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UNIVERSITY OF SOUTHAMPTON
FACULTY OF LAW, ARTS AND SOCIAL
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Founding and Refounding:
Arendt on Political Institutions
by
Adam George Dunn

Thesis for the degree of Doctor of Philosophy
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ABSTRACT

FACULTY OF LAW, ARTS AND SOCIAL SCIENCES

SCHOOL OF HUMANITIES

Doctor of Philosophy

FOUNDING AND REFOUNDING:

ARENDT ON POLITICAL INSTITUTIONS

by Adam George Dunn

This thesis is concerned with Arendt's political theory, particularly those elements of it concerned with political institutions. It treats her work as a response to a mis-conceptualisation of politics as being fundamentally formed of rulership and command, which is to say that she opposes treating sovereignty as an essential component of political practice.

What Arendt offers, as an alternative, is a full-fledged account of how politics could operate in the absence of sovereignty. This thesis argues that it is a coherent picture, consistent across the course of her work. A particularly important element of this consistency is the closeness of fit between the material which forms the basis of Arendt's understanding of politics and her account of political foundations.

To do so, the thesis begins with a discussion of Arendt's concept of 'action', which forms the basis of her understanding of politics. One of the most distinctive features of this is the importance of individual initiative, understood as responsiveness to the already-given. This part of action is an essential part of linking it harmoniously to those other elements of her work which appear here.

Arendt's work on 'judgment' is the focus of its own chapter; it is important because judgment is Arendt's conceptualisation of political discussion modelled on opinion, which has previously been treated as a late-career development, is here treated as consistent with and, essentially, an extension of, certain features of action.

On the basis of this combined reading of action and judgment, it is possible to read Arendt's description of political foundations as an example of the same kind of political activity. Contra Honig's reading of the political foundation as an opportunity for resistance, this thesis treats it as a political act which invites the participation of later citizens.

Finally, an account of Arendt's institutional thought is completed by presenting her description of the 'council system' in combination with Thomas Jefferson's 'ward system'. The two combine to form an example of political organisation which both does without a reliance on sovereignty and maximises opportunities for meaningful political engagement.

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Author's Declaration

I, Adam George Dunn, declare that the thesis entitled "Founding and Refounding: Arendt on Political Institutions" and the work presented in the thesis are both my own, and have been generated by me as the result of my own original research. I confirm that:

- this work was done wholly or mainly while in candidature for a research degree at this University;
- where any part of this thesis has previously been submitted for a degree or any other qualification at this University or any other institution, this has been clearly stated;
- where I have consulted the published work of others, this is always clearly attributed;
- where I have quoted from the work of others, the source is always given. With the exception of such quotations, this thesis is entirely my own work;
- I have acknowledged all main sources of help;
- where the thesis is based on work done by myself jointly with others, I have made clear exactly what was done by others and what I have contributed myself;
- none of this work has been published before submission

Signed

Date

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1

Introduction

This thesis is concerned with Arendt's political theory, particularly her institutional thought. In part, this is a matter of demonstrating the basic continuity between Arendt's concept of politics as 'action' and her account of political institutions. It is also, therefore, an attempt to show that Arendt's work meets its own aims in a consistent manner.

Reconciling the two, or showing the latter to be the natural product of the former, amounts to the same thing as demonstrating that Arendt's opposition to sovereignty does not amount to an opposition to stable politics (which would, in any case, be self-defeating given her account of politics). Her political thought combines, from *The Human Condition* onwards, an interest in the possibility of individual human initiative with a concern for the provision of a stable public realm. The former may seem, at first blush, to be a disruptive impulse at odds with securing the latter.

Much of Arendt's work, as it appears below, works towards showing

that the two concerns are compatible; in doing so it also shows that there is no need for an ultimate arbiter, a sovereign who stands insurer against the possibility of a disorder which, Arendt's work shows, is hardly an inevitable result. The temptation to appeal to a sovereign is not always an appeal to a particular ideal; in the case of the *Declaration of Independence*, much of Arendt's descriptive work rests on the importance of avoiding any basis for legitimacy which is outside of the political realm.

The chapter immediately after this one focuses on Arendt's use of the term 'action' as part of her effort to present politics in terms of those characteristics of human experience which she holds political philosophy to have either downplayed or neglected entirely. The reason for this neglect, on her account, is that politics has often been treated in terms analogous to 'work', to the construction of useful objects. Arendt argues that this is the wrong basis on which to understand politics and, through her discussion of different kinds of activity, provides 'action' as an alternative; this alternative informs her presentation of politics without sovereignty.

It also makes it possible for Arendt to take other features of human life to be contributory to an understanding of politics; foremost amongst these is the temporal character of action, which recurs in the account of political foundations. For any deed, it is the only through the responses of others that the meaning is generated, that it becomes 'action' in the fullest sense. The responses are not themselves determined by anything but reflect instead the viewpoints and projects of other actors.

This last element will, as we shall see, be echoed in the development of Arendt's theory of judgment, which the third chapter introduces and claims to be, fundamentally, continuous with her work on action. There are two elements which lead from action to a discussion of the way in which Arendt appropriates Kant on judgment: first, that meaning is generated after-the-fact; second, that this is constituted through the responses of others. Arendt's description of judgment contains both of these possibilities, focusing as it does on the presentation of multiple

opinions, each generated out of the differing viewpoints of the political actors. These viewpoints are, by virtue of the effect they have on the meaning and effects of any action, themselves forms of action. The continued revisability of judgments is a necessary feature of continued political activity; if there is a final arbiter, then there is an end to the political with regards to whichever event or person they are the final arbiter of. This has particular relevance to the discussion of foundations as open-ended engagements which follows.

Chapter four expands upon the combined descriptions of action and judgment to look at one particular political deed that Arendt engages with at length: the *American Declaration of Independence*. Arendt takes the creation of this document and its establishment as the foundational moment of a new political order to be a supreme example of political action. This example derives its importance from the mode in which it is enacted; its authority is based, on Arendt's reading, not on an appeal to any final arbiter outside of politics but on the faculty of action itself, through the act of promising upon which it is based (and through which it retains its authority).

Retention of authority for a political system is, insofar as it remains a properly political system, contingent on it maintaining this same character of being an open-ended promise, one into which new members are inducted on the understanding that the *meaning* of the promise is as much in their hands as it is in the hands of other citizens, including the founders themselves.

The final part of this picture of a political system which renounces sovereignty is the 'council system', presented in chapter five; the councils appear in *On Revolution* as an alternative to representative democracy and party machinery.

Arendt combines this system of institutions, which has not received much serious critical attention, with Jefferson's theoretical plan for a ward-based federal system. The two together indicate both Arendt's consistent commitment to a politics of this kind and those institutional conditions which she thinks best support continued political engage-

ment. What she presents in her use of these historical examples is a fine-grained federalism which does not involve an element of representation; the more-general organisations to which ward-level councils contribute members are formed not of agents dedicated to representing views but those whose judgment is considered sound enough by the ward-level organisations.

2

Arendt's Phenomenology of the *Vita Activa*

This chapter is concerned with the role of 'action' in Arendt's work. The aim is a full understanding both of what the concept signifies and what Arendt hopes to achieve by building it into her work. Her aim, I shall argue, is to show that certain facts or qualities of human experience have traditionally been neglected by political philosophy.¹ These neglected elements can be seen most clearly by comparing 'labour', 'work' and 'action', the three elements of the *vita activa* which appear together in the *The Human Condition*. To that end, all three appear here.

Labour appears first. It at first appears to be concerned with the production of the means of survival but Arendt has in mind something more specific; in her description, production is joined by the act of

¹Arendt objects to being referred to as a 'philosopher', rather than a 'political theorist', at the beginning to an interview, on these grounds (Arendt: 1994c, p.2).

consumption and the two feed into one another to form an endless circle. Labour is like action in that neither, of itself, results in anything permanent being created. Unlike action, however, labour does not reveal anything of significance about the agent who undertakes it.

Unlike labour, work does produce lasting objects, which have definite uses. Our description of work (and the objects it produces) focuses on the way in which it provides a stable referential structure between persons by virtue of the roles and relations it makes available. Work is unlike action because of this same feature: the purposes of use objects do not, of themselves, admit much to be known about the users of those objects.

Action here takes up three sections. The first is concerned with the 'precondition' of action, 'plurality', which is that distinguishable human beings exist and that the distinctness of each is in principle knowable. The second section on action addresses two qualities of it (both of which stem from Arendt's description of plurality): first, that action is necessarily dependent on the existence of others; second, that the individuality humans are capable of is realised through spontaneity. This second quality is the one which gives us some cause for concern; if spontaneity is emphasised, there is a risk of Arendt seeming to celebrate unruliness, an interpretation which would be hard to reconcile with any concern with continuity of institutions.

Finally, the 'products' of action are presented: the disclosure of both the agent and of the common world. The two work in tandem; what action is 'about' is both at once.

Once the three elements of the *vita activa* are in place, two questions remain to be settled. The first is that of the theoretical nature of the distinction, i.e. what exactly it is meant to signify that Arendt has presented us with three separable ways to describe human activities. The second is that of Arendt's aim in presenting these distinctions, i.e. a question of what is at stake if we think of politics one way or the other.

To the first question, we provide the following answer: Arendt's

work is essentially one of phenomenology, which seeks to expose neglected qualities of certain kinds of human activity. The distinction she makes is not meant to be read as a taxonomic division of human acts; instead, it is a call, as shall be shown below, to pay more attention to certain elements of experience.²

The second is settled by following Arendt's genealogy of the conceptualisation of human activities, briefly taking in the dangers she ascribes to each of the ways in each mis-conceptualisation has taken place; what is at stake is not just the description of practices but the way in which that description forms a part of our practices, thereby directing them.

Finally, a political institution is presented: the Athenian *polis*. Arendt is sometimes taken to be in agreement with this way of organising politics. With the aid of Tsao (2002), we look to the problems of the *polis* and, crucially, show that they stem from features which Arendt does not admire. (More will be said about the need to separate Arendt and *polis* at the close of this chapter.)

2.1 Labour

'Labour' is the term by which Arendt indicates activities which have the aim of preserving biological life; these activities share several characteristics, each determined by this aim of serving those 'natural' needs which are inescapable until "the death of [an] organism" (Arendt: 1998, p.98).

The products of labouring activities—food the primary example—are consumed, therefore destroyed, when used;

Their consumption barely survives the act of their production. . . [a]fter a brief stay in the world, they return into the natural process which yielded them either through absorp-

²In part this is a question of coming to *value* 'certain elements of human experience', those captured together under the rubric of action.

tion into the life process of the human animal or through decay (Arendt: 1998, p.96).

The ephemeral products of labour need constantly to be produced anew in order to continue satiating demand; for this reason, the need for production is constant, in line with the inescapability of the demands themselves. This repetition further colours the temporal quality of labour, which Arendt describes as 'cyclical', oscillating between production and consumption "in accord with the ever recurrent cyclical movement of nature" (Arendt: 1998, p.96). Being cyclical, the process is endless, with no distinguishable beginning or end, either in the sense of coming to a stop or in the sense of aiming towards any goal (Arendt: 1998, p.98); there is some sense that, for Arendt, these two senses of 'endless' are equivalent.³

The two 'poles' of this movement, 'production' and 'consumption', feed into and enable each other;

This cycle needs to be sustained through consumption and the activity which provides the means of consumption is labour. Whatever labour produces is meant to be fed into the human life process almost immediately, and this consumption, regenerating the life process, produces—or rather, reproduces—new "labour power", needed for the further sustenance of the body (Arendt: 1998, p.99).

As labour and consumption form a loop, neither is really primary; there is, as Arendt goes on to say, the possibility of one wastefully outstripping the other (Arendt: 1998, p.122).

Arendt's characterisation of the 'natural' as a self-sustaining process—including labour processes—treats parts of it as indistinguishable, unintelligible, parts of the whole cyclical process. In this context, the

³That this sounds horrific is part of the point. See Pitkin (1998, pp.3–4); Pitkin has compiled a paragraph's worth of adjectives which Arendt attaches to her idea of 'the social'. The rise in importance of 'the social', understood as an action-less state of conformism (Arendt: 1998, p.40), is eventually linked by Arendt to the 'species life' which is the concern of labour (Arendt: 1998, p.321).

species-life replaces that of the individual organism as the discernible object; “[in nature, there is] nothing but changeless eternal recurrence, the deathless everlastingness of the human as of all other animal species” (Arendt: 1998, p.97).⁴

Arendt holds that it is only via human intervention, which treats “this tree or this dog, as individual things”, that a part of the natural cycle can become a separable object rather than a process-component (Arendt: 1998, p.98). The same applies, in so far as they are just labourers, to human beings, who are fundamentally indistinguishable in respect both to the need for labour’s products and the (essentially skill-less) non-specialist role in securing them (Arendt: 1998, p.123). It is not only the case that natural needs fail to differentiate one person from another; the business of fulfilling those needs will not do the job either. Considered only as *animal laborans*, humans neither create stable objects nor become distinguishable agents.

2.2 Work

On Arendt’s view, labour’s cycle of production and consumption, with its constant movement and lack of identifiable goal, is a “predicament of imprisonment” which stands in need of remedy against its impermanence; this is the relationship of labour to work: the latter “redeems” the former by “erect[ing] a world of durability” (Arendt: 1998, p.236).⁵

⁴The word ‘life’ appears in two opposed senses in *The Human Condition*. One is that which appears here, which refers to ‘biological life’, in which regard any member of the species is as good as any other. The other use of ‘life’ is in the sense of ‘life story’ (Arendt: 1998, p.184) which appears below, p.27ff. The two senses, Arendt holds, have entirely different relations to time; biological life is the “life cycle” of endless movement (Arendt: 1998, p.96), described in this section. The most curious element of Arendt’s contrast here is that she specifically mentions “birth and death” as events which require “a world which is not in constant movement”, that is, one which has the permanence resultant from human artifice; with such an artifice in place, birth and death become the opposite ends of a life lived as a “strictly linear movement” (Arendt: 1998, p.97). Though, as Arendt says, these remain natural events, their meaning and distinctness comes only from the human element.

⁵The same redemptive relation repeats work and action but in that case, it is work which is in need of redemption (Arendt: 1998, p.236).

In order to 'redeem' the efforts of labour, work must operate according to different logics and purposes; the products and experiences of work are both to be different in kind from those of labour. The focus of work is the kind of product which results from it; for this reason, the products of work are the initial focus of this section.

'Use' takes the place of 'consumption' for the objects of work as opposed to labour'; these are objects which are not destroyed in their proper use (Arendt: 1998, p.136).

This, in turn, determines the way in which the worker relates to the process of creation (and the subsequent use of his products). Unlike the labourer, the workman has, for any given project, an end in sight from the moment at which construction begins; in fact, it is only with the workman and not the labourer that such an end can be supposed. The end is the entire point of the work, determining it from the very beginning; the work begins with either a physical model of the thing to be created, or "an image beheld by the mind's eye" of the same (Arendt: 1998, p.140). In this sense, the end of the work, in the sense of its coming to completion, is the *telos* established for it at the moment at which the blueprints of the object have been drawn up. It is fulfilled at the moment at which that particular object has been constructed (Arendt: 1998, p.143). At that point, the blueprint is realised and there is no further necessary change to the now-assembled essence of the thing.

Both labour and work involve the creation of purposive things; the hammer no less than the meal "immediately becomes [a] means again", a claim Arendt makes with reference only to the latter, as part of an attempt to distinguish the two kinds of product. Whilst this is obviously the case, each relates differently to the means which they become; the consumable cannot, as Arendt tells us, sit around, whereas the work-made object need not *immediately* become a means. This potential separation justifies, or at least goes some way towards justifying, Arendt's claim that the end of the work is realised fully at the moment of its creation, something which is not true for things resultant of labour (Arendt: 1998, p.143).

As work-objects are not consumables, they can be accumulated to provide a stable set of worldly objects. This accumulation of things provides a stable set of common referents which, in total constitute a man-made world (Arendt: 1998, p.134). By virtue of their permanence, the products of craftsmen become part of the constitution of the world in which men find themselves, becoming independent of their initial creator (and for that matter, original user), thereby obtaining an “objective” character (Arendt: 1998, p.137).

The stability of the products of work, in contrast with the impermanence of labour’s products, allows it to make a significant contribution to the creation of a human world; “the world, the man-made home erected on earth and made of the material which earthly nature delivers into human hands, consists not of things that are consumed but of things that are used” (Arendt: 1998, p.135).⁶ The permanence of the objects work produces allows them to “have the function of stabilising human life” (Arendt: 1998, p.137), by providing the stable ‘objective’ reference-points which labour (or the merely animal life) cannot.

The key quality of work’s efforts in relation to the construction of a world is the way in which it comes to fix things into a certain order; in explicit opposition to nature, it forces things to conform to their purpose and, for the sake of repeatability, makes them do so consistently.

The permanence of the work-objects, taken *en mass*, provide stability in this way, providing reliable markers for navigation of the shared world. This does not exhaustively characterise the way in which work-objects can function this way, for the following reason. Not any old long-lasting thing will do the job; the specifically man-made objects are needed because even long-lasting natural features will not do. If things like mountains were able to provide permanence, there would be no pressing need for work’s products to provide points of reference (or

⁶This is taken from the very end of the chapter on labour. Two pages later, at the very beginning of the ‘work’ chapter, the products of work “are mostly, but not exclusively, objects for use” (Arendt: 1998, p.136). The non-use work object, although Arendt does not mention it explicitly until forty-one pages later, is the work of art (Arendt: 1998, p.167).

such an emphasis on the different capabilities of labour and work in relation to stability).

Along similar lines, it seems obvious that not just any accumulation of manufactured objects could do the job; for someone who—somehow, implausibly—had literally no understanding of a given object's purposes, that particular object could provide no stable referent at all. (It would, to the mind for which it was not a purpose-related object, be exactly like any natural thing encountered; to them, it would be an opportunity to take something previously unknown and make it fit for a new set of purposes.)⁷

Understanding any object necessarily involves understanding the network of relations of which it forms a part, as in Benhabib's description;

when we visit ancient buildings, monuments, and cities, we try to immerse ourselves in the world of those who have lived in these buildings, who have carried out their activities in them. . . . To understand the world these past generations have inhabited means learning the referential contexts, the patterns of everyday use, the what and wherefore of their activities. (Benhabib: 2003, p.108).

Coming to understand this context of use will at the same time give some familiarity with the users, or their daily habits and uses for the objects at least. What understanding can be gleaned from the ancient objects—except perhaps, for certain kinds of monument—of Benhabib's description cannot go much beyond this kind of knowledge. For now, we will concentrate on the 'positive' claim, i.e. that knowledge of people which can be gleaned from objects, including the relationship between agent and object which this knowledge derives from. This will establish what it is that work's objects do when they contribute to a stable human world.⁸

⁷It's difficult even to conceive of an object in these terms as being an object at all; it is as though it has somehow dropped back into nature.

