the identification of conflicts at the level of political ideals that may not be apparent in the ordinary course of politics. The use of extreme “conceivable but not realistic” examples to bring out these conflicts is worth examining. It appears repeatedly in Oakeshott’s own writings. Take a simple example from Oakeshott:

What we are seeking is an alleged mode of association in which the associates are expressly and exclusively related in terms of the recognition of rules of conduct of a certain kind, namely “laws.” And what we have here is associates related expressly and exclusively in terms of seeking to satisfy substantive wants (1983, p. 124).

The “expressly and exclusively” phrase signals the unreality of these extreme cases. In practice, as Oakeshott himself says, the extreme case of a rule of law regime is not realizable. The alternative extreme is perhaps possible, though as we will see, the possibility depends on contingencies.

So what is their function in the argument? As Walter Benjamin puts it:

The general is the idea. The empirical, on the other hand, can be all the more profoundly understood the more clearly it is seen as an extreme. The concept has its roots in the extreme. Just as a mother is seen to begin to live in the fullness of her power only when the circle of her children, inspired by the feeling of her proximity, closes around her, so do ideas come to life only when extremes are assembled around them (Benjamin [1928] 2003, p. 35).

Bloodless abstraction, the grey of theory, is a realm in which antinomies can be reconciled. Much of the time, as noted, they can be reconciled in practice. It is in the extremes of the empirical that they become recognizable.

Maxims of the sort quoted by Benjamin sound systematic, but they are not. This one is already in the form of a paradox, since the general has, by definition, no exceptions. To understand it we need to see how it works in these arguments. Oakeshott, in *Politics of Faith*, uses the term “nemesis,” which is closer to the point: which is that in practice

a given tendency to realize an idea is undone or limited in distinctive ways; distinctive in that they arise from considerations associated with its antinomic pair. In discussing the nemesis of the politics of faith, or perfection, he lists a number of examples:

the engagement to impose a single pattern of activity upon a community is a self-defeating engagement (Oakeshott 1996, p. 99).

The politics of skepticism, and its antinomic pair of the politics of faith or perfectibility, each have their own nemesis that points to the other in the pair:

The disposition of scepticism to underestimate the occasion is another facet of this defeat. Faith recognizes every occasion as an emergency, and in the name of the “public interest” or the “public advantage” maintains its antinomian rule by calling upon the vast power at its command, which (because it is always insufficient) is always in process of being enlarged (Oakeshott 1996, p. 108).

The nemesis of the politics of perfectibility is that political power is always insufficient to achieve it—precisely the confession that Polanyi makes, justifying the “necessary” practices which he was well aware were characteristic of Stalinism, when he admits that solidarism will never be complete.

But skepticism has its own nemesis.

It is liable to confuse a genuine emergency with the counterfeit emergencies of faith, and to discount it. But in doing so it displays an insufficiency which puts it on the road to the other manner of self-defeat to which it is liable (Oakeshott 1996, p. 109).

This failure and the inadequacies it reveals is part of the “real” to which Oakeshott and antinomists more generally attend. But we can ask about other parts of the real as well: the nature of deep contingency, and the relation between ideals and the stuff from which they are, as Oakeshott puts it, “extricated.”



## DEEP CONTINGENCY, IDEAL-TYPES, AND THE DATA OF HISTORY

Ideals need to be formulated for their antinomic character to be revealed. They are not necessarily apparent in the flux of ordinary political talk. The abstraction in question, because it is an imaginative enterprise, is not mechanical or scientific. The material with which it works is our way of talking about political things, and the way that they were talked of in the past. They

reveal themselves in our manner of speaking, and they are cogent formulations only in so far as they make intelligible the current and historic distraction of our politics (Oakeshott 1996, p. 44).

Our talk about politics is not merely a mass of unconnected habits of speaking and acting, but a complex web underlain with purposes and with connected and conflicting purposes. We can find different coherences or ideal-characters at the surface of this web.

As Oakeshott says, “The uninhibited character of each of these two styles of politics has, then, to be extricated.” Formulating them provides a kind of coherence to ordinary talk, but “to elicit this is an imaginative rather than a logical exercise; not a purely logical exercise” (1996, p. 92). But the formulation is not merely a matter of providing a definition identifying a family of notions that correspond roughly to what is in effect a kind of ideal-type, and indicating what the pull or attraction of these ideals (or rather the underlying purposes and aspirations which they articulate) is. It also requires revealing their character by identifying their nemesis or the exceptions that appear as they are put into practice. As Oakeshott explains,

Whenever the politics of modern Europe have moved decisively in the direction of either of these extremes, the shadow of the nemesis has appeared: our task is to reconstruct from these shadowy intimations the hidden character, or at least the hidden characteristics which they signify (*ibid.*).

So finding the coherence of an ideal, or constructing it imaginatively out of the raw material of political speech, is more than a matter of logic in a variety of ways. It relates to the pushback of the real world in the form of nemesis, exception, and unintended consequences. But it also, because

the antinomic relations depend on contingencies, relates to the contingencies of the real world as well.