⁸In so far as the worker's own role in the object is spent when construction is

The stability of the work-world, in so far as it is the stability of the world rather than the mere duration of *things*, is the stability of the relations which these things are capable of sustaining: the relationship of users of particular things to the things themselves, to each other as fellow users and, finally, to the whole network of related trades and uses.

Relations mediated through objects (and purposes) this way have a particular character, as evidenced through the link, above, to 'associated uses'. Separation is another issue; it might seem as though any natural object can perform this function just as well by physically occupying a space. However, there is also the metaphorical sense of 'separation', that which is a feature of object-related roles: inhabiting one role means not inhabiting certain other roles.

The role-constitutive capacity of objects is good for the creation of a stable world in so far as it differentiates individuals into particular roles and thereby is able to create relations between them mediated through the objects.

This mediation enables particular forms of interaction with world and other but does so only because the forms of interaction are particular and circumscribed. Within this horizon, as Taminaux points out, the options are quite limited;

the productive activity, or *poiesis*, is ruled by predictability as a result of its very univocality... the agent of the productive activity is not required to reveal himself in his most singular aspects, but only as exhibiting general skills. Therefore, he is someone, but someone that anyone else might be, someone not unique. He is one exemplar of a kind that can be repeated... In short, *poiesis* prevents individualisation (Taminaux: 1991, p.113).

In so far as we only wish to consider human beings as examples of complete, this is true enough. However, the work must, in any conceivable instance, be undertaken with the final usage of the object in mind, be it the construction of everyday tools or of buildings.

particular skill sets, or as users of created things, work is sufficient. What can be revealed about the agent who works? Only the skills related to a task, which is to say that only the ability to adhere to the pre-existing is exercised. Arendt refers to skills talents of this sort as elements of 'what', rather than 'who', one is (Arendt: 1998, p.181). The question of 'who' is the domain of action rather than work; in it the individual is revealed (see below, section 2.5). With only work-relations to guide them, the human being is 'over-determined', almost entirely lacking in interpretive leeway.

2.3 Action 1: Plurality

The last element of the *vita activa*, which is the most important for any discussion of Arendt as political theorist, is 'action', the description of which is meant to show that there is an element to human existence other than the technical accomplishments of the craftsman or the continuation of mere life.

This final element of the *vita activa* is the subject of this section and the two which follow it. It receives the most attention because it is the most important of the three for what follows later in this thesis, on the nature of political institutions. The description of it is divided along the following lines: here, the 'precondition' of action, 'plurality', will be detailed; in the next section, this is built upon with an account of the 'spontaneity' of the actor and their interaction with others; finally, the results of action appear, which are the combined disclosure of the agent's self and the world.

More so than for either labour or work, an explanation is needed of the relevant 'precondition', i.e. what it is that makes activities of that kind possible. This is how Arendt introduces the precondition of action, 'plurality';

Action, the only activity that goes on directly between men without the intermediary of things or matter, corresponds

to the human condition of plurality, to the fact that men, not Man, live on the earth and inhabit the world. While all aspects of the human condition are somehow related to politics, this plurality is specifically *the* condition... of all political life (Arendt: 1998, p.7).⁹

By 'plurality', Arendt means something other than the kind of distinctness achieved, as above, in work roles, which are always such that anyone, skill permitting, could fill them. Roles of this sort are also, vitally, ones which come with goals prescribed—they could not function otherwise—whereas the kind of distinction of the kind here at issue includes a goal-constitutive element.

'Plurality' consists of "the twofold character of equality and distinction" (Arendt: 1998, p.175), making its expression incompatible with both the unequal relations necessary for work and the inherent conformism of mass society. It will, perhaps, be no surprise that Arendt has something very particular in mind for both of these terms.

'Equality' takes one, very minimal, meaning when it is first introduced: it is merely the condition which makes mutual understanding possible (Arendt: 1998, p.175). Later, for the purposes of a public realm, it has shifted to an artificially-created "equality of unequals who stand in need of being "equalised" in certain respects and for specific purposes" (Arendt: 1998, p.215).¹⁰

It is this latter meaning, rather than the minimal one, which ren-

⁹Note also that this, the first occurrence of 'action' in *The Human Condition*, immediately links action and politics.

¹⁰Kateb makes the following link between 'equality' and 'rulership';

"As for the egalitarian notion of human plurality, Arendt invokes the Greek term *isonomy* and reads it to mean not equality of condition but a condition that makes men equal. It is a condition of "no-rule" (Kateb: 1983, p.15)

This link is obviously correct. For our purposes, what is interesting about the relationship between rulership and Arendt's concept of politics is the link between 'initiative' and rule. The step missing from these few lines from Kateb is that the relationship of equality means that the notion of rule is to be left out of politics on Arendt's account.

ders a public realm incompatible with relationships structured around command.¹¹

As for ‘distinction’: Arendt’s claim is that the human being is the only kind of thing which, in addition to communicating basic needs, can “communicate himself and not merely something” (Arendt: 1998, p.176). It is only through “speech and action” that this communication of ‘who’ one is can be possible; “they are the modes in which human beings appear to each other, not indeed as physical objects, but *qua* men” (Arendt: 1998, p.176). One important element of this, addressed in more detail below (section 2.4), is the sense in which human agents are autonomous, capable of initiatives of their own.

2.4 Action 2: Context and Initiative

Plurality leads to two particular qualities of human interaction which would not be found if persons were limited to biological functions, or even if they had in addition to those only the rote tasks of work. These are, first, the ‘web of relations’ composed of the unique individuals with whom an actor interacts and, second, the capacity for initiative on the basis of which the actor’s distinctness—and therefore, the web of relations—can be formed.

Action adds, because of the ways in which actors respond to one another, a non-objective element to the world: the “web of relations”, a “subjective in-between which is not tangible” and grows only out of “acting and speaking” (Arendt: 1998, p.183).¹²

¹¹We might push the stronger claim that the first sense is also incompatible with these relationships even as it enables them because the treatment of the subordinate in fact removes their capacity to direct themselves. This would certainly be compatible with Arendt’s understanding, as it captures something like her claim that life without action would not be a properly human one (Arendt: 1998, p.176).

¹²This kind of inter-relation is not supposed by Arendt to be entirely divorced from the “physical, worldly in-between”; it grows in part out of this, for all human intercourse is supposed to contain as an, “integral part”, some element of disclosure (Arendt: 1998, p.182). As regards the ‘amount’ of disclosure generated by each of the three different kinds of activity, it is easiest to treat them as occupying a sliding-scale

As Arendt refers to one's insertion in the web of relations as being like a 'second birth' (Arendt: 1998, p.176), Benhabib takes the very reasonable step of explaining the relationship between this 'second birth' and the web of relations by reference to *literal* birth. In the case of a actual birth, "even before the child is born, members of its family construct a "web" of stories and relationships into which it will be inserted" (Benhabib: 2003, p.112). As well as the actual relations (in the sense of relatives), this includes the expectations held for the newborn; "We all begin life inserted into narratives, stories, and web that were spun before us" (Benhabib: 2003, p.113).¹³

One element of this web is that it provides the necessary context into which one can act; this is a corollary of the dependence of the actor on others. It does so by providing a set of pre-existing identifiable persons (and relationships between them) to act into.¹⁴ As this context is provided by other (potential) actors, each of whom is as free as any other in the way they respond to action, action takes on a certain unpredictability;

with labour obviously revealing the list. It might also plausibly be thought that the deficiency of, for example, labour is not merely that it is minimally-disclosing but specifically that it does not expose the incapacities of an agent. There is also, of course, the risk that it conditions the labourer themselves. This grows into another set of relations, a "second, subjective in-between [which] is not tangible, since there are no tangible objects into which it could solidify" (Arendt: 1998, p.183). This is the 'web of human relations' and it forms a sort of excess to relations based purely on intermediary things with pre-determined uses. If this web is spun out of essentially every interaction (to greater or lesser degree), then Arendt must hold something like the view that it is either not possible or at least exceedingly difficult for an agent to adhere exactly to such usage-based roles without an excess consisting of their own 'personal' approach to them. She in fact regards this disclosing side-effect as inevitable, eliminable only at the cost of "transform[ing] men into something they are not" (Arendt: 1998, p.183). (Given the context of this comment as part of a disagreement with 'materialism', I suspect the transformation in question to be into some kind of automata.)

¹³More on this below, p.27.

¹⁴This includes the dead as well as the living; their "deeds and words" live on after them (Arendt: 1987, p.40) by virtue of the interconnectedness of even those persons who are not directly acquainted with one another. To suppose otherwise would involve some very odd claims about the way in which past actors could figure in the lives of the living, claims which would make the transmission of historical accounts either impossible or entirely void of affective qualities.

The disclosure of the “who” through speech, and the setting of a new beginning through action, always fall into an already existing web where their immediate consequences can be felt... It is because of this already existing web of human relationships, with its innumerable, conflicting wills and intentions, that action almost never achieves its purpose (Arendt: 1998, p.184).

This unpredictability is the result of the equality of people, each of whom has the same capacity for action; no actor could fully predict any other unless they could also control them.

The dependence of the actor on the web, then, is true in two senses: first, it provides a backdrop against which new action is possible; second, the existence of any relationships at all guarantees witnesses and potential respondents (the character of whom will be coloured by just what forms the relationships take).¹⁵ These actors are together responsible for constructing the story which is central to the actor’s identity; there is no human-independent ‘objective’ standpoint available for this.

This proliferation of independent perspectives in turn relates to another feature of action which distinguishes it: the spontaneity of the actor, the capacity to initiate something new (Arendt: 1998, p.177). This capacity is central to Arendt’s concept of action; “To act, in its most general sense, means to take an initiative, to begin” (Arendt: 1998, p.177). The kind of beginning which Arendt means by this has a distinctive character to it;

This character of startling unexpectedness¹⁶ is inherent of all new beginnings... The new always happens against the overwhelming odds of statistical laws and their probability... The fact that man is capable of action means that the

¹⁵This will be laid out more fully in the next chapter, on judgment.

¹⁶This is one of the features which sets this kind of beginning apart from that of a craft project; there is, barring misfortunes, nothing terribly startling involved in making.

unexpected can be expected from him, that he is able to perform what is infinitely improbable (Arendt: 1998, p.178).

This quality of action is what makes revolutions possible; it is also what makes the distinction of actors possible. Both of these possibilities rest on the capacity for the new to which 'initiative' refers. The same capacity for new beginnings, when contrasted in this way with the regularity of the natural, has a certain 'interruptive' quality to it.

This 'interruptive' quality is not limited to the description of action found in *The Human Condition*. Arendt's essay "What is Freedom?" contains a very similar description, including a comparison to miracles (Arendt: 1993f, p.169).¹⁷ There, the process of history is presented alongside the processes of nature as something to be overturned by action; "Once man-made, historical processes have become automatic, they are no less ruinous than the natural life process" (Arendt: 1993f, p.168). We can add a third item to the list of patterns action may disrupt: "society", which requires of its members that they conform to predictable behaviour (Arendt: 1998, p.40).

Though Arendt does not always resort to a comparison between miracles and action, the language in which action is described does not stray far from a comparison between the predictable regularity of natural laws and the potential for something unforeseen to break in against them. One example is Arendt's conference presentation, "Labour, Work, Action"; "What man inserts with word and deed into the company of his own kind is uniqueness. . . [which] is unconditioned" (Arendt: 1987, p.39).

This idea of spontaneity, particularly the references to the 'miraculous', leads to a seeming, if not actual, problem: understood only this way, action is an explosively disruptive element which is detrimental to—perhaps incompatible with—any kind of stability.¹⁸ On this read-

¹⁷Markell (2010b, p.66) uses this as example of this descriptive habit.

¹⁸It's also hard to reconcile this with the existence of a stable set of relationships; This is supported, perhaps, by Arendt's claim that action is capable of creating *new* relationships; "[it] always establishes relationships and therefore has an inherent

ing, the initiative which actors are capable of becomes something to be managed and controlled rather than enabled (which makes Arendt's project into a vindication of precisely that understanding of politics which she argues against by distinguishing action from work).

Is this, in fact, the best way to treat action, particularly the contrast between action's spontaneity and work's rigid stability? If it is, then action is something to be contained and managed but this does not fit with Arendt's attempt to re-conceptualise politics as action, which is hardly written as if a warning against a looming and un-noticed danger.¹⁹ Nor would it even seem as though such a warning would be worth sounding given this passage;

Yet while the various limitations and boundaries we find in every body politic may offer some protection against the inherent boundlessness of action, they are altogether helpless to offset its second outstanding character: its unpredictability (Arendt: 1998, p.191).

Admittedly, the 'boundlessness' of action may—perhaps, should—be mitigated by political institutions;²⁰ this only amounts to the claim that any one particular actor ought not to be able to reach everyone. This is as much a function of the other actors as it is the institutions they find themselves in; one sense in which action is constrained by the web of relations must be the capacity to thwart others. To believe otherwise, one would have to believe either that the institutions themselves would somehow automatically check action without further effort, or that

tendency to force open all limitations and cut across all boundaries" (Arendt: 1998, p.190). If these new relations are to mean anything, they must be generated at the cost of whatever was pre-established. Political revolutions which overthrow previously-existing orders seem the paragon example of just such a change in relationships. This is the business of chapter 5. An attempt to deal with the 'problem' of initiative is the root cause of the problems of the *polis*; see below, section 2.8.

¹⁹The notable exception to this is Arendt's claim that "Modern natural science and technology. . . seem actually to act into [nature, therefore] have carried irreversibility and human unpredictability into the natural realm, where no remedy can be found to undo what has been done" (Arendt: 1998, p.238).

²⁰For a contrast between Arendt and an 'agonic' view of politics which celebrates just the potential disruption of action, see Villa (1999a, p.119).

action was an irresistible danger. Neither of these thoughts seems like a good fit for Arendt's work and we must look to a different, more plausible, reading of 'initiative' to avoid them.²¹

This reading is provided by Markell (2010b); this paper appears three times in this chapter. Here, it appears as a means of illuminating the reading of 'beginning' which makes most sense within Arendt's work. In section 2.6, it contributes, more briefly, to the discussion of the *vita activa's* internal division (though (Markell: 2010a) has more to add there). Finally, it appears below (in section 2.7) in relation to the motivations for Arendt's project because the way in which Markell describes action-as-beginning goes against one of the views of politics which Arendt argues against.

How, then, is the initiatory element of action to be understood? Markell claims that treating it "as the power to break with a series, change direction, or act differently" is incompatible with some of Arendt's own characterisations of action (Markell: 2010b, p.67). He turns to a description of the role of historian²² which appears in Arendt's "Understanding and Politics", which we repeat here in slightly abbreviated form;

our worst fears and best hopes will never adequately prepare us for what actually happens - because the moment even a foreseen even takes place, everything changes
... each event in human history reveals an unexpected landscape of human deeds, sufferings,²³ and new possibilities... It is the task of the historian to detect this unexpected

²¹In part, this is a question of consistency; the idea of initiative as a rupturing event, undetermined by any prior events sounds like—may in fact depend on—an idea of free will as undetermined by any worldly fact. This is a view which Arendt dismisses; in its place, she presents an idea of 'freedom' as synonymous with public participation, presenting this as the original meaning of the term (Arendt: 1993f, p.14).

²²When we ourselves turn to the account Arendt gives of the way in which the American Revolutionaries invoked their own continuity with their colonial history, we see this understanding implicit within that account. See below, p.156.

²³This combination of 'doing' and 'suffering' echoes that of Arendt (1998); "To do and to suffer are like opposite sides of the same coin, and the story that an act starts is composed of its consequent deeds and sufferings" (p.190).

new with all its implications in any given period and to bring out the full power of its significance (Arendt (my ellipses 1994b, p.320), quoted in Markell (2010b, p.67)).

As Markell notes, this passage is incompatible with thinking about the question of ‘unexpectedness’, or of a beginning, in terms of “cause and effect”; instead “something changes in a different register” (Markell: 2010b, p.70). This ‘register’ is the one in which we respond—or at least, in which we *can* respond—to our experiences as something other than “caused states of affairs”; instead, we can experience the actions of others as “meaningful events, features of a world” and, most importantly, “occasions for response” (Markell: 2010b, p.70).

This last is the most interesting element of Markell’s reading, one worth dwelling on; it leads to an understanding of action in which the actor is dependent upon the responses of others, something which features in the account given of ‘self-disclosure’ which is laid out in the section which follows this one. It also points towards the temporal structure of action; “what lends [a beginning] its eruptiveness. . . [is] our attunement to its character as an irrevocable event, which also means as an occasion for response” (Markell: 2010b, p.75). This places the significance of any deed solidly after it has been completed (perhaps very far after), rather than before; action is, in essence, something which happens by looking backwards. The sense in which this ‘happens’ includes determining whether what has been done constitutes a new beginning or not;

There is no way to undo what has been done, no way *not* to suffer it—but you can do more than *merely* suffer it: You can take it as your point of departure. You can, in short, begin. Taking these two points together: what makes an act an instance of beginning? That, against its background, someone begins. What makes *that* a beginning? That it becomes an occasion to begin—and so on (Markell: 2010b, p.75).

On Markell's reading, this makes the pre-act intentions and attitudes out of the picture of determining whether a given act is 'action' in any sense (Markell: 2010b, p.76). This fits very well with Arendt's repeated emphasis that the meaning-generative element of human interaction lies in the consequences. This is something we revisit below; see p.27ff. But, in one sense at least, Markell's reading goes beyond this claim to add that Arendt's discussion of 'unpredictability' "also applies to the very status of action as action" (Markell's emphasis removed Markell: 2010b, p.76). Finally, this builds to what may by now be obvious: it is a "public matter" which acts should count as beginnings; i.e. it is only the participants themselves who can determine which acts are instances of action. This last claim, which is surely right, reappears below as part of our discussion of the nature of Arendt's labour-work-action distinction and so will be treated in more detail there; see section 2.6.

Does this reading fit with the web of relations any better than if 'beginning' is read as an 'eruptive event'? It does; for one thing, it fits well with much of what Arendt says about the 'aftermath' of action in *The Human Condition*, both in terms of its reach and the ease of predicting it.

In one passage, Arendt directly refuses to treat the unpredictability of action's consequences as merely a product of there being several persons involved (Arendt: 1998, p.190). Even if one were to act in a more limited grouping, she claims, this would not make things any easier to predict; "the smallest act in the most limited circumstances bears the seed of the same boundlessness. . . sometimes [even] one word" (Arendt: 1998, p.190).²⁴ This only really makes sense if the respondents are seen as able to respond in a way which reflects their own understanding (or 'point of view'), an understanding which can only become apparent as a consequence of their response.²⁵ When Arendt declares that the

²⁴Arendt muddies the waters here, with this claim: "action and reaction among men never move in a closed circle and can never be reliably confined to two partners" (Arendt: 1998, p.190). This suggests what she almost immediately denies: that it is a matter of the number of persons involved which makes consequences unpredictable.

²⁵This is at least as true of the respondent's self-understanding as it is of the

unpredictability of action is “not simply a question of inability to foretell all the logical consequences of a particular act, as which case an electronic computer would be able to tell the future” (Arendt: 1998, p.191), this points to the same understanding; humans need not be in any sense radically free of causality in order for this to be true of them. The contrast is between that on the one hand and the innumerable consequences which become weaved into a life story by virtue of inter-actor interaction on the other (Arendt: 1998, p.192).

The relationship between web of relations and newcomer can also be seen by returning to Benhabib, to her use of birth to explain the insertion of the new into the world. Returning to this shows that Arendt’s point about the insertion of the newcomer into the world, as with the insertion of the newborn, is really not such an extra-ordinary claim at all.²⁶

Recall that Benhabib’s description included the expectations that parents (or others) have for the life of that newborn; “The mother may want a son who will become the great pianist she missed becoming [, or the father] may want a daughter who will care for him in his old age” (Benhabib: 2003, pp.112–113). The wishes of the child, once it has reached maturity, may very well fail to correspond to the stated wishes of the parent.²⁷ Perhaps it is even a truism that, should a child choose some other path, it will be from those others which are

understanding any other may have of them; this is clearly part of Arendt’s view of action (Arendt: 1998, p.179).

²⁶The account, below, of what we may take to be the aim of Arendt’s work rest in part on intuitions of this sort.

²⁷Even in the case in which the child and parent concur on the matter, there is some question as to just what counts as fulfilling such a plan. In the case of the pianist, this is particularly obvious; the mother’s wish cannot be that the child become the *exact* pianist she herself did not become, for that would be an almost meaningless wish. Rather, she might wish for the child to be an accomplished pianist; this would be perfectly compatible with that child—for reasons either of taste or skill—becoming accomplished in musical directions which mother would not herself have pursued. Unless the mother is especially *doctrinaire* about music, it will not be possible to specify fully what it would mean for the child to live the life the mother would wish for them; this is an exact parallel of the claim made about promising below, in section 4.2.

available within—and conditioned by—the social and cultural context to which they belong, rather than something entirely unimaginable prior to their having chosen it. It is the fact of their having chosen (or fallen into) particular ways of living that can be surprising, or even unpredictable, rather than the sheer fact that a certain form of life should be possible. In either conformity to or rebellion against a parent's wishes, the existing possibilities constrain and enable certain alternatives (indeed, even in the case of rebellion, it may well be that the parent provided this alternative themselves, almost as if by accident).

2.5 Action 3: World- and Self-Disclosure

There are two inter-linked results of action, of 'deeds and speech': one is the disclosure of the acting person, the other the disclosure of the world.²⁸ The two are necessarily connected in Arendt's work; the description of the world, or of how it appears, is at the same time the expression of how it appears to the particular person who speaks and acts.²⁹ If only the 'objective' element mattered, if it were only a matter of reporting the facts of the matter, there would be no place for the element of action which could "answer to the question asked of every newcomer: "Who are you?" " (Arendt: 1998, p.178). For there to be a question, there must be some other person who can ask it of the 'newcomer'; this suggests some need for proof of a self through deeds.

It is via Arendt's description of 'the public' that self and world are linked. That something is publicly-perceptible is, for Arendt, constitutive of its reality;

²⁸This revelatory element is, as suggested above, also present in activities which are primarily concerned with the creation of objects, or even maintenance, so long as the agent is free in adopting whichever tasks they engage in; these happen to be fairly limited revelations of character, leading only to knowledge of the agent's choice amongst non-novel ends and their competence in recognised skills.

²⁹The focus on this element of action is, in part, an attempt to show its essential continuity with the account of judgment which arises in Arendt's later works. There too, what appears is not just 'the world' but 'the world as it appears to a particular person'.

For us, appearance—something that is being seen and heard by others as well as by ourselves—constitutes reality. Compared with the reality that comes of being seen and heard, even the greatest forces of intimate life—the passions of the heart. . . —lead an uncertain, shadowy kind of existence unless and until they are transformed, deprivatized. . . into a shape to fit them for public appearance. . . The presence of others who see what we see. . . assures us of the reality of the world and ourselves (Arendt: 1998, p.50).³⁰

What counts, then, towards the reality of the self is what can be expressed to others. The same is true of the world itself; “[t]he only character of the world by which to gauge it is its being common to all” (Arendt: 1998, p.208).³¹ Arendt places this sense of common experience as the epistemological basis for confidence in sense-data; without it, Arendt holds we could not be sure that sense-data are not mere “irritations of the nerves” (Arendt: 1998, p.209).

A similar manoeuvre underlies the relationship between what one feels and what one expresses; what one thinks and feels can be transformed, either by art works or by discussion, thereby achieving “a kind of reality” they would not have left if left unsaid (Arendt: 1998, p.50).³² This is not a terribly high bar for transformation but it does

³⁰There is a second sense in which Arendt uses the term ‘public’ in the same section; in that case the word is used as a noun, equivalent to “the world” as the common experience of “the fabrication of human hands, as well as to affairs which go on among those who inhabit the man-made world together” (Arendt: 1998, p.52).

³¹The invocation of “common sense” which follows on the same page is a clear precursor of Arendt’s appropriation of Kant on judgment. For this reason, much of what will be said in chapter 3 can be read as pertaining to this passage in *The Human Condition*.

³²This section’s concern with the ‘revelatory’ element of action makes for a marked contrast with the emphasis of the prior section. What comes to the fore here is the communicative element; there is some risk of it sounding as though action consists of an actor stating themselves out loud repeatedly, perhaps to a passive audience. Speech certainly is an important element of action;

without the accompaniment of speech, at any rate, action would not only lose its revelatory character, but, and by the same token, it would lose its subject, as it were. . . Speechless action would no longer be action

evidently alter the character of the feelings; what is expressed becomes, in effect, an object of the shared world and, for that reason, subject to the perspectives and reactions of those others to whom one appears.

What is made public therefore undergoes a further transformation: in exchange for its greater reality or salience, it becomes something which is determinable by a community of actors, rather than the originating individual alone. Whatever one chooses (or feels compelled) to display need not be received in the same spirit as it is intended.³³ This leads us to the most salient feature of the self-disclosure which Arendt describes, the feature by which the agent comes to depend on others: the life story of any given actor is not made by that actor (Arendt: 1998, p.184).

Although the life story of the actor is composed out of their deeds, they do not themselves determine the meaning which comes to be formed out of those deeds (Arendt: 1998, p.184).³⁴ Because of this quality, the story of a life—therefore, the self it discloses—is not formed immediately but as the result of several deeds, considered in light of one another;

The only “somebody” [a life story] reveals is its hero, and it

because there would no longer be an actor (Arendt: 1998, p.178).

Though speech is an important component, it is speech in conjunction with action which appears relevant here; Arendt continues by linking it to the statement of an actor’s intentions (Arendt: 1998, p.179). The alternative she offers is that of the “brute deed” conducted which, lacking speech, does not become “relevant” until the actor identifies himself with his deed (Arendt: 1998, p.179).

³³Arendt settles on pain as the most private of all experiences, claiming it “cannot assume an appearance at all” (Arendt: 1998, p.51). This somehow does not seem quite true; in spite of how one subjectively experiences particular pains, there must be something communicable about them, or there would not be any words in the language with which Arendt could claim that pain did not appear. It may be that all expressions of pain necessarily leave the essence of it untouched but we can often form a very good idea of what is meant when pains are described.

³⁴It is not as though somebody other than the agent is the author of the life story; “Somebody began it and is its subject. . . but *nobody* is its author” (emphasis added Arendt: 1998, p.184). This is something more than the claim that one does not control how’s ones own deeds are received; no-one else really has control over it either. This lack of authorial voice is one of the points on which, as we shall see below, the *polis* differs from Arendt’s own concept of action.

is the only medium in which the originally intangible manifestation of a uniquely distinct “who” can become tangible *ex post facto*³⁵ through action and speech. *Who* somebody is or was we can know only knowing the story of which he is himself the hero—his biography, in other words; everything else we know tells us only *what* he is or was (Arendt: 1998, p.186).

The actor is not completely helpless in this process, of course; for this to be the case, he would have to be entirely irrelevant to whatever story was nominally about him. Kateb describes the relationship this way: “There would be no stories without us. We are their matter” and notes that attempts to deliberately live to a certain meaning are doomed to failure (Kateb: 1983, p.14).³⁶ (It might be more accurate to say that such attempts are doomed not to have no meaning at all but to have a meaning which is entirely unflattering.) This is, essentially, a corollary of Arendt’s claim that the meaning of an act, or a whole life, “can reveal itself only when it has ended” (Arendt: 1998, p.192); both Kateb’s comment and Arendt’s point to the dependence of the actor on other persons insofar as they make ‘meaning’ something generated in response to—rather than in advance of—a deed.

Arendt refers to this process as ‘disclosure’—or as ‘manifestation’ in the passage taken as a block quote above—a term which does not fit well with the role of other actors in the constitution of a life story. These terms carry the connotation of there being something ‘already there’ to be put on display; this passage suggests that ‘construction’ would

³⁵That the actor’s efforts are described in these terms, with the meaning of them apparent only after the act—perhaps only after several related acts—is what matches action with judgment.

³⁶Kateb includes a reference to a passage in Arendt’s “The Concept of History” which attributes to Vico the view that the “contemplative, backward glance of the historian” sees better what is realised through deeds than the actors involved are capable of (Arendt: 1993b, p.77). In Arendt’s *Vico* (and Hegel, for that matter), this is a claim that “higher aims” are realised without the actors’ knowing it, aims which ultimately ‘make history’. In *The Human Condition*, Arendt presents the same claim about the historian’s greater knowledge but does so in her own voice in that instance, instead of presenting it as someone else’s view (Arendt: 1998, p.192).

be a better term than 'disclosure', though this has the disadvantage that it implies some manufacturer at work. Arendt's own choice of 'life story' here is far from perfect, for essentially the same reason: stories have authors. This imperfection leads to Arendt making clear that the "distinction between a real and a fictional story is precisely the that latter was "made up" " and that the "real story...has no visible or invisible maker because it is not made" (Arendt: 1998, p.186).

This last claim, combined with the importance of consequences for the constitution of stories, makes the determination of an act's meaning entirely *post hoc*; it is not something determined ahead of time, then displayed with its meaning ready to hand.³⁷ One consequence of this claim is that it contributes to a sense of Arendt's work as a coherent whole; one way in which it does so is by defusing certain apparent tensions between the individualistic and co-operative elements of Arendt's work, particularly in the form this tension is presented in Passerin d'Entrèves' reading of Arendt.

Passerin d'Entrèves' reading of Arendt on action includes a series of short sections in which he addresses several readers of Arendt in turn, discussing their responses to Arendt's work. In so doing he constructs a list consisting of, among others, Parekh, Canovan, Habermas, Jay and Kateb; what makes a set of these theorists is that each detects a tension in Arendt's work, albeit a different one in each case (Passerin d'Entrèves: 1994, pp.83–84). These include, for example, Canovan's concern that Arendt's includes a tension between 'elitist' and 'democratic' tendencies and Habermas' claim that Arendt's concept of power would be much improved had Arendt's enthusiasm for the *polis* evaporated (summarised on Passerin d'Entrèves: 1994, p.84) Passerin d'Entrèves claims a further tie unites these theorists. Each of the tensions they diagnose, he claims, stems from the same "fundamental tension in [Arendt's] theory between an *expressive* and a *communicative* model of action" (Passerin d'Entrèves: 1994, p.84).³⁸

³⁷The 'mechanics' of this appear in the next chapter.

³⁸These terms are taken from "Benhabib's reformulation of Habermas' categories"

Rather than look at the causal links between the ‘fundamental’ tension and those identified by the theorists Passerin d’Entrèves groups, the object for now is the nature of the ‘fundamental’ tension itself.³⁹ Whilst the claim that this is a tension does not come good, it does illustrate the way in which the actor’s self-disclosure works.

The ‘expressive’ element Passerin d’Entrèves identifies is that side of action which “allows for the self-actualization of self-realization” of an agent, reliant on norms of “recognition and confirmation of the self and its uniqueness” (Passerin d’Entrèves: 1994, p.85). This, we have already encountered. The other element, the ‘communicative’, takes the aim of “reaching understanding” through symmetrical relations between equal subjects (Passerin d’Entrèves: 1994, p.85). This too has been encountered, though it above featured as the prerequisite of the ‘expressive’ element; the communicative element creates the relationships which form a public realm, on Passerin d’Entrèves’ account, because it is the source of norms of reciprocity (Passerin d’Entrèves: 1994, p.84).

What is it which creates a tension between these two elements of action? For one thing, they seemingly take different objects, so long as the ‘expressive’ element is taken to involve a passive audience, one which merely needs to recognise the actor without having to contribute anything themselves in response. This is part of Passerin d’Entrèves’ picture of action, drawn from Sheldon Wolin’s understanding of the political community as an audience for the storyteller who the actor relies on; “in other words, *behind the actor stands the storyteller, but behind the storyteller stands a community of memory*” (Passerin d’Entrèves: 1994, p.76).⁴⁰ This makes those who witness—later, those who remember—an actor passive parts of the process, in a manner not present in all of Arendt’s description of action. On the model which casts the commu-

of types of act (Passerin d’Entrèves: 1994, p.85).

³⁹Passerin d’Entrèves holds that readings of Arendt have focused mainly on the ‘expressive’ half of the pair and that this is the cause of much of the criticism of her work (Passerin d’Entrèves: 1994, p.65).

⁴⁰See the section on the *polis*, below, for a similar view of action. Passerin d’Entrèves’ account itself clearly draws on the *polis* for this image of the community as mere audience.

nity as an audience, it is at least implicit that the actor becomes an author; we have already seen that Arendt holds that there is no author—hence, no authorial authority—to declare the final meaning of an action in advance. Interpreting action as ‘expressive’ risks undermining this, as it casts the ‘recognition’ which is key to this element as if it is the expression of something ‘within’ the actor, latent and waiting merely to be recognised. This will not do; the passivity of the audience is in stark contrast with the reading explored, immediately above, with the aid of Markell. It also runs against the way in which we will characterise the nature of the distinctions between labour, work and action in the section following this.

2.6 The Nature of this Division

Having now seen what distinguishes labour, work and action from one another, it is time to see what the form of this distinction is to amount to.⁴¹ This includes settling whether the three are meant to be mutually exclusive, i. e. if a single deed can potentially be described under each of the three rubrics without distortion. Something like this choice has been necessary since very soon after the publication of *The Human Condition*; a 1959 review⁴² offers either “three distinct classes of activities” or “three elements that can be found, at least potentially, in any activities” (Frankel: 1959, p.422), with the claim that it is not possible to decide which of the two Arendt intends. Somewhat more recently, Hinchman and Hinchman present the problem this way; “the key concepts [Arendt] employed to clarify political realities—“labor,” “work” and “action”—are themselves shrouded in obscurity in respect to their origin and epistemological status” (Hinchman and Hinchman: 1984, p.185). The solution advanced in that paper, which

⁴¹One recent paper, Markell (2011), splits the distinction into two component relationships: labour-work and work-action, in order to emphasise the way in which work relates differently to the two other elements of the *vita activa*. For the sake of space, references here will be to the distinction between the three, taken as a unit.

⁴²Found via Markell (2011).

we turn to below, is to examine the links between Arendt's work and the phenomenological tradition exemplified by Husserl and Heidegger.

Based on the discussion of 'beginnings', above, it may already be obvious that non-exclusivity is the preferred reading. This makes best sense of the potential interpretation of any deed as a new beginning.⁴³ It also matches with what we are soon to say about the kinds of person for who the distinction might be of use.

The alternative to this would be to treat labour, work and action as non-overlapping categories, such that any given deed could be filed into on or another of the three. On this account, it becomes a matter of correctly cognising which of the three any particular deed belongs to, which conflicts with the interpretive liberty we have earlier posited. It also struggles against Arendt's claim that self-disclosure is a by-product of all actions "even when [agents] wholly concentrate upon reaching an altogether worldly, material object" (Arendt: 1998, p.183). It could only be otherwise, Arendt claims, if men were actually to become automata (Arendt: 1998, p.183).⁴⁴ What is the relevant difference between the automaton and the man? The former does not choose its tasks; the latter is, at least nominally, able to choose what he does. This is what allows a revelatory quality, however minimal, to inhere in any thing which a human undertakes. Choosing which profession to enter, or which means to use to survive, is hardly a grand choice but, so long as it is a choice, may reveal some sense of a particular person's preferences, or what they take to be a tolerable life.

To treat labour, work and action as non-exclusive also goes some

⁴³It also matches rather nicely with the way in which exemplars function for judgment; anything may be taken which the judge feels will illuminate a matter. There is no reason this need be something which originally aimed at the same thing as the judge, or even that aimed at being remembered. See below, section 2.8.

⁴⁴The reference here to 'objective' suggests—though it does not force this conclusion—that the potential overlap in question is only between work and action, as labour's description does not essentially contain a reference to anything objective or worldly. If it is conducted purely privately, as if entirely unobserved, then it could not disclose anything about an agent. However, the comments which follow, regarding the choices an agent makes, can apply to labour so far as it is not entirely forced and un-free.

way to avoiding a pertinent concern raised by Markell about building a “conceptual specification” of political engagement (Markell: 2010a, p.95). Markell’s concern is that, if we treat Arendt’s chosen task as categorising activities, we cast her into a role with which she would presumably not be entirely comfortable;

understood [as a question of what ‘counts as’ political activity], the question ascribes to the theorist who answers it, no matter how egalitarian his or her commitments, a certain kind of supervisory expertise over the manifold of human activities—an expertise that might remind us of the theoretical knowledge claimed by... the Platonic “statesman,”... [who] assigns those tasks to those who do perform them (Markell: 2010a, p.95).

The danger of this—of assuming a theoretician’s view from ‘outside’ of politics—is that it assumes a perspective it takes to be superior to that from ‘within’ politics.⁴⁵ Markell’s concern is that, from this perspective, it is possible to say to participants (or potential participants) what it is that they have done should count and what should not; if this is done from the position of theory, rather than participation, then it is an entirely one-directional business, rather than a dialogue.