This relationship is difficult to explain, for epistemic reasons that will become obvious. The principlist regards such contingencies as mere conditions to be altered in pursuit of the ideal and the elimination of the antinomy: as bumps in the road, or eggs needing to be scrambled to make a revolutionary omelet. But the failure to realize the ideals points to the difficulty of knowing what the relevant contingencies are. The topic is a theme of Oakeshott in the “On Being Conservative” (1962) where a contrast is identified between those who think that large scale change can be planned with predictable outcomes and those who believe the world is complex in ways that belie our ability to predict the consequences of our actions, especially those involving large scale change.

Some of the contingent facts that bear on antinomies, and which form their conditions, are what we might call “shallow”: altering them is possible, and there are predictable risks, costs, and benefits from doing so. Deep contingencies, however, are those which we cannot readily alter, or predict the outcome of altering, and typically are unable to conceptualize clearly in the first place. They exist in the longue durée. It is this kind of contingency that Oakeshott has in mind when he says that

Political activity in the conditions of modern Europe is movement within a certain field of historic possibilities. During this half-millennium these possibilities have expanded in some directions and contracted in others: what may be contemplated now is in some respects a smaller and in others a larger range of activity than it was five hundred years ago. But these contractions and expansions are relatively insignificant. The range of internal movement is fundamentally unchanged (Oakeshott 1996, p. 117).

This is not to say that rapid change is not possible: he also adds that “modern history may be said to have been inaugurated by a peculiarly large and rapid expansion of political possibilities, and its course, from this point of view, has been the more and more thorough exploitation of a range of movement then opened up” (*ibid.*). This was not the aim of the people who produced this change: their aims were not even political. Oakeshott locates a major component of the changes that allowed for the expansion of state power as the rise of individualism which eventuates in the Reformation (Oakeshott 1993, p. 22).

This is very murky territory. The deep contingencies that may become salient in the future, as conditions for previously unrealized or unconceived antinomies, may already be present in the deep history of a culture, or even more deeply rooted. Morgenthau, under the influence late in life of psychoanalysis, argued that the antinomy of love and power was fundamental. But because the salience of antinomies comes and goes, we need to avoid the temptation to ascribe these antinomies to human nature, without denying the possibility that they are indeed that deeply rooted.

#### ANTINOMISM VS. PRINCIPLISM: IS THIS A METHODOLOGICAL ANTINOMY?

In passing, I earlier commented that the relation between principlism and antinomism might itself be an antinomy. There is something to be said for this: the two approaches are in some important respects kindred. Both are abstractions from political experience and ordinary political speech; both aim at clarifying it or giving it greater coherence. Principle-seeking is, in any case, part of the political life the antinomist is concerned to study.

To abridge conduct into general principles is ... a supremely important level of political thinking. And even at first sight it is obvious that some of these generalizations refer to the constitutions of government and others to the office or conduct of government (Oakeshott 1993, p. 14).

But the motives we might have for this kind of reconstruction will vary. One is “to understand what forms of behavior they represent or are intended to represent, and to recognize the part that they play” (*ibid.*). Oakeshott himself acknowledges that this is a hazardous affair. But more hazardous is the attempt to ground these principles in something more fundamental—to make them more than articulations of our practices, and into fundamental truths, beyond the contingencies that gives rise to antinomies.

An asymmetry between principlism and antinomism prevents them from being true antinomies. What the existence of contingent antinomies shows is that there are circumstances, contingencies, under which principles cannot resolve antinomies. Antinomism acknowledges that there are situations in which principlism, in the form of the Confucian rectification of names, which might be the same as the articulation of a new concept of citizenship to match what has become the practice of citizenship, as Marshall

did, might be appropriate and successful. But principlism cannot acknowledge that its own truths are contingent, or that its exceptions undermine its principles: they must be placed in a category below truth itself.

#### NOTES

1. The pairing of Weber and Oakeshott might at first glance seem odd, but there is an important and somewhat startling textual basis for this connection. Oakeshott reviewed Morgenthau’s *Scientific Man versus Power Politics* (1946) shortly before writing “Rationalism in Politics” ([1947-48]/1962). The review, which comments that “This is a book good enough to wish it were better, and profound enough to wish it were more lucid” ([1947]/1993, p. 97), reads like of a draft of Oakeshott’s classic paper, which provides exactly this lucidity. Morgenthau’s text does not mention Weber, but is the most overtly Weberian of his writings (see Turner and Factor 1984). It was based on lectures at the New School which were part of a special émigré genre, in which Americanizing German scholars presented their views by eliminating German sources and substituting Anglo-American ones. This had a distorting effect, but was also the source of novel connections, for example Morgenthau’s appropriation of Lincoln as the exemplary great leader.
2. Let justice be done though the world perish.
3. Oakeshott discusses this impulse to enforced conformism at length under the heading of solidarism (1993, pp. 89-99).
4. Strauss exempts the conflict between ethics of intention and ethics of consequences from his reduction to the prudential, but on ground familiar for Schmitt: Strauss interprets the conflict in its theological sense, as one between other-worldly and this worldly, or between the human and the divine, or theology and philosophy. These are non-antinomic, categorical distinctions.
5. The term “pairs” is important, but should not be misinterpreted. Nothing excludes an antinomic trilemma, or indeed any number of antinomic elements. To be antinomic, however, the elements must be antinomic to each of the other elements, that is to say form a pairwise antinomic relation with each of the other elements.

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