Markell suggests that, in place of this ‘conceptual specification’, Arendt is in fact best read as advocating “an enriched description” of politics, one which attends to those elements of the practice which are distinctive (Markell: 2010a, p.95). This avoids the potential problems just outlined; it also involves attempting to remain faithful to the events—and the participants’ experiences—themselves.⁴⁶

Seen in these terms, Markell’s reading approximates to that advanced in Hinchman and Hinchman (1984). They take the conceptual

⁴⁵That Arendt wishes to avoid anything outside of the public realm assuming the role of a standard for public business is evidenced in her reading of the *Declaration of Independence*; see below, subsection 4.7.4.

⁴⁶Elsewhere, Markell describes the same dichotomy with specific reference to the “significance of events”, which cannot be adequately comprehended from the perspective of disengaged theory (Markell: 2010b, p.80).

obscurity of Arendt's work to result from a neglect of the relation of Arendt's work to Heidegger's (and, via his, to Husserl's). To get a sense of what this move entails, what follows is a capsule account of Hinchman and Hinchman's attempt to remedy this neglect.

The first interpretive step is a brief account of Husserl's work; Hinchman and Hinchman focus on his opposition to the Kantian division of phenomena and noumena, where the latter is taken to be the 'real' world which stands behind the realm of actual experience (Hinchman and Hinchman: 1984, p.187). Husserl's work discards the noumenal element to focus entirely on phenomena; "But since [these] no longer stand in contrast to any putative "noumenal world", whatever knowledge we can obtain about them counts as objective in the fullest sense" (Hinchman and Hinchman: 1984, p.187). Given what we have already said in this section about Arendt's project, the lineage should be reasonably clear already. But there remains one element of (the Hinchmans') Husserl's project that touches on the understanding of Arendt outlined above: it contains the claim that "phenomenological experience" gives rise to "a more fundamental. . . stratum of experience" than the natural-scientific account would give (Hinchman and Hinchman: 1984, p.188). This is an obvious parallel with the opposition, recently discussed, between the theorist's categorising of political activity and attentiveness to political actions in themselves.⁴⁷

From Husserl to Heidegger, to complete the picture of Arendt's inheritance as a phenomenologist. Hinchman and Hinchman provide this summary of that indebtedness;

we argue that [Arendt's] fundamental judgment about Heidegger's thought remained strikingly consistent. In most of her mature writings she silently appropriated and developed many of Heidegger's most significant insights, yet from beginning to end she simultaneously criticized his alleged isolation from the world of human affairs (Hinchman and Hinchman: 1984, pp.188–189).

⁴⁷This contrast will become clearer in the next section, once Arendt's complaints against the tradition of political philosophy are outlined.

As the concern here is not with problems of Heidegger's work, the focus will largely remain with the constructive elements of his influence on Arendt. This includes some continuity with Husserl's project, most notably the attempt to avoid reducing the relationship between person and world to one of cognition but to recognise 'knowing' as one amongst several different ways of relating to the world (Hinchman and Hinchman: 1984, p.190).

As cognition is demoted from being the primary mode of relating to the world, so the possibility of relating to the world in other ways is raised, ways which rest on an understanding of human beings as fundamentally enmeshed in the world as something other than detached observers (Hinchman and Hinchman: 1984, p.191). A parallel to the Kantian *a priori* categories of experience is used to refer to this relationship between person and world: "existentials" (Hinchman and Hinchman: 1984, p.190).⁴⁸ To be enmeshed in the world in this way is to live in a "space within which physical things take on their meaning as *part of* [that] world" (Hinchman and Hinchman: 1984, p.191); the contrast here is with the world understood primarily in terms of physical dimensions.

Seen in the context of this usage of Heidegger, Arendt's 'labour', 'work' and 'action' can be seen as 'existentials', in the sense that they "seek to illuminate what it means to be-in-the-world" rather than functioning as abstracted "empirical generalizations" (Hinchman and Hinchman: 1984, p.197). One consequence of seeing them this way is that they are things which, under certain circumstances, can become rare or more difficult or even impossible to engage in. Treating the three as existentials also ties Arendt's project back to the element of Heidegger's which focuses on the direct, experiential qualities of worldly engagement. This makes the experiences of an agent central, though this does not stretch so far as to make an agent's self-report exhaustive, as the

⁴⁸The Hinchmans' list of "existentials" in Heidegger: "care" (the general relationship of [a person] to its world); "anxiety" and "fallenness" (Hinchman and Hinchman: 1984, p.190).

Hinchmans point out; “It is always a root principle of phenomenological investigation that we distinguish what actually appears to us in experience from the way we think and speak about what appears in subsequent reflection” (Hinchman and Hinchman: 1984, p.197).⁴⁹

This returns us to Markell (2010a); that paper, too, reflects on the experiences of actual political actors, emphasizing that they form a central part of Arendt’s description of the American Revolution (Markell: 2010a, pp.98–99). There are two elements to this description: first, that the revolutionaries found no need to use theory in the interpretation of their experiences; second, that they found—to their surprise—that they enjoyed themselves (Markell: 2010a, pp.98–99). They themselves, having discovered that they enjoyed public life, were not able to admit this;⁵⁰ for this, Arendt blames “the weight of the entire Christian tradition” (Arendt (1990, p.33) quoted in Markell (2010a, p.99)). This, presumably, derives from the Christian concern with the ‘next world’ at the expense of this one, which Arendt regards as a cause of ‘worldlessness’ (Arendt: 1998, p.54).

As Markell points out, this points towards a mismatch between the experiences the revolutionaries themselves have and the accounts they are able to give of them (Markell: 2010a, p.99). If the actors are not themselves able to fully articulate their experiences, then the work of the phenomenologist cannot be to uncritically reconstruct their accounts, taking them at face value. Instead, their efforts are to include some reconstructive element, which operates not only ‘against’ theories (or ideologies) which distort experience but also against the own actor’s partial recollections. This does not sound so very different from the ‘historian’ who appears above on p.21, or from the storyteller’s reconstruction of meaning out of actions (Arendt: 1998, pp.191–192) or, finally, from the account of the judge, who is the focus of the chapter immediately after this one. Each of the three shares two characteristics:

⁴⁹If all that counted was the first-personal account of an agent, Arendt’s concern regarding conceptual drift would lose some of its force.

⁵⁰Arendt does not specify if it is that they could not admit it ‘to themselves’ or to others.

first, that some interpretive effort is necessary; second, that there is no pretence to 'objectivity'.

There is an alternative way to treat the labour-work-action distinction: as if Arendt is proposing a set of 'categories', in the Kantian sense, through which to understand what humans do. This is a reading advanced, in quite brief form, in Tsao (2002), a paper we return to below in discussing the *polis*. Tsao's reading also treats labour, work and action as non-exclusive, denying that Arendt's work is an attempt to provide a "definitive taxonomy of possible activities", (Tsao: 2002, p.102). Though we have already agreed to that last claim, our path to this denial differs from Tsao's; his characterisation of Arendt's distinctions as 'categories' does not quite capture her project as well as the views we have already encountered.

Tsao's example of how the labour-work-action distinction is to work is a "wage-earning artisan", whose efforts he claims can be seen in terms of labour, of work and of action (Tsao: 2002, p.101). The artisan's business takes on, depending on the focus of the description, the colour of each of the three species of activity; it conforms to the "particular explanatory logic and temporal dynamic" of each;

Insofar as he *works*, his craft will yield a final result, a lasting product that will persist in the world apart from its maker; the activity ends when its intended design is fulfilled. Insofar as he *labors*, though, the singular, teleological sequence is subsumed within the ongoing rhythm of effort and rest, our artisan's daily grind. . . He may be [anonymous whilst working and labouring but] no such anonymity is possible insofar as he *acts*: if he is to share his tools, say, or carry out a contract, his fellows must be able to recognize and keep track of his doings as a distinct individual (Tsao: 2002, p.101)

The most obvious consequence of taking this example as it stands is that almost any conceivable activity could stand as an example of labour,

and of work, and of action; this does not entirely efface the distinctions between the three activities, since each still convincingly maps onto a distinctive element of our 'waged artisan's' efforts. If we wanted to maintain a hard distinction between each of labour, work and action, then that may well be possible within the description that Tsao gives us. Certainly, the elements of the 'waged artisan' which correspond to labour and work are easy enough to consider separately (indeed, Tsao does himself); to earn wages is, for the sake of continued life, quite essential but also immaterial to the actual procedure of construction that one is able to procure a livelihood by means of the work.⁵¹ As easy as the separation of the two may be, it does not settle on the real trouble with Tsao's example.

It does, however, involve a particularly low bar for what is considered 'action', or to put it another way, what deeds are considered capable of revealing someone's character. The two acts Tsao gives as examples only need the waged artisan to be physically distinctive enough that he can be reliably identified, whereas not much of his character (or life story) need be revealed by either lending tools or signing contracts. He can remain relatively anonymous⁵² within both of these examples, so long as our interest is only in the successful completion of either. The revelatory character which is possible would stem from the character in which he concludes either; lending begrudgingly, say, or completing a contract more diligently than he was bound to. Either of these would exceed the needs of the 'objective' interaction; neither is necessary for success of either.

This understanding of action is also mainly forward-looking; it relies on the future continuity of the same agent, rather than piecing together a story about his past deeds to establish a sense of who he *was*, in excess

⁵¹Arendt does complain of work becoming engaged in as if it were labour; her complaint is as much about the transformation of the products into consumables as it is about the process itself (Arendt: 1998, p.230).

⁵²Later in the same paper, Tsao says that "action must "contain" the agent's identity somewhat in the sense that a bank check must bear a valid signature for it to be recognised as such" (Tsao: 2002, p.104). Even this admittedly deflationary reading of action has more to it than his initial 'waged artisan' example.

of any particular deed. This is suggestive of the main problem with Tsao's reading of Arendt as a "a great deal closer to . . . Kant [than she is to Aristotle]" (Tsao: 2002, p.102). The comparison with Aristotle can be set aside; what is of interest is what follows from treating Arendt as offering a (roughly) 'Kantian' theory when she divides the *vita activa*. This is the understanding of Kant which Tsao works from;

Kant had sought to derive a priori principles valid for any possible experience solely from the way our cognitive faculties [rather than the world 'as such'] must organize all such experience. The relevant sense of 'possible' for Kant is thus 'possible to understand': any object we perceive or event we experience is fundamentally structured by ineluctable constraints to our understanding itself. So too for Arendt, though her categories apply at a lower level of abstraction, namely to the possible forms of specifically human activity in the world. In other words, her abstract theses concerning essential attributes of labour, work, and action derive from what she takes to be the fundamental (and numerically finite) ways in which we are able to *comprehend* the basic kinds of continuity and change that human beings are able to effect (Tsao: 2002, p.102).

Given this understanding of Kant—as well as this understanding of Arendt—it is peculiar to characterise Arendt as dealing in categories at all. The difficulty is as follows: categories *necessarily* condition the world as factors of cognition. The claim that our understanding of events conditions the way that we see them at least escapes any risk of regarding the events themselves as carrying within them their meanings, or the logics by which we can understand them. Linking Arendt to Kant in this way does, however, still change the relationship of observer to act. Above, we followed Markell to claim that even the ontological status of an act was determined through the way in which it was responded to, placing the status and meaning of any event entirely

post hoc. If Arendt's work presents us with categories, then it becomes an involuntary matter which deeds we do or do not understand as instances of action, as instances of beginning something new.⁵³ One trouble with this view is that it seemingly makes it possible for there to be 'correct' or 'incorrect' interpretations and responses to an act. To regard responses as dependent on cognition returns—at the extreme, at any rate—the initiative entirely to the deed itself.

What remains is to see why Arendt holds this articulation of the *vita activa* is worth producing. That is the work of the next section.

2.7 Why the Division Matters

This section turns to the question of why Arendt thought the articulations she makes within the *vita activa* are necessary. The answer to this involves two claims: first, that Arendt holds the distinctions she makes to have been generally neglected; second, that the concepts of politics which this neglect leads to have had some particularly bad consequences. The worst of these is totalitarianism, though it is not the only deleterious arrangement to appear in Arendt's work. The *polis* stands alone in the section which follows this because it is an institution which is often taken to be on the same side as Arendt.

When Arendt introduces her use of the term *vita activa* and its three constituent elements, she does so with a brief genealogy of the term, which begins with the claim it is "as old as (but not older than) our tradition of political thought" (Arendt: 1998, p.12). The term begins life not as a Latin but as a Greek term, the "Aristotelian *bios politikos* which retains the meaning of "public-political" engagement at least as late as Augustine (Arendt: 1998, p.12). In this early stage, the term signifies "only the realm of human affairs, stressing the action, *praxis*, needed to establish and sustain it" (Arendt: 1998, p.13).

⁵³I suspect that, ultimately, this reading would lead us back to treating action as something interruptive in the way we have above tried to dismiss. Tsao does go on to claim something along these lines; his Arendt wants to provide a notion of human 'freedom' which supplements the causality of the natural realm (Tsao: 2002, pp.102–103).

This meaning is later joined, in Arendt's genealogy, by non-political modes of engagement with the world; "the term *vita activa* lost its specifically political meaning and denoted all kinds of active engagement with the things of the world" (Arendt: 1998, p.14). It is this version of the term, rather than the 'exclusively political' version which predates it, which remains in place for the remainder of Arendt's work.

Arendt ties this development from one version to another to the end of the "ancient city-state", an historical development in which "what it once meant to be a citizen" was forgotten and so the significant difference between that kind of world-engagement on the one hand and labour and work on the other became obscured (Arendt: 1998, p.14). From here, she claims that the distinctions between the three disappeared, mainly by the demotion of politics to the level of the other two (Arendt: 1998, p.14); she matches this development to a corresponding increase of regard for the dignity of the *vita contemplativa*, which came to be seen as the only genuinely free life (Arendt: 1998, p.14). This assessment of contemplation as a superior way of life to politics is one which she pointedly ascribes to philosophers themselves, who come to see freedom from political activity as fundamentally the same as freedom from the need to labour, or to work (Arendt: 1998, p.14).

The term *vita activa*, therefore, is one which is taken from use external to the active life and belongs instead to the detached viewpoint of the contemplative life; it sees, in place of the differences between activities, each as necessarily unquiet and therefore a risk to the quiet needed for contemplation (Arendt: 1998, pp.15–16). Arendt's use of the term is, in reply to this, not an attempt to change the meaning of it but "rather the hierarchical order inherent in [the term's use] from its inception" (Arendt: 1998, p.17). In performing this reversal, Arendt's aim is to move from the great distance at which all activities are seen only in terms of their unquiet to consider more carefully the differences between them (Arendt: 1998, p.17).

The damage which Arendt's work seeks to undo by this move is

that caused first by conceiving of politics in terms of work rather than action and, later, the treatment of all activities solely in the mode of labour.

To conceive of politics, or public business of any sort, as though it is analogous with work is to try to “escape the haphazardness and moral irresponsibility inherent in a plurality of agents” (Arendt: 1998, p.220). The trade is between plurality and predictability, which will not appear as a trade at all to anyone who wishes to escape the haphazardness of action which has been so prominent in earlier sections of this chapter. The earliest example of this trade is the “philosopher-king” of Plato, who reduces the “perplexities of action” to “solvable problems of cognition” (Arendt: 1998, p.221).⁵⁴ With the problems of public life reduced in this way to a matter of ‘seeing clearly’, the full distinction between, on the one hand, the one who knows the correct acts and, on the other, those who merely follow them becomes possible (Arendt: 1998, p.222). The former need not pay heed at all to the motives and goals of the latter, who have by that move been placed into a subordinate role and, therefore, entirely outside of the class of people who may make use of their own capacity for beginnings. Rulership becomes a part of the vocabulary of describing political institutions;

The hallmark of all such escapes is the concept of rule, that is, the notion that men can lawfully and politically live together only when some are entitled to command and the others forced to obey. The commonplace notion in Plato and Aristotle that every political community consists of those who rule and those who are ruled... rests on a suspicion of action (Arendt: 1998, p.222).

The ‘statesman’ stands, in a sense, outside of politics and, in so doing, removes the possibility of politics for others.

⁵⁴This desire to escape the unpredictability of dealing with independent actors on an equal footing is, Arendt holds, a significant motivation for much of political philosophy (Arendt: 1998, p.222).

This ties back to our earlier discussion of beginnings as a feature of action; Markell's discussion of initiative is part of a sustained demonstration that Arendt's use of the term is opposed to precisely this idea of rule as a necessity component of politics-related vocabulary (Markell: 2010b, pp.64–65). The need for this attention to the vocabulary used to describe politics is that any description "involves an interpretation of the world" (Markell: 2010b, p.64); any interpretation of human events will, at the same time, condition the way in which things are done. For this reason, Arendt's work, with its focus on world-interpretation, opposes the "positive valence" attached to the notion of rule by presenting an alternative concept of politics (Markell: 2010b, p.64).

Importantly, Arendt's strategy is not to contrast a concept of rule with an opposite (but equal) concept of no-rule; instead, her aim is to show that this pairing is fundamentally a misguided attempt to understand and to shape politics (Markell: 2010b, p.65). This leads to Arendt's emphasis of different elements of the experience of politics. The capacity for individual initiative, including the competing wills and goals, forms an important part of the opposition to rule conceived of as a singular over-riding will. If Arendt was content to let the understanding alone and merely to advocate a change in the occupier of rulership, she would not have described it as a problem that the French Revolution effected just such a change (Arendt: 1990, p.74).

This concept of politics, as work driven by a singular vision, or towards a particular plan, is the one present for much of political philosophy. The other erroneous understanding of politics which Arendt discusses is that which derives from labour; this is a more recent development.

The development in question is the resumed importance of the *vita activa* with labour assuming the role of fullest prestige and "life... itself as the ultimate point of reference... and the highest good" (Arendt: 1998, p.313). The initial mechanism by which Arendt holds this to have taken place is quite subtle; it is in part the result of a loss of faith in non-earthly immortality (Arendt: 1998, p.320). The above-mentioned

worldlessness of the Christian world-view conditions the response to this loss of a hereafter; what modern man returns to is not this world but to himself (Arendt: 1998, p.320);

The only contents left were appetites and desires, the senseless urges of his body which he mistook for passion. . . The only thing that could now be potentially immortal. . . was life itself, that is, the possibly everlasting life process of the species mankind (Arendt: 1998, pp.320–321).

This shares with the above problem that it takes something to be determinant for public business which is not itself public, is perhaps not even sensibly displayable in public at all. It adds something new to this: whereas work is at least nominally about providing something permanent and enduring, there is no sense in which anything lasting can be built on the basis of natural drives endlessly demanding ever more. The nightmarishness of the scenario Arendt presents culminates in the total disindividuation of this driving force; it becomes reified into a “natural force”, something which subsumes individual needs and faculties completely (Arendt: 1998, p.321). This, in the end, renders superfluous every detail which does not serve “life’s metabolism with nature” unless it can be cast—as Arendt’s example of Marx’s understanding of *Paradise Lost* shows—in terms which make them a species-specific peculiarity (Arendt: 1998, p.321).

There are two dramatic examples of this process in Arendt’s work. The first is the French Revolution, the second her reading of totalitarianism. To the former first: the French Revolution was undone, in Arendt’s account, because of the involvement in it of the ‘social question’, the problem of poverty;

poverty is abject because it puts men under the absolute dictate of their bodies, that is, under the absolute dictate of necessity. . . It was under the rule of this necessity that the multitude rushed to the assistance of the French Revolution. . . and eventually sent it to its doom. . . When [the poor]

appeared on the scene of politics, necessity appeared with them. . . freedom had to be surrendered to necessity, to the urgency of the life process itself (Arendt: 1990, p.60).

This analysis is obviously of a piece with that found towards the end of *The Human Condition*; what this passage adds is the explicit contrast between the pressing needs of the body and the opportunity to construct lasting political foundations.⁵⁵

This sense of unstructured chaos, brought about by some novel idea, is also a part of Arendt's description of totalitarian movements. In "Ideology and Terror", a chapter added to the second and subsequent editions of *The Origins of Totalitarianism*, Arendt makes a comparison between two competing ideas of law. The first, which is the more recognisable, is of law as "lawful government and legitimate power" (Arendt: 2004a, p.595). Against this stands the conception of law as 'natural law', to which totalitarian regimes appeal as the basis for their efforts; the "Law of History or the Law of Nature" (Arendt: 2004a, p.595) is called upon to legitimize regimes of this kind. 'Laws' of this form are treated as underlying laws of reality, which determine the path of history, to which persons must conform; "Totalitarian lawfulness. . . applies [them] directly to mankind without bothering with the behavior of men" (Arendt: 2004a, p.595).

Because a law of history is taken to be primary, it is also taken to be self-legitimizing and, for that reason, the automatic victor over any actual law contrary to it (Arendt: 2004a, p.595). The parallel between this and the 'necessity' of the body which appears in the French Revolution is clear enough; to this it adds the totalitarian movement's claim that it is transformative of "the human species into an active unfailing carrier", rather than mere sufferer, of the law in question (Arendt: 2004a, p.596).

This points towards the difference between totalitarianism and mere dictatorship; the laws 'perceived' as underpinnings of history in this

⁵⁵This informs Arendt's antipathy, (see p.195ff.), towards Jefferson's discussion of the 'content' rather than the 'form' of his ward system.

way are “laws of motion”, a difference which conditions whatever actual laws the totalitarian regime may enact (Arendt: 2004a, p.597). To the extra-political as a source of ends is added a strongly destabilising element.

What links all of these problems is that each takes something from outside of a public realm—something which is therefore immune to debate—and institutes it as the aim of public business. The institution which is the subject of the following section does not have quite the same problem, as we shall soon see.

2.8 Arendt and the *Polis*

The aim of this section is to disassociate Arendt’s account of the Athenian *polis* from her account of politics as such.⁵⁶ This is necessary for one reason: to separate the two so that the unpleasantness of the former does not infect the latter. It is desirable for another: an Arendt who is not infatuated with the *polis* is a more consistent thinker of political institutions.

The *polis* arises as a response to the unpredictability of action and the ‘frailty of human affairs’; for the Greeks, this ‘frailty’ is not simply one inevitable element of the human condition but a problem to solve (Arendt: 1998, p.192). We have already encountered, via Markell, this particular difficulty the actor has in getting his actions recognised as exactly the actions he wishes to have performed.

⁵⁶For the sake of brevity, ‘the *polis*’ will be used as shorthand for ‘the *polis* as Arendt describes it’. The same is true for references to ‘the Greeks’ and so on. There is some question as to how accurately Arendt’s *polis* is even meant to match the historical *polis*. Tlaba, for example, treats Arendt’s *polis* as a;

(deliberate) historical fiction. . . as Stephen J. Whitfield suggests. Arendt ignores the historical material which shows that there was a considerable mixing of politics and economics of the public and the private. . . [and] that the Greeks engaged in politics in order to gain and protect their wealth (Tlaba: 1987, p.40)

See also Villa (1999c, p.247–248n.7), which argues against treating Arendt’s *polis* as if it were meant to be historical fact rather than “ideal type”.

This becomes a problem for anyone who, in Arendt's description, "consciously aims at being "essential", at leaving behind a story and an identity which will win "immortal fame" " (Arendt: 1998, p.193). Her Greeks have entirely grasped the self-disclosing element of action; "No doubt this concept of action is highly individualistic... It stresses the urge toward self-disclosure at the expense of all other factors and therefore remains relatively untouched by the predicament of unpredictability" (Arendt: 1998, p.194).

Achilles is Arendt's exemplar for this tendency, presented as having ensured his fame by dying at the right moment; he "remains the indisputable master of his identity... because he withdraws into death from the possible consequences... of what he began" (Arendt: 1998, pp.193–194).⁵⁷ In Arendt's account, aiming towards a particular fame as Achilles does requires the actor to treat the whole of their own life as something they themselves have made even as they lived it; in so doing, the actor must consciously try to take hold of all of the possible consequences of their deeds.⁵⁸

Even with this supreme effort, the actor "who delivers into his narrator's hands the full significance of his deed" remains entirely reliant on that narrator's efforts as a propagator of that story (Arendt: 1998, p.194).

The *polis* exists to offset this difficulty,⁵⁹ to "offer a remedy for

⁵⁷Arendt links the introduction of this particular idea to the impossibility of determining if someone has achieved *eudaimonia* until after they are safely dead (Arendt: 1998, p.192); in that idea, as with much of what follows, there is something approximating the claim that it is impossible to know for sure how something (or someone) has turned out before the thing in question has come to a halt and ceased to take on new significances.

⁵⁸There are two conceivable ways to manage unintended consequences as part of this attempt: the first, to ensure control over the interpretation of them, so that they might appear in a particular (favourable) light; the second, to instead ensure blame was assigned somewhere other than oneself. Either requires, for consistent application, a significant degree of control over witnesses as well as oneself. This degree of control over how one appears is something which Arendt claims is not possible (Arendt: 1998, p.192).

⁵⁹The other advantage of the *polis* is that it provides, presumably by gathering together so many keen to be remembered, a constant opportunity for great deeds

the futility of action and speech” which does not depend on the cooperation of poets (Arendt: 1998, p.197) or, for that matter, anyone other than the *polis* participants themselves. This is, Arendt claims, “as though the men who returned from the Trojan War had wished to make permanent that space of action which had arisen... to prevent it perishing with their dispersal” (Arendt: 1998, p.198). In its way, the solution has an admirable simplicity about it: simply refuse to disperse.

If this refusal were the total of the remedy for the futility of action, then it would not be at all problematic (it would also be an extremely low-impact response). The problem is the structure which is built upon this refusal to disperse; in order to set an action’s meaning into something unchangeable, it must remove several of the features which make action distinctive. To see why (and how), we will turn to Tsao (2002).⁶⁰ Thus far, we have enough of the purpose of the *polis* in mind to move to consider why the institution has appeared as a problem in Arendt-related literature. Before separating Arendt and *polis*, we take a brief survey of the ways in which the latter has caused problems when taken to be an object of enthusiasm for Arendt.

Two things must be true in order for the two to need separating: first, there must be some consensus that the two are not separable; second, that some negative consequence is avoided by demonstrating their separability.

We look to the question of ‘consensus’ first and find that there is indeed some tendency to treat Arendt as broadly pro-*polis*. Kateb (1983, p.1), for example, begins a chapter on action by referring to the closing passage of *On Revolution*, in which Arendt has Theseus assume the

(Arendt: 1998, p.197). The easiest-seen downsides of this element would be a lasting fatigue at the constant need to perform matched with the desire for ever-more-extraordinary excellence.

⁶⁰The objective of the Achilles-type actor is, specifically, to make the story ‘unchanging’; what follows from that (causing the troubles, below), is that it must make it *unchangeable* by other actors. What this actor aims for is something like this: to place the deed and its meaning entirely outside of the realm of the political at the moment of its completion. This is essentially similar in aim to the ‘constatives’ which appear in the discussion, in subsections 4.7.4 and 4.7.5, of political foundations as something to be avoided.

role of “spokesman” for Athens and praise the *polis* for making life bearable (Arendt: 1990, p.281). The place of this passage in the book is alongside a more modern conception of the joys of public life, one which she claims is “perhaps too ‘modern’, too self-centred to hit in pure precision the centre” of the experience (Arendt: 1990, p.281). At best, this suggests only that the modern experience is too self-focused to capture the fullness of the experience.⁶¹

In *The Human Condition*, the institution again appears, alongside the Roman *res publica*, as “guarantee[s] against the futility of individual life, the space protected against this futility and reserved for the relative permanence. . . of mortals” (Arendt: 1998, p.56). In this case, too, Arendt builds a contrast between ancient and modern, with Adam Smith the representative of the modern; Arendt has him present “public admiration” as if it is a consumable good, “of the same nature” as money (Arendt: 1998, p.56). Clearly, this is a very different conception of ‘recognition’, one which does not recognise it as generative of any sense of permanence.

Recognising that the *polis*—along with Ancient Rome—and the modern institutions which appear in Arendt’s work are different in kind, Kateb suggests that “[Arendt] simply added another passion” rather than abandoning her earlier enthusiasm for the Greeks (Kateb: 1983, p.7). To account for this difference, Kateb suggests two forms of political action, “ancient and modern”, the former focused on heroic deeds, the latter on “more modest, almost nameless” participation in public affairs (Kateb: 1983, p.7). Kateb keeps this separation in mind once he moves to discuss the putative problem of the ‘content’ of action; “Whenever the Greek polis occupies the center of Arendt’s reflection, the question of the content of political action does not seem to be acceptably answerable” (Kateb: 1983, p.17). The distinction seems to disappear shortly after; both ancient and modern forms of political action become

⁶¹This is, as we see below in this section, precisely the problem with the *polis* as well.

fixated on “constitutional issues” and no other matters (Kateb: 1983, p.18).⁶²

The above only establishes, at worst, that for Arendt to have a favourable view of the *polis* she would have to have held (and not necessarily at the same time) two differing concepts of action which are hardly irreconcilable with each other. Something more is needed to demonstrate the unpleasantness of the *polis*. A very thorough account of what is wrong with the *polis* is found in Pitkin (1981, p.330ff.), a paper which lists the problems with the institution (and those that enable it) in considerable detail. This will form the bulk of the case against the *polis*, though some other complaints will follow in briefer form after Pitkin (1981) is done with.

Pitkin’s main concern is the division of private and public in Arendt’s work (Pitkin: 1981, pp.336–337), so much of the description of the *polis* focuses on settling how concerns are divided between it and the private household.⁶³ Pitkin’s account of the *polis* is of a hollowed-out institution which is both unpleasant (being blind to the injustice it relies on)⁶⁴ and hollow in a self-defeating way;

⁶²Villa’s account of the ‘content’ of action also claims it to be ‘constitutional’ but claims that this term should be understood in a “broader” sense than as referring merely to a constitutional document (Villa: 1999a, p.118). (Villa refers to this as “the Greek rather than the more restricted American sense” (Villa: 1999a, p.118).) The ‘less restricted’ sense of the term sees politics as able to take in—to make objects of discussion out of—much more than just the legal side of arranging public business (Villa: 1999a, p.119); it would;

be citizenly action aimed against the state and other forces that threaten to restrict or overturn the pluralistic and (politically) egalitarian terms of association the constitution sets out (Villa: 1999a, p.118).

Such efforts would necessarily take in rather more as potential objects of discussion than the *polis* as it appears below (Particularly in Pitkin’s account) would seem capable of addressing.

⁶³Pitkin’s critique of Arendt on the grounds of justice is not limited, however, to engagement with the *polis*; it also takes in Arendt’s account of the French Revolution (Pitkin: 1981, p.334–335). The paper makes one issue of the two elements of Arendt’s work: the exclusion of certain persons from politics and of certain kinds of injustice from political discourse (Pitkin: 1981, p.335). The two are in fact separate problems for Arendt (or for readings of Arendt); we have already encountered that related to the French Revolution, above on p.43. It is in relation to the *polis* that claims about the exclusion of certain classes of persons are made.

⁶⁴Lindahl has a related concern; his 2006 paper focuses on the conception of

On this account, I suggest, one cannot even make sense of politics itself; even for those admitted to its benefits, it can be no real benefit. To see what I mean, put two questions to Arendt: What keeps these citizens together as a body? And what is it they talk about together, in the endless palaver in the *agora*? (Pitkin: 1981, p.336).

We have already see the preliminary answer to Pitkin's question, above: what they talk about all day in the *polis* is themselves.⁶⁵

The last question, that of the subject of discussion, is elaborated upon by Pitkin; economic questions are excluded to avoid the taint of the social and law is excluded because of a Greek conception of it as a pre-political act of fabrication (Pitkin: 1981, p.337).⁶⁶ If we accept all this, the *polis* does, as in Pitkin's description, "resemble [an assembly of] posturing little boys clamouring for attention" and reassurance of their own reality (Pitkin: 1981, p.338).⁶⁷ This gives our preliminary answer to Pitkin's question: what they talk about all day in the *polis* is themselves.

Given this antipathy towards the *polis*, two responses are possible: either somehow redeem the *polis* or else distance Arendt's description

law (as *nomos*) underlying the *polis* (and treating this as, essentially, Arendt's view of law). Lindahl combines the 'spatiality' of this conception of law with its pre-political character; "reducing bounded space to a precondition of politics amounts to depoliticizing the spatial unity of a political community" (Lindhal: 2006, p.885).

⁶⁵This is, perhaps, already an indication that something has gone wrong in the Greek case; the world will still have to feature, if only as background to some deed or other. If only the self-revelatory aspect is given its due, the tendency would be to approximate something like the worry about 'subjectivity' which Arendt has in regards to modernity.

⁶⁶This part of the Greek view is especially troubling for the account advanced here; the main thing which it excludes from politics is the very act of founding which is the focal point of chapter 4. In *On Revolution*, the act of founding is central to the experience of politics. If Arendt agrees with the Greek view, relegating it to the pre-political, then there is an inconsistency between that book and *The Human Condition*.

⁶⁷See also Dietz (1995, pp.23–26) for a review of criticisms of Arendt along similar lines, of which most take the *polis* as evidence that Arendt writes in support of male dominance at the expense of women. This review takes in the line from Pitkin (1981, p.338) that Arendt's writings celebrate *machismo*, or display for its own sake.

of the political from the way in which the *polis* appears (in her work). It is the second path we shall take, drawing on Tsao (2002),⁶⁸ a close reading of *The Human Condition* which presents the differences between Arendt's theory and the *polis*' practice.⁶⁹ Tsao's article is, in essence, a demonstration that the understanding of politics which animates the *polis* is not the same as that which animates Arendt's work. This gap is far from immediately evident, which accounts both for it largely remaining neglected and for Tsao's use of the (slightly expanded) German-language version of *The Human Condition* to bring it more fully to light (Tsao: 2002, p.100).

The interest for this thesis is in the way in which the demotion of the *polis* changes the apparent character of Arendt's work taken as a whole; it makes Arendt's work on the American revolution and the councils come into clearer focus, free of any hint that she may see in them some nostalgic re-enactment of Athens. Further consequences of Tsao's reading of the *polis* are presented at the end of this section.

The most telling of these is that, in order to cope with a seemingly overwrought fear of the influence of poets, the duty of remembrance is transferred into the realm of politics itself; this displaces the possibility of later generations deciding for themselves what is worth remembering (or even the terms in which to remember it);

That is, the perceived threat against which the *polis* is organized, so to speak, is simply the fear that succeeding generations might arrive with projects of their own—and ideas of their own about what would be worth remembering. If the philosophers' failed remedy to the frailty of human affairs had implied a wish to renounce the capacity for ac-

⁶⁸Tsao (2002) starts with an epigram, a quote from W. H. Auden; "Miss Arendt is more reticent than, perhaps, she should be, about what actually went on in this public realm of the Greeks".

⁶⁹Pitkin (1981) and Tsao (2002) address many of the same passages in *The Human Condition*; the difference is entirely the way in which they take those passages to relate to the remainder of Arendt's view of action.

tion. . . the would-be remedy the polis represents turns out to be much the same (Tsao: 2002, pp.113–114).⁷⁰

In the language we above borrowed from Markell, the aim of the *polis* is to make responsiveness something which the participants no longer need; they merely inherit the list of things to remember and the correct manner of remembering, which leaves no room for their own new deeds. They are excluded from political participation and have become an audience at best. As Tsao makes clear, this is of a piece with the ‘philosopher’s solution’, which tries to remodel politics as a whole as a species of production; “If anything, it is worse: while the philosophers want to renounce action altogether, the self-styled heroes of the polis want to foist that renunciation on everyone but themselves” (Tsao: 2002, p.114).

The ‘*polis* hero’, since he is afraid that his story will be supplanted by later projects, may well (though need not) believe that the list of things which a group can remember is somehow limited and, further, that the addition of new deeds must be at the expense of others. In addition to this, the ‘hero’ must believe either that those later deeds will somehow have no reference within them to his own—which is to say he does not share Arendt’s conception of the interconnection of actors—or that only the entire bulk of his story must be preserved in order for him to count as remembered.⁷¹ In short, he treats action, especially self-disclosure, as a zero-sum game.

This makes the *polis* as deeply unattractive—even from a different

⁷⁰One curiosity in this ‘solution’: why exactly were the Greeks so very afraid of relying on poets remaining faithful that they were willing to entirely up-end *praxis* itself? It’s far from clear that setting up the *polis* as they had could possibly be better (even on their own terms) than employing dedicated repeaters of sagas, etc. One plausible motive could be to keep later generations from doing anything which could *excel* the efforts of their ancestors, supplanting them in popular memory.

⁷¹One alternative to the view implicit in the hero’s is provided in the next chapter, in the form of judgment. It answers to many of the deficiencies summarised in this paragraph and the ease with which it fits with action supports Tsao’s contention that Arendt and the hero are working from different conceptual bases. See the paragraph following this one as well, for the ultimate consequence of the hero’s project of the *polis*.

angle—as Pitkin’s picture of it. The last element to consider is the particularly striking way in which the institution refuses the possibility of change; Tsao’s translation of Arendt’s *Vita Activa* provides something which is left implicit in the equivalent passage of *The Human Condition*;

the past is not to be remembered through the continuity of time as the past, with the awareness of a temporal distance, but instead *is to be directly maintained in a perpetual present, in a temporally unchanged form* (Tsao’s translation; Arendt’s emphasis Tsao: 2002, p.114).

This is, perhaps, just another way of stating that there can be no *new* projects if the *polis* is to function as intended. The *polis*, to function in this way, cannot even achieve the cyclical movement of labour; it achieves only stasis, fixity like that of a use-object. Unlike the use-object, however, there is no prospect of its intended use coming to an end. This reverts to an understanding of politics which Markell argued (above) Arendt’s concept of action was directly opposed to.

2.9 Conclusion

On the basis of the above, we know what is at stake for Arendt in setting out her redescriptive project: a vision of politics which is separated out from notions of rule. The way in which Arendt separates out work and action leads to just this. The distinction between labour and action also contributes, forming the backdrop for the construction of identity in public, as well as the need for human efforts (understood in terms of work and action together) for the creation of any kind of continuity.

How does the above relate to the work of the following chapters? The badness of the *polis* lies in the way in which it inadequately relates participants to their predecessors, making the former merely the memory-keepers for the latter. ‘Judgment’, the subject of the following chapter, provides an alternative to this relationship, one which allows for the element of initiative in action in a way which would also perform

the commemorative role which the *polis* ultimately failed to. Judgment combines what we above called the 'initiatory' and the 'context-related' elements of action and, for that reason, is of a piece with the use of Markell above.

The deficiencies of the *polis* also provide a comparative measure for the merits of other arrangements of political institutions in Arendt's work. This contrast will be most obvious when the *polis* is compared to the place of the founding act in Arendt's account of the American Revolution.⁷²

Before encountering the structural contexts which Arendt attaches to this vision, we will turn to consider the other faculty which has a role to play: judgment.

⁷²The way in which the Greeks of the *polis* lay down the 'correct' interpretation of events parallels Honig's discussion of 'constative' elements of founding (see subsections 4.7.4 and 4.7.5). What the Greek actors seek is, in Arendt's own description, to establish the essence of what has been done, to place it out of the reach of other's opinions. The American Revolution, on the other hand, will be seen to leave deciding the essence of the act within the realm of the properly political.

3

Judgment

The last chapter closed with, amongst other things, the *polis*; this leads to the following question: how is the political actor able to combine sensitivity for their inherited context with their own capacity to undertake new projects? The *polis* represented one failure to balance these two considerations, subordinating the entire public realm to the initial project of the founders. Failure in the other direction, which might arise in response to something like the project of the *polis*, would involve actors in somehow refusing anything inherited, in a spirit of rebellion. Whilst the former problem leads, until it collapses, to ossification, the latter would be destructively self-defeating for any actor interested in an identifiable self.

Any middle course between these two extremes would allow the actor to take on a constructive relationship to the past without thereby being entirely determined by it. In the previous chapter, we saw that an actor was entirely dependent on the interpretation of their deeds by

others, both for the meaning of the deed itself and for the self of the actor; this indicates the starting point for an approach to the past which is neither wholly destructive nor concerned with slavish adherence. In short, what is needed is a way for the actor to relate to the acts of others (including those no longer present) which matches the characteristics of action.¹

This chapter will show that it is Arendt's work on 'judgment' which fits this criterion, providing a way for actors to make use of the past in a way which allows them to treat it—to treat specific characters and events which they take from it—much as they would treat the deeds of their contemporaries. Part of this treatment of judgment is showing that it is, as it will be treated here, continuous with 'action' as found in *The Human Condition*, an expansion of certain elements present there rather than something radically new in Arendt's later work. In particular, this builds on the backwards-looking elements of action, the interpretative work which is done by other actors in order to assemble a life story out of a set of deeds; the difference which results from making 'judgment' a part of the picture, we shall see below, is that it frankly admits that the life-story is never a finished product, even if the life itself has long since ceased.

What are the qualities of judgment which makes it suitable for the political? The most important is that it functions as a means of thinking about the past and discussing it which permits some dignity to the proliferation of differing viewpoints and the opinions they generate. The turn to judgment marks a commitment to the value of 'opinion' as a component of the public realm.²

¹For an argument that Arendt's turn to judgment is an attempt to 'tame' action, see Villa (1992, p.287ff). For a reply to the same, see Honig (1993b). Honig's answer is that there are other "practices [and] institutions" in Arendt's work which will achieve the same, with certain kinds of action numbering in the list Honig gives (1993b, p.529). This thesis takes a different route to Honig's paper. Whilst it is true that "action *in concert*, promising [and] forgiving" (Honig: 1993b, p.592) do have a stabilising effect, the continuity between action and judgment presented here shows that a certain kind of stabilising effect is inherent in action as such or, to put it another way, that all action is 'action *in concert*'.

²For the distinction Arendt draws between opinion and truth, see Arendt (1993d,

Another way of putting the above: judgment is fundamentally intersubjective. It elevates opinion from the mere expression of subjective preferences, which could not form the meaningful basis of a public realm; at the same time, it avoids the elements of the world which are objective, which are not subject of opinion (and resists treating all questions as if they are matters of objective fact).³

The main source for discussing Arendt's view of judgment is the posthumously-published *Lectures on Kant's Political Philosophy*, which takes Kant's *Critique of Judgment* to be a work of political philosophy (Arendt: 1982b, p.9).⁴ Arendt acknowledges that Kant's use of judgment pertains to the aesthetic, rather than the political;

he discovered this phenomenon [of judgment founded on common sense]. . . when he was examining the phenomenon of taste and hence the only kind of judgments which, since they concern merely aesthetic matters, have always been supposed to lie outside the political realm as well as the domain of reason (Arendt: 1993c, pp.221–222).

Arendt's appropriation of Kant on judgment undoes the first restriction, the complete dis-similarity of aesthetics and politics, without challenging the second (if by 'reason', we take her to refer to something like 'calculative or technical rationality').

The use of Kant stands in for the third volume of *The Life of the Mind* which Arendt had barely begun to write at the time of her death (Beiner:

p.237ff). See also, below, the discussion of the same contrast in the context of the *Declaration of Independence* p.4.7.4ff.

³In relation to this, Habermas' reading of Arendt, with its attendant faults as discussed by Canovan, is illuminating. See below, section 3.4.

⁴For a discussion of how closely Arendt's reading of the *Critique* reflects that book, see Dostal (2001). He describes her reading not only as "unorthodox" but also as "violat[ing] not only the letter but the spirit of Kant's philosophy" (p.140). On the basis of this understanding, Dostal takes Kant to be unsuitable for Arendt's project (p.139) and offers his own "more orthodox" reading of Kant (Dostal: 2001, p.140). That Arendt's appropriation of Kant is in keeping with her aims is a substantial, though backgrounded, claim of this chapter pursued through showing the similarities between judgment and action.

1982, p.89). Based mainly on Arendt's reading of Kant, there are three important features of judgment: first, that 'imagination' is an integral part of using it; second, that judgment is concerned with specific historical incidents and individuals which function as 'exemplars'; third, that judgment is reliant on a *sensus communis*, a 'community sense', which links actors and makes mutual understanding possible. Each of these three features is the focus of one section in turn.

3.1 Imagination

Imagination contributes to judgment by functioning as a preparatory faculty, "making present what is absent" (Arendt: 1982a, p.79). It does so in two senses: first, it allows recall of currently-absent objects;⁵ second, it makes it possible to "make present to the mind what is absent from sense perception" (Beiner: 1982, p.80). This is the role which is the more interesting one for our purposes here; it is the focus of much of what follows.

This element of imagination isn't only necessary for the sake of judgment;

The role of imagination for our cognitive faculties is perhaps the greatest discovery Kant made in the *Critique of Pure Reason*. . . the same faculty, imagination, which provides schemata for cognition, provides *examples* for judgment (Arendt: 1982a, p.80).

This parallel provides much of the shape of Arendt's description of imagination; the way in which it contributes to one is fundamentally the same as the way it contributes to the other. It is not, ultimately, identical; there is more freedom involved in the kinds of judgment imagination contributes to in the aesthetic (and political) case than in the case of cognition.

⁵This is not just a matter of recall, though that is one half of the matter; Arendt allows also that one can imagine what has not yet passed (Arendt: 1982a, p.80).

For this reason, it is best to start (as Arendt does) with the way imagination helps cognition; it does so by connecting “sensibility” to “understanding” for whichever object has our attention (Arendt: 1982a, p.80). Arendt’s example is a table, for which the sensible element is merely a recognition that some object is present; the understanding has the concept ‘table’ (Arendt: 1982a, p.80).

Imagination provides this link by grouping together the relevant details into a “schema”, an image synthesised to the concept (Arendt: 1982a, p.81). This is a process of recognising which features are necessary for some thing to count as an instance of a particular kind of object (Arendt: 1982a, pp.81–82). The object itself is compared to the schema, which is “something *like* an image” even whilst it eludes exact specification (Arendt: 1982a, p.82).⁶ Matching an object to the concept in this way is a ‘determinate judgment’ (Arendt: 1982a, p.83). (The importance of this name for the process comes in its contrast with ‘reflective judgments’, below.)

One final thing relies on this relationship between objects and their schema: the communicability of particular objects; Arendt’s example is of the need to know ‘bridge’ in order to know what is meant by ‘George Washington Bridge’ (Arendt: 1982a, p.83). All “agreements and disagreements” are dependent on, as Arendt puts it, our “talking about the same thing” (Arendt: 1982a, p.83). Something like this need for commonality recurs below in reference to judgment, most notably in subsection 3.5.4.

Thus far, the discussion has only been of the commonalities between cognition and aesthetic judgment. It is now time to focus on what differentiates them, beginning with the differing relationship between object and concept involved in each. This in turn determines the different functions of schema and exemplar.

The kind of judgment involved in determining objects, as with the

⁶To be clear: it is not that Arendt holds that one has some sensory experience and *then* applies imagination to it; imagination is involved in each perception from the beginning (Arendt: 1982a, p.84).

table above, is 'determinant'; the kind of judgment which features in Arendt's account of politics is 'reflective'. For the former, the operation is one of 'subsuming' a "particular under a general rule"; we perceive the relevant universal 'in' the object. In the case of reflective judgment, the rule is derived from the particular (Arendt: 1982a, p.83), rather than discovered in it. The difference, Arendt says, is that the former involves "subsuming under a concept" and the latter "bringing to a concept" (Arendt: 1982a, p.83).

The importance of this distinction is that, in the case of reflective judgment, there is not a pre-existing cognitive element which *determines* the correct rule to assign any given particular to. The force of this distinction will become clearer over the course of the explanation of exemplars, which follows in the next section.

3.2 Exemplars

Exemplars are different from schema in a few important respects, though both have the same function with regard to their respective faculties, as material to be worked on in some way.

The difference between the two relates largely to the relationship which Arendt wishes to establish between particularities (rather than generalities) and politics. The schema is a highly-abstracted idea, derived from a set of particulars with the irrelevant or individuating details removed.

A generalisation from men to Man would not be appropriate for a politics of individual self-revelation. Resolution of individuals into their socio-biological schema, should such a thing exist, would be no better. Attempting to describe, say, one of the Caesars by pointing to a type 'Caesar' or 'ambitious Roman' would be sorely lacking in explanatory power. We have already seen how Arendt thinks philosophy has tended to commit this sort of error, though her main concern is not so much the lack of detail as the disindividuating tendency as such. Reduction

of people to a schematic person necessitates stripping out the most interesting qualities of each, leaving us with only the common biological facts, plus, perhaps, some vague idea that humans tend to value such-and-such a thing. It would also leave us with a schema which we could only sensibly call 'human nature', one which is in danger of becoming prescriptive as well as descriptive.

This concern informs Arendt's turn towards exemplars as units of material for judgment, which match in temperament to the distinctively individual outbursts Arendt calls 'action'. Instead of relating the particular instance 'back' to a schema in order to reach generalities, the exemplar somehow "contains in itself. . . a concept or general rule" (Arendt: 1982a, p.84). There is also a spontaneity to declarations of judgment, which are made "without any derivations from general rules" (Arendt: 1982a, p.84). The example Arendt uses to explain this process is the judging of a person's courage or otherwise. In her example, the Greeks would discuss courage with the example of Achilles in 'the backs of their minds' (Arendt: 1982a, p.84).

The use of Achilles as an example is not intended, then, as a stepping-stone through which one can then reach the elusive schematic courageous man. Instead, the unit of analysis and the original 'item' are fundamentally the same object. They are not quite identical, however;

...I can talk about Napoleon Bonaparte as a particular man;
but the moment I speak about Bonapartism I have made an
example of him (Arendt: 1982a, p.84).

The difference between the individual and the example generated from them is presumably the difference in focus on their characteristics. The example is, after all, being used to explicate some other feature, such as courage, rather than as a straight-forward biography. The relationship between these two 'things' is rather different than that between things and their schema. In the latter case, there are two distinct objects, the latter amalgamated from a survey of that type of object (Arendt: 1982a, p.82). People and the exemplars they relate to are demonstrably the same base 'object', else the example would generally fail to instruct.

One important, likely the most important, aspect of using examples for explicating a 'concept or general rule' is that examples are in some sense 'valid'. When Arendt discusses exemplary validity, she discusses the need to use examples with which an audience will be familiar to some degree (Arendt: 1982a, p.84). This is obviously important, as it's no use elaborating something with reference to Bonapartism if the other party in the discussion doesn't know who Napoleon was, as Arendt illustrates the point (Arendt: 1982a, p.84).

However, there is another qualifying characteristic for examples which she does not address. This is the question of their qualitative relevance, the match between the person chosen as exemplar and what they are supposed to be examples of. This is an issue to which Arendt does not direct her attention but, this is perhaps because the answer is relatively obvious: the aptness of a particular exemplar is not something which can be determined in advance but will always be a matter of discussion even after some exemplar or other is chosen. Attention to the judgments of others includes attention to the possibility that one might choose an inapt judgment, either one which is not the best available or one which, at the limit case, simply does not display the relevant qualities. If it were possible to know this fully in advance of discussion, there would be no need at all to discuss an exemplar, to make public one's thoughts on them save through simple proclamation. There is a parallel here with the way in which Arendt reads the preamble to the *Declaration of Independence*; the only way to specify in advance the meaning of that document would be to control the reception and interpretation of it (see below, section 4.7).

3.3 *Sensus Communis*

We now turn to describe the *sensus communis*, a term Arendt has adapted from Kant's *Critique of Judgment* to denote the capacities which make judgment possible (Kant: 1987, p.160). The commonality of judg-

ment consists in assuming it to be “a sense *shared*” by others, such that we take account of those others’ views as we make our own judgments (Kant: 1987, p.160).

Arendt’s version of *sensus communis* differs from Kant’s in two significant ways. The first change is the more subtle, though it eventually comes to have significant effect. This is the change from Kant’s treatment of *sensus communis* as a set of transcendental condition to Arendt’s treatment of it as something more ‘concrete’. In Beiner’s ‘rereading’ of Arendt’s use of Kant, he recognises that Arendt engages in some strategic choices of source (Beiner: 2001, cf.p.93) but also regards the following de-transcendentalising move from Arendt as a mistaken reading (Beiner: 2001, p.96);

One judges always as a member of a community, guided by one’s community sense, one’s *sensus communis* (Beiner: 2001, p.96).

We shall see the difference this makes between the two kinds of *sensus communis* very shortly.

Arendt’s other interpretive manoeuvre is to focus on one element of Kant’s description at the expense of two others. This is the list of three components of the *sensus communis* Kant gives:

The following principles may serve to elucidate its principles: (1) to think for oneself; (2) to think from the standpoint of everyone else; and (3) to think always consistently. The first is the maxim of an *unprejudiced*, the second of a *broadened*, the third of a consistent way of thinking (Kant: 1987, pp.160–161).

Arendt’s interest is almost exclusively with the second element of the list, which reflects her interest in the interactive element of judgment and brings judgment more obviously in line with the communicative elements of action. Thinking without prejudice may just as happily be considered prerequisite to, or function of the destructive processes of

thinking. It may also be a natural consequence of taking into account the views of others, providing those others have different prejudices and one can weigh them against each other.

The concern with mental consistency was mainly covered by Arendt in her discussion of conscience in Arendt (1972a). There, she claims avoiding self-contradiction and a variety of similar imperatives was only of interest to the very few, to those who lived largely in thought. It cannot, therefore, commonly function as a moral restraint. This pessimism is the reason she does not emphasise mental consistency in relation to judgment. It may also be that she simply isn't that interested on what goes on within the political agent, given her earlier statements about the difficulty of knowing the internal processes either of ourselves or others.

This emphasis combines sympathetically with the change in *sensus communis* from transcendental conditions. The down-played aspects seem more like preconditions for stringent thought as such, while the idea of needing to take account of others' opinions implicitly encourages thoughts of groundedness in the world. Left as a transcendental precondition, it would instead look more like the minimum condition of communicability which was present in Arendt's discussion of imagination.

To make it 'concrete' is to make it about the actual opinions of particular others. It remains an exercise of the imagination, however, whereby one attempts to account for the potential opinions of others in order to arrive at a "*general standpoint*", as Arendt translates Kant (Arendt: 1982b, p.71).

The use of 'general' rather than 'universal' is reflected in the possibility of there being more than one *sensus communis*, one per community and the hypothetical *sensus* one has as a member of the human race (Arendt: 1982b, p.72). From this, it becomes obvious that one's membership of a community is equivalent to saying one shares in that particular *sensus*.

What this leaves open is the possibility that involvement in a par-

ticular *sensus communis* is a matter of degree. This would make better sense of thinking of one's common *sensus* with the rest of humanity being 'vague' or 'weak', language to which the language to which the de-transcendentalised version seems to lend itself quite well. Beiner describes *sensus*-communities as a "series of expanding concentric circles" and the tighter circles can easily be thought of as the more significant to set-members (Beiner: 2001, p.96). Logically, this ought to be related to how easily one can find examples for judgment that other members of a given community can usefully work with.

Arendt very briefly contrasts this enlarged mind with an "enormously enlarged empathy through which one can know what actually goes on in the mind of all others" (Arendt: 1982b, p.43). She conflates this somewhat with the idea that one might take the enlarged mind to be the simple adoption of another's prejudices (Arendt: 1982b, p.43), a sort of mental tourism which is not identical with empathy. This claim hints at the compatibility of judgment with the elements of action which focused on communication; in place of hypotheses about an internal life, the most obvious candidate—both as object of judgment and as means of understanding the judgments of others—is the actual deeds of fellow actors.

That last feature is what returns this element of judgment both to the use of exemplars and to the responsiveness of action; judgment forms a part of the response to the latter and, in so doing, makes use of the common store of exemplars which contribute to a *sensus communis* in order that the response be readily communicable.

3.4 Judgment as Communication

Given the prominence of the communicative element of judgment (and, hence, of action), something needs to be said in regards to Habermas' reading of Arendt, which emphasises the same element but does so in a way which, as Canovan's commentary on Habermas shows, dis-

torts Arendt's project. The way in which this distortion works brings Arendt's work closer to Rousseau's in a way which starkly exposes the interpretive damage done; Canovan's comparison of Arendt and Rousseau appears as the second half of this section to demonstrate just this. The move to Rousseau is a move to a more extreme version, verging on caricature, of what follows if we take Habermas' Arendt seriously.

First to Habermas. He recognises that Arendt's work includes attention to the distinctness of political action as 'praxis' (Canovan: 1983b, p.106)⁷; much of what, in Canovan's brief summary of his view (1983b, p.107), appears in Habermas' understanding of Arendt matches with what has been said in the previous chapter, about action.

This alternative conceptualisation of action which Habermas sees in Arendt's work emphasises the communicative element of political action;

Arendt... understands power as the ability to agree upon a common course of action in unconstrained communication (Habermas: 1994, p.211).

This is unobjectionable, so long as 'unconstrained' is taken in a plain language understanding. Later in the same work, Habermas characterises Arendt's work as interested in "unimpaired intersubjectivity" as a feature of action (Habermas: 1994, p.215), which matches with the account of judgment given here.

The problems arise, as Canovan points out (1983b, p.109), on the basis of Habermas' criticism of Arendt. There are two closely-related points: first, that Arendt refuses to treat "the process of reaching agreement as about practical questions as rational discourse"; second that, contra Arendt, Habermas takes there to be "a cognitive foundation... for common convictions" (Habermas: 1994, both p.225). This

⁷Canovan's reference is to an address Habermas gave in 1980 but elsewhere, he says much the same thing; Arendt's work "serves to systematically renew the Aristotelian concept of praxis" (Habermas: 1994, p.214).

part of Habermas' reading is characterised by Canovan as "a complete misunderstanding"; flawed because it is "excessively intellectualist" (1983b, p.109).⁸ In his reversion to 'rationality' and 'cognitive foundation', Habermas discards Arendt's commitment to plurality. He has only one brief account for how differing convictions can arise; they can result from "systematically restricted [systems] of communication" and are thus "illusory" (Habermas: 1994, p.225). The correct response to unwelcome illusions is to demonstrate their illusory nature, that is, to cure the victim of them.

For Canovan, the error is that Habermas is concerned with communication at the expense of Arendt's interest in action (1983b, p.108) but this doesn't quite capture the essence of the problem; it is not inconceivable that someone should be interested in action as well but wish it to be based on some rational decision-making process. Or, conversely, it is conceivable to be concerned primarily with the quality of communication without thereby seeing rationality as the necessary grounding. Something of the danger of Habermas' reading of Arendt is revealed by turning to a different paper by Canovan.

Canovan (1983a) is an extended comparison of Arendt and Rousseau, including one difference which is relevant to the discussion of Habermas just encountered: Rousseau's 'General Will' (p.290ff.). The relevant feature of this part of Rousseau's work is that it has a combinatory, unifying effect; the General Will forms part of the creation of a "collective personality", a "device for turning a multitude into one" by means of a "social compact" (Canovan: 1983a, p.290).⁹ By this mechanism, the

⁸As part of her efforts here, Canovan says that Arendt "can certainly be criticized for not... trying to work out by what criteria it can be established that one political opinion is an improvement on another" (Canovan: 1983b, p.109). But conceding this already gives too much away to a Habermas-like attempt to force rationality to be given as a grounding for politics; any criterion given at all must ultimately itself be reduced to this if it is to stand as arbiter 'above' a particular political situation. Instead, the answer is to avoid this 'supervisory' role for the philosopher; what constitutes 'better' or 'worse' opinions is something which would have to be settled from within the public realm.

⁹Arendt's discussion of distinctive types of social contract appears below in section 4.4. Rousseau and Arendt both make contracts central to their understanding of

“chaotic and conflicting wills of the subjects in their private capacity”, become a singular will “in their public capacity, as citizens” (Canovan: 1983a, p.290). The differentiating qualities and private interests are to suborned to this unifying will, which concerns itself with the public good.

On Canovan’s telling, Rousseau’s plan rests on an assumption: “that any citizen thinking rationally about these shared interests must come to the same conclusion as any other”; the comparison she uses is to draw out the quality of this agreement is an arithmetic problem (Canovan: 1983a, p.291). If, as she says, the General Will is a matter of “rational deduction”, then “there must be a right answer, and popular deliberations may not be the best guide to it” (Canovan: 1983a, p.291).

Via the difficulty of ensuring anything better than majorities for measures by vote-counting, Canovan’s description takes us to the logical outcome of supposing that only one interest, that of the General Will as “constructed entity”, unites the citizens;

a single rational man can work out what the General Will requires without any need for real public deliberations. In a perfect republic the assembled citizens would be mere clones, all speaking with one voice. (Canovan: 1983a, p.292).

What relationship does this have to Habermas, or Canovan’s own commentary on Habermas? It stands as a *reductio*. If the important thing is to secure the rationally-optimal answer, then public deliberation hardly seems like the best option. Of course, Habermas is instrumentally committed to discussion as a part of will-formation but the combination of the two requires one to believe in something like the rational solubility of conflicts about public goods. The image here is, even if one starts from the assumption of several competing viewpoints, of convergence on the one correct viewpoint. This does not require Rousseau’s seeming hostility to factions and differentiable citizens; merely the commitment to the idea that there is a rational answer to be had will do the job.

foundations, though we shall see that Arendt’s preferred form takes on quite different characteristics and derives from quite different aims.

The way in which Arendt has structured judgment does not match with this picture; convergence along lines of rational agreement does not feature. To return to the concerns which feature in Canovan's discussion of Habermas, this is not to say that Arendt holds convergence as such to be impossible, which would be a quite fantastic claim to reconcile with any of her examples of politics. Rather, there are two points: first, convergence on emotional grounds is a distinct possibility; second, convergence is not always necessary. In the urgent case where action simply must be taken, there is no need to regard those who counseled something contrary to the final result as irrational; it is enough that they have given way. To regard them also as having held the 'wrong answer' is an unnecessary insult best reserved only for those genuine hopeless cases with whom dialogue is anyway impossible.

This risk of irreconcilability leads into another discussion, one related to the stability of a public realm.

3.5 The Influence of the Spectator

With a basic explanation of judgment in place, it is now possible to examine the most salient difference between Arendt's and Kant's explanation of the *sensus communis*. It will also be possible to address Beiner's "Interpretive Essay" on *Lectures on Kant's Political Philosophy*, in which he claims that Arendt's concept of judgment significantly develops over the course of her career, with the latter version dropping out of the public realm as such. These are, in fact, closely related concerns; the changes in Arendt's concept of the *sensus communis* make possible, indeed necessary, a public role for the judge even as he appears in later works by Arendt.

This section begins with the way in which Arendt differs from Kant regarding the *sensus communis*. Kant presents the *sensus communis* as:

"... a sense *shared* [by all of us], i.e. a power to judge that in reflecting takes account (a priori), in our thought, of

everyone else's way of presenting [something], in order *as it were* to compare our own judgment with human reason in general... (Kant: 1987, p.160).

For Kant, then, *sensus communis* signifies a capacity common to all humans *qua* humans; it is "the very least that we are entitled to expect" from others (Kant: 1987, p.160).

In Arendt's reading of Kant, *sensus communis* has come to signify something different, tied to particular communities rather than just to the community of humans as such. Beiner illustrates this change with reference to Lecture Thirteen (Beiner: 2001, p.96), which Arendt begins by declaring *sensus communis* equivalent to "community sense", which she contrasts with a "*sensus privatus*" (Arendt: 1982b, p.72). The manner in which one escapes this isolation, the incommunicability of sensations, is dependent on the enlarged mind but Arendt's presentation emphasises communicability between specific individuals;

one can communicate only if one is able to think from the other person's standpoint; otherwise one will never meet him, never speak with him in such a way that he understands (Arendt: 1982b, p.74).

This particular comment could by itself almost be read merely to echo Kant's interest in the preconditions of judgment if it did not lead into Arendt linking the communicability of pleasures to choosing "one's company" (Arendt: 1982b, p.74). This consideration would not be possible if Arendt had treated *sensus communis* in the same way as Kant. In Kant's account, there is no real choice involved; the dividing line is between those who are able to engage in the (singular) *sensus communis* and those who lack this fundamental capacity. It is simply not possible to connect with the latter category, so there is no question of choosing company there.

This 'company choosing' claim occurs shortly before Arendt claims that judging always occurs as part of a community, "guided by one's community sense" (Arendt: 1982b, p.75). As with company-choosing,

this claim makes no real sense if talking about a universal capacity or transcendental condition. Arendt does link this to the idea of humanity as a whole as a community and thus to an idea of the world citizen in Kant (Arendt: 1982b, p.75). The link, though, is not mainly to the third Critique but to “Perpetual Peace” (Kant: 2001, pp.103,105). Where Kant does talk of an “. . . as it were, original contract dictated by [our] very humanity” in the *Critique of Judgment* it is clearly figurative rather than literal; it is immediately made clear that this does not make the determinant of ‘successful’ communicability of judgment the society of the judge (Kant: 1987, p.160). Instead, the influence of one’s immediate social surroundings would, on Kant’s account, figure amongst the temptations to resort to local prejudice at the expense of comparing one’s judgment with “*as it were. . . human reason in general*” (Kant: 1987, p.150). Even if this is as much figurative as the ‘original compact’, it does at least point to Kant’s hope that the judge is able to escape parochialism.

In Kant’s account, then, the potential communicability of taste is grounded in the universality of the *sensus communis* as a human capacity rather than any empirical qualities of particular humans. In altering this and relating ‘community sense’ to the empirical community to which a judge belongs, Arendt has made successful communication of taste between any two (or more) individuals dependent on some fact about the relationship between the two which places them in a ‘community’, thereby enabling them to share a ‘community sense’. Since this is not, except in the extreme case, a community of all humans,¹⁰ there must be something which differentiates member from non-member for any given community. In order to be relevant to the judge, this fact must be such that it orients the community sense in some way.

¹⁰This community is surely meant only figuratively by Arendt, as much as it is meant to guide both actor and spectator; “. . . one is supposed to take one’s bearings from the idea, not the actuality, of being a world citizen. . .” (Arendt: 1982b, p.76). Further, the world citizen is presented as the conclusion of Arendt’s analysis of the ‘original compact’ in Kant, which she herself takes to be “a mere idea, regulating” our judgments and conduct (Arendt: 1982b, pp.74–75).

Uncovering the best candidate for the creation of such a community brings us, in the following subsection, to Beiner's analysis of Arendt's changing conception of judgment, in which the later version for the judge is disassociated from politics. The change to an 'empirical *sensus communis*' in place of Kant's transcendental conception stands against this interpretation by providing a politically-relevant role for the judge even when not considered an actor in any straightforward sense. The 'web of relations' which appeared in *The Human Condition* (Arendt: 1998, p.184) as a necessary component of the background for action is now, explicitly, the business of the judge, who maintains it as part of maintaining the possibility of a communicable *sensus communis*. Demonstrating that this, or something very much like it, is a role the later judge is suitable for is the work of the remainder of this section.

3.5.1 Beiner's Developmental Thesis

Beiner treats Arendt's concept of judgment as developing significantly enough over the course of her theorising that it can be divided into two reasonably distinct forms. Much of this chapter has drawn on *Lectures on Kant's Political Philosophy*, which Beiner places amongst those later works in which the distance between judge and public realm is found. Before demonstrating the judge's continued usefulness to the public even in these later works, it will be necessary to detail Beiner's analysis of the differences and continuities of judgment across the course of Arendt's work.

Beiner begins by setting out the context within which the late writings on judgment are found; the unfulfilled plan to produce a volume on judgment as the third part of *The Life of the Mind*. In this role, judgment was to settle the 'impasse' with which the volume on willing finished; the "abyss of freedom" (or of "pure spontaneity") and the philosophical tradition's inability to represent it (Arendt: 1978b, p.216). Even Augustine, with whom Arendt closes the volume, can only offer an argument which is "somehow opaque"; Arendt's Augustine presents

the fact of birth as also making humans able to introduce the genuinely new into the world (Arendt: 1978b, p.217). According to Arendt, all this reveals is “that we are *doomed* to be free. . .” and able only to like it or to escape to some form of fatalism (Arendt: 1978b, p.217). This is “the impasse, if such it is,” that judgment is introduced, without particularly high hopes, to solve; Arendt suggests it “at least may tell us what is involved in our pleasures and displeasures” (Arendt: 1978b, p.217). This is what links judgment to the rest of *The Life of the Mind* and “to the basic problems that impelled Arendt to write” that work (Beiner: 1982, p.90). These include the problems of Eichmann’s thoughtlessness (Arendt: 1978a, p.4) and of the potential to look at the world as though anew following the “demise of metaphysics” (Arendt: 1978a, p.12). The former is in part the effect of the latter for Arendt; see for instance, “Thinking and Moral Considerations” (Arendt: 2003, pp.159–161).¹¹

That Arendt had come to treat judgment in terms of its place in the life of the mind makes sense of the way in which it has changed in her later works. This change presents Beiner with “a further difficulty” for his project of reconstructing Arendt’s thoughts on judgment in the absence of the volume of *The Life of the Mind* which would have been devoted to it (Beiner: 1982, p.91);

... beginning in 1970 we can detect a subtle but important reorientation. In [Arendt’s] writings up until the 1971 essay “Judgment and Moral Considerations”, judgment is considered from the point of view of the *vita activa*; in her writings from that essay onward, judgment is considered from the point of view of the life of the mind. The emphasis shifts from the representative thought and enlarged mentality of political agents to the spectatorship and retrospective judgment of historians and storytellers. The blind poet, at

¹¹This piece and the introduction to “Thinking” begin in remarkably similar manners; “it seems to me so presumptuous that I feel I. . .” occurs in the initial paragraph of both pieces and leads to a “justification” of her chosen subject Arendt (2003, p.159) and Arendt (1978a, p.3). Both ‘justifications’ feature Eichmann prominently.

a remove from the action and therefore capable of disinterested reflection, now becomes the emblem of judging.
(Beiner: 1982, p.91)

This last claim is drawn directly from *Lectures on Kant's Political Philosophy*, where the spectator's distance forms the basis of his ability to see "the play as a whole" whilst the actor's view remains "partial by definition" (Arendt: 1982b, pp.68–69).

This much of Beiner's analysis is not in dispute; the position from which Arendt approaches judgment has changed, occasioned by a change in her interests. This is responsible for those differences which cause Beiner to divide Arendt's concept of judgment into "two more or less distinct phases; early and late," (Beiner: 1982, p.92). Reflecting the differing foci of these two phases, he refers to them as "practical and contemplative", respectively (Beiner: 1982, p.92). These two forms of judgment dwell in two entirely different worlds according to Beiner, "the world of praxis [and] the world of contemplation" (Beiner: 1982, p.92).

The contentious element of Beiner's analysis is, in effect, an attempt to treat these two as entirely separable; in "what [Beiner] calls her "later" formulations, [Arendt] is no longer concerned with judging as a feature of political life as such" (Beiner: 1982, p.92). Beiner contends that demonstrating that Arendt does not have two different concepts of judgment would require "an account of precisely why, in her last writings, judging as an activity is placed exclusively in the life of the mind instead of being assigned a more equivocal status" (Beiner: 1982, p.92).

Even though this version of judgment is an attempt to resolve an 'impasse' between "human freedom and the faculty of willing" (Beiner: 1982, p.93), this does not in itself make judgment the exclusive concern of the contemplative, as opposed to active life; "embracing human freedom... seeing it as bearable for natal and mortal beings like ourselves" (Beiner: 1982, p.93) is at least potentially a concern of those who make use of it. Indeed, the participant in politics will

be keenly interested in both “the unavailability of and the need for critical thinking” and “the redemptive powers of human judgment”, both of which appear on Beiner’s long list of the themes of *Lectures on Kant’s Political Philosophy* (Beiner: 1982, p.93). The list begins with questions of “meaning or worth”, of evaluation (Beiner: 1982, p.92); all of these are questions which form part of public discourse. They are also considerations which affect conduct.

This thesis is not concerned, sadly, with the development of judgment in Arendt’s thought in itself, with which no-one can reasonably argue; the concern, instead, of the following subsections, is to show that the distinction between judge and actor does not banish the judge from the public realm. Demonstrating this, without reducing judgment’s distinctiveness relative to action, will involve showing that the judge has a different contribution to make to public life. This begins by establishing that, even if we take Beiner’s ‘blind poet’ as the model, judgment need not be a solitary business.

3.5.2 The Interaction of Judges

Demonstrating that there is some interactive element to judgment will now begin by showing that Arendt takes interaction between judges to form some part of the process of judging. This is the first step in understanding the part that solitude has to play in judgment.

What follows is a comparison of the ways in which withdrawal from public similarly figures in both ‘early’ and ‘late’ judgment, which illustrates some continuity between the two forms; the solitary quality of judgment is not entirely restricted to ‘late’ Arendt, nor is the role of imagination significantly different between the two forms.

In ‘What is Freedom?’, which features in Beiner’s group of ‘early’ judgment-related works, the judge is already able to function if “completely isolated while forming an opinion” because he can continue to take absent others into account (Arendt: 1993f, p.242). This is functionally identical to the role of imagination in constructing the “possible

rather than actual judgments of others” as part of judgment in *Lectures on Kant’s Political Philosophy* (Arendt: 1982b, p.43). In the earlier of these two pieces, the solitude of the judge seems optional. In “Thinking”, however, the “withdrawal from direct participation [in an act]” is a necessary part of judging but this withdrawal is not from the realm of opinions as such (Arendt: 1978a, p.94). In this case as well, it is imagination which maintains the judge’s ability to attend to the others they have withdrawn from temporarily.

This encourages the idea that judging is an entirely solitary business, in which the judge is present only with imagined figures derived from the companionship from which they have excluded themselves. This is not, of course, to say that the judge is entirely alone for every step of forming a judgment.

Lectures on Kant’s Political Philosophy contains the claim that “Spectators exist only in the plural. . . [they are] always involved with fellow spectators” (Arendt: 1982b, p.63). The best way to make sense of this claim is to take the spectators to be interacting at some point in the process of judgment; indeed, their existing in a plurality could never be discovered otherwise. There are two possible points of interaction if we take the opinion-forming section of judgment to be undertaken in seclusion; one before and the other after this point in the process.

Listing the interactive elements of judgment is not an attempt to deny that there is a certain quality of being alone with oneself which is a necessary part of judgment. In ‘The Crisis in Culture’,¹² Arendt claims that there is an element of self-disclosure to judgment, a disclosure which “gains in validity to the degree that it has liberated itself from merely individual idiosyncrasies” (Arendt: 1993c, p.223). The idiosyncrasies in question must include inherited prejudices which can be thought of as merely the idiosyncrasies of others. These must be kept in mind by the judge, for they may well be relevant parts either of the others with whom one shares the public realm or the subjects one must

¹²Beiner categorises this essay as an ‘early’ appearance of judgment (Beiner: 1982, p.93).

judge. Considered in this light, judgment seems more similar to action; in both cases, there is a need to pay heed to the context within which the individual in question operates without this becoming determinate of their deeds. This leads in both cases to the responsibility of the individual alone for their judgments and actions. We might arrive at this last point in relation to judgment by considering the context of Arendt's reflections on judgment as a response to Eichmann's 'thoughtlessness' (Arendt: 1978a, p.4).

It makes most sense to begin with a discussion of such interaction as may be fruitful for the judge before they have withdrawn to ponder. For now, this will need to include only the potential for knowledge of, as it were, their peer judges. Considerations of wider context will have to be let alone for the time being, to be addressed as part of the interaction between judge and actor.

The plurality of the spectators is also manifest in their differences prior to the event in question, in regard to their individual characters. Also relevant will be the perspective afforded each judge, by dint of what other relevant acts they might have witnessed or, so to speak, the 'position' they find themselves in relevant to the act. This would be in keeping with one of the most obvious ways in which members of any audience differ; not everyone can share the same seat.

Unless some knowledge of these differences is available to the judges, they will be unable to meaningfully consider the potential opinions of others. The most obvious source of this information is the prior opinions of those same other judges. Some degree of interaction thus forms the beginning of the process of judging.

The other element of interaction is that which takes place after judgments have been formed in private. In the eighth session of *Lectures on Kant's Political Philosophy*, Arendt summarises the preceding two sessions with the claim that;

The importance of the occurrence (*Begebenheit*) is for [Kant] exclusively in the eye of the beholder, in the opinion of the onlookers who proclaim their attitude in public. (Arendt: 1982b, p.46).

The 'occurrence' in question is the French Revolution, which formed the focus of the session immediately prior to this claim. There, a lengthy quotation of Kant includes the claim that the real importance of the French Revolution lies in the "the mode of thinking of the spectators which reveals itself publicly. . . even at risk that this partiality could become very disadvantageous for them if discovered"(Arendt: 1982b, p.45). This places the publicity of the spectator as perhaps the central feature of their response to, in this case, the French Revolution. It is this which reveals the "moral character" of mankind and thus constitutes the meaning of the event (Arendt: 1982b, p.46). Peculiarly, the spectators' "sympathetic participation" shape, rather than merely reveal, this meaning (Arendt: 1982b, p.46).

There are two elements of this passage by Kant which are relevant here and they combine in an interesting way. The first is that, in this instance, Kant's focus is on the enthused commentary surrounding the French Revolution rather than the event itself. Kant is, in effect, treating the commentary as an event of interest in its own right, albeit one dependent on the event of the Revolution itself.

The second element is that Kant's commentary is about the *meaning* of the event, which, without the "sympathetic participation" of the spectators, "would be altogether different", Arendt claims, "or simply nonexistent" (Arendt: 1982b, p.46). The meaning in this case is the sympathetic interest in itself, "proclaimed in public", which "inspires hope" that there will come a "*cosmopolitan existence*" in which "all the original capacities" of humans can be realised (Arendt: 1982b, pp.46-47, the last two are Arendt quoting Kant). In the same way that the spectators of the French Revolution create a meaning out of that event, Kant has created a separate meaning out of the fact of those spectating as such, a meaning they themselves would not, perhaps, recognise so long as they focus only on the event of the Revolution.

In dealing in the 'meaning' of the spectators, Kant is performing basically the same act in relation to them as they have performed in relation to the French Revolution itself; Kant himself functions as a

spectator in this case. In so doing, he is dependent on the publicity of his subjects. In turn, he has made public his own views as a spectator.

Proclamation, then, forms an important part of the spectator's—therefore the judge's—activity. Without it, Arendt's later claim that “the public realm is constituted by the critics and the spectators” (Arendt: 1982b, p.63) could make no sense at all. Publicity makes available the thoughts of the spectator both to his immediate peers and to anyone, such as Kant, interested in the community of spectators as such.¹³ It must indicate that the judges make public the results of their deliberations, even if it does not indicate much about the manner in which they present them or respond to those actual judgments of others in relation to their own imaginative visiting.

So far, only the interaction of judges with judges has been shown to be a feature of *Lectures on Kant's Political Philosophy's* version of judgment, without showing that this has any effect on the actors upon whom the judges pass comment. Unless some such effect can be shown, then judge and actor will remain isolated from each other, denying the possibility of public influence for the judge-as-such. Without the claim that judges proclaim their opinions, or that they form the public realm (Arendt: 1982b, p.63), then judging would be a private affair, with any disclosure of the results forming a separate instance of public action.

3.5.3 The Actors' Need for an Audience

Having established that the judges together constitute a public realm, the next necessary step is to bridge the gap between judges and actors. There are alternatives to establishing such a link, though they are unpalatable. One obvious solution is to take judges on the one hand and actors on the other to be engaged in entirely different things; this might include, for example, taking the concept of the public realm to have changed in Arendt's work such that it was not contiguous with

¹³This availability of spectators to public discourse is as much an availability to men of action as it is to those wishing to treat the spectators themselves as a spectacle.

with the thing referred to as 'public realm' in *The Human Condition*. There is no evidence to suggest this particular development in Arendt's views and, indeed, any hypothetical version of it could only look very peculiar.

This is particularly obvious when considering the importance of speech both to the public realm presented as the realm of action and to that created by and amongst the judges. At the very least, it would be *peculiar* to suggest two entirely separate sets of speech, one parasitic upon but not acknowledged by the other. This would be rather like film-makers and film critics co-existing without the former ever acknowledging the latter or the volume of tickets sold per film. Supposing such a separation is implausible and, in the individual case, only appears in *Lectures on Kant's Political Philosophy* as the loss of *sensus communis* as a symptom of insanity (Arendt: 1982b, p.70).

As well as the link between judges, the interaction of judge and actor is at issue; unless there is some such demonstrable link, then the two sorts of activity cannot together form a public realm. There is some risk that the two would seem disconnected, as it is not immediately obvious how 'late' Arendt makes mutual influence possible. Understanding how such an interaction between the two activities can function will reveal the role of the judge, or 'spectator' in public life.

Arendt's description of the spectator emphasises their role in the structure or preconditions of spectacles as such; "no one in his right mind would ever put on a spectacle without being sure of having spectators to watch it" (Arendt: 1982b, p.62). This claim occurs in opposition to the idea that the spectator is secondary (Arendt: 1982b, p.62); the necessary presence of others for action is expanded from Arendt's conception to explicitly include those who are not (yet), in a particular case, direct participants. It is "the judgment of the spectator [that] creates the space without which no [beautiful] objects could appear at all" (Arendt: 1982b, p.62).

In addition to this 'structural' necessity, the spectator is implicated in the specific conduct of the actor, whose desire for fame makes him

“dependent on the opinion of the spectator” (Arendt: 1982b, p.55). In addition, then, to creating the space in which action is possible, the spectator becomes the figure through which the public is able to ensure the immortality of the actors. Both effects rely on the distance of the spectator from the action, which makes a view of the whole available to them. The same detachment also makes the actor, as an individual, dependent on the spectator as the medium through which his fame can be assured (Arendt: 1982b, p.55).

For this relationship between spectator and actor to hold any influence over the actions undertaken, a few other qualities are necessary components of the activity of spectating. The first is that the spectator must have a limited capacity to attend, coupled with some at least some control over how that limited attention is directed. If spectators attend to all things, or attend to some things at random (or under the direction of some other force), there is nothing particular that actors need do to secure the first step on the path to fame.

Further, an actor will have to resort to a ‘scatter-shot’ approach to action unless he has some means of determining what acts might accord with available spectators. In Arendt’s discussion of ‘taste’ as part of the process of creating art works, we find the means of such a detection, though she does not give taste exactly this role. She introduces taste as a counterpoint to ‘genius’, the productive capacity, in order to establish Kant’s “subordination of genius to taste” (Arendt: 1982b, p.62). In this cause, Arendt quotes Kant’s claim that taste, here a form of judgment, “is the discipline (or training) of genius; it clips its wings. . . gives guidance. . . brings clearness and order [into the thoughts of genius;]” (Arendt: 1982b, p.62; Arendt’s ellipses and parenthetical addition). The genius is able, by means of taste, to make communicable the otherwise “ineffable element in the state of mind” (Arendt: 1982b, Arendt quoting Kant, p.63). This communicability relies on the actor retaining their faculty of taste even as they act (Arendt: 1982b, p.63); in this there is continuity of function with judgment as it appears in Arendt’s earlier work.

The degree to which taste constrains and enables action depends on how restricted a sense ‘communicability’ takes. If it only signifies that the expressions used take the form of a currently-available language, or that gestures are used in their normal fashion, then nothing much at all is ruled out. This, however, is clearly not the meaning of communicability which is operative here, as the genius in this discussion is concerned with putting into words that which would otherwise be difficult to communicate (Arendt: 1982b, p.62). Action deals in meaning, so must successfully convey something rather more than the correct use of common language if it is to count as successful, i.e. the successful use of taste by an actor leads to the successful deployment of meaning in public.

This applies as much to the interpretation of a deed as it does to its being noticed at all. Ultimately, the only way for the actor to be safe in establishing his self-interpretation as authoritative would be for him to be sovereign over not only the audible responses of others but their views as well. The closest analogue for this level of control which appears in Arendt’s work is the *polis*. Judgment completes the picture of politics against the limited picture the *polis* holds to, on precisely this count.

3.5.4 ‘Building’ a *sensus communis*

The potential influence of the judges over their contemporary actors is joined by a further means by which they may contribute to the future shape of a public realm; it is through the shaping of the *sensus communis* that they determine the potential and limits of discourse. This is an influence which extends to future generations via selection both of exemplars and of the terms in which those exemplars are discussed. This influence is exerted not only over future actors but also future judges;¹⁴ it is through the effect on later *judges* that the field of profitable and explicable action is determined. This can effect

¹⁴Including the, as it were, judging element of actors in relation to their own action.

public discourse only so long as the three-place relationship between actor, judge and *sensus communis* is maintained. Additionally, it is only because of Arendt's 'empirical' version of the *sensus communis* that this relationship is constitutive of political community in the manner which will now be detailed.

The continuity of the sense of the political community is at stake in the capacity of the judges to preserve their opinion for the sake of future political participants. Demonstrating that this is the case will have finally provided the most important answer to Beiner's claim that the judge comes to have nothing to do with politics in 'late' Arendt.

Demonstrating that this is the judge's part in politics will rest on both the link Arendt describes between the judge and their community and some of the qualities of politics found in her earlier work.

Any given judge, Arendt tells us, must judge as part of the community to which they belong (Arendt: 1982b, p.75). Until now, the notion of what differentiates political communities has not been explicitly addressed here; linked as it is by Arendt to "one's *sensus communis* (Arendt: 1982b, p.75), it is an obvious move to consider the relationship between the two more fully. The two are presented as coeval without any indication if one is the foundation or cause of the other. It may just as well be that Arendt wants to treat 'belonging to a particular community' and 'sharing that *sensus communis*' as the same fact stated in different ways.

The question, then, of how a *sensus* can differ is also the question of how communities can differ. At this point, it is important to specify that 'community' is taken to signify 'political community'¹⁵ and that this affects the set of what can be admitted as relevant.

One such exclusion is set out in Arendt's "Truth and Politics", which is principally concerned with the mismatch between truth and political conduct. Arendt presents 'fact' (as a species of 'truth') and 'opinion' as contrasting opposites (Arendt: 1993d, pp.238–239). Factual truths assert

¹⁵Similar considerations could, with little adjustment, probably pertain to other kinds of community.

their validity in a way unsuitable for politics; Arendt ascribes to them a “element of coercion” which contributes to the formation of habitual “tyrannical tendencies” in “professional truth-tellers” (Arendt: 1993d, p.239). Truths, of either the factual or rational variety, are “beyond agreement, dispute, opinion, or consent” (Arendt: 1993d, p.240) and thus unsuitable material for politics. Opinions, by contrast, form a good fit with the politics described in Arendt’s work; they operate in the free discourse of politics, in a manner such that the accumulation of, and negotiation between, ever greater numbers of opinions and perspectives sheds further light on the objects of discussion (Arendt: 1993d, p.242). When more than one competing ‘truth’ is brought to market, however, the mode in which they are asserted makes negotiation between them impossible without admitting them to be opinions in disguise.

This is not to say that Arendt sees no place at all for matters of fact in relation to politics or opinion; “factual truth must inform opinions” (Arendt: 1993d, p.242). As Arendt pictures it, this influence is strictly one-way. The facts form the basis for opinions but are not themselves to be affected in return by developments in opinion (Arendt: 1993d, p.239). Considered in terms of exemplars, the relevance of this distinction becomes obvious; the meaning of the exemplar is a matter of opinion, free for public discourse, whereas the minimally-descriptive facts of their deeds can not change without them becoming a different exemplar altogether.

The contrast between the non-negotiability of truth and the negotiability of opinion holds the key to truth’s inappropriateness as substantial part of the formation of a *sensus communis*. Where any group holds some particular thing to be unalterably true, then they place that thing outside of the public realm; if they also declare acceptance of it as pre-requisite for membership of that realm, then they have placed the political in a subordinate position. This is only a problem in the event that a group takes a particular sort of statement to be an unalterable truth; a normative or religious claim, say, would be ‘truths’ of this problematic sort. Both of these sorts of claim fit Arendt’s

characterisation of ‘rational truths’ rather than facts, because they are ‘truths’ arrived at by reflection (or revelation) (Arendt: 1993d, p.230).¹⁶ Empirical facts do not generally seem to be problematic in this manner, though it is at least conceivable that some extreme case, such as Holocaust denial, could be construed as an irreconcilable near-total failure of *sensus communis* between the two sides. Here, however, facts are not in conflict with opinions but with organised denials of them. The closest match to this in ‘Truth and Politics’ is the fragility of facts against organised power or falsehood (Arendt: 1993d, p.231).

Because of Arendt’s ‘thin’ view of facts, they cannot be constitutive of a community; agreement is to be readily expected to the kind of minimal report that Arendt offers as an example of factual truth. This is an anonymous official’s claim to Clemenceau that, whatever is said about the first World War, “they will not say Belgium invaded Germany” (Arendt: 1993d, p.239). Facts of this sort are simply not interesting enough to factor in political discourse as anything other than starting points for questioning the reasons or causes of events. The fact itself, as an object to commonly assented to, cannot differentiate between reasonable communities.

Because the *sensus communis* is composed only of opinions, which are generated by the judges and spectators of the public realm, its shape is in part determined by the contributions of those same judges. The fuller picture is that facts sit at the level of substrate in relation to these opinions. The survival of these opinions is assured only so long as they remain living concerns for at least some proportion of a community. So long as they do survive, they provide the longest part of the ‘tail’ of results of any action; the actor relies on them to secure as lasting a fame as is possible.

To treat actors and judges as separate, as differing in kind from one another, would require some means of determining a cut-off point

¹⁶One of Arendt’s examples of something which is presented in this manner is “the true standard for human conduct that Plato’s philosopher is supposed to bring back” (Arendt: 1993d, p.230).

(either abrupt or gradual) at which 'actor'-type responses become 'judge'-type responses. There is no clear way in which to differentiate between the two or even to regard any 'out loud' interpretation as action, or potentially so. The responses of others, in turn, to this response, determines the status of a deed as action, as we saw above; so too for judgments. An accretion of judgments accepted as apt will form a vital part of the pool of responses to any act; they will also form a link across time to prior acts which, had they attracted less attention, would have slipped into obscurity.

This will, in turn, affect the list of exemplars and actions which will be available to later actors and judges via the accumulated opinions of them which have survived as part of the *sensus communis*. Access to common facts cannot alone constitute an *sensus communis*; the layer of evaluation and interpretation of those facts must also be held in common for there to be a continuity of *sensus communis*.

This in turn determines the field of action which can be accommodated within the same *sensus communis* by creating the set of referents which may be reliably used in attempting to understand the meaning of those new actions. In addition to this comprehension-related effect, there is also the selective or discriminatory factor of judgment to consider.

This rests, in part, on the way that Arendt relates taste to choosing one's company (Arendt: 1982b, p.74). A similar suggestion, in more detail, is found in "The Crisis in Culture";

From the viewpoint of this common experience [of kinship discovered through similarity of judgments], it is as though taste decides not only how the world is to look, but also who belongs together in it. If we think of this sense of belonging in political terms, we are tempted to regard taste as an essentially aristocratic principle of organization (Arendt: 1993c, p.223).

This 'principle of organisation' operates implicitly in any judges' ex-

amination of events before them, largely as expressed by their choices regarding what constitutes an event fit for public discussion. Whilst the enlarged mentality attributed to the successful judge guards against excessively narrow views, there is no suggestion on Arendt's part that it constitutes an attempt to take all events into account for the sake of seeming 'objective'; it would contradict both Arendt's attribution of a self-revelatory aspect to judgment (Arendt: 1993c, cf. p.223) and her notion that choice is at work in judgment (Arendt: 1982b, cf. p.74). Indeed, if we take seriously the analogy between judgment and taste, this would be quite preposterous; as Arendt says, "taste and smell are discriminatory by their very nature" (Arendt: 1982b, p.66).

Whilst we have already seen this selective element in relation to the judges' interaction with their peer actors, without determining the basis on which the judge makes their judgments. If the *sensus communis* is taken seriously, it can only be that the above-mentioned selective function takes its grounding from the *sensus communis* and therefore from those exemplars available to the judge. This includes any valuations which are common currency in relation to those exemplars. Some similarity between one's actions and those who are established exemplars within one's *sensus communis* serves two closely-related purposes. The first is related to the explicability of the action; for a thing to attract comment it must be intelligible and the easiest guarantee of this to look to those who are discussed. It will be clear to the actor both who is considered worth discussing and the issues or topics which form part of public discourse. The other element is the evaluative-predicting quality which is an obvious part of any meaningful discourse. This includes an understanding of which features or actions of an exemplar are held praise-worthy and usefully amenable to emulation.

3.6 Conclusion

With these qualities of judgment in mind, the next chapter turns to consider the act of founding a new polity. What role does judgment have in an enterprise of that sort? It takes on what might seem a dual aspect: for the founders themselves, it provides, as in the example of Jefferson's treatment of colonial history (see below, p.154), a way to place the new endeavour into a certain context, a story; for those who come later, inheriting a political system, it provides the means to generate a relationship both to the founders and to other citizens operating in the same context. At the same time, these two aspects are fundamentally identical; the founder's use of judgment to place himself within a context is as much an inter-subjective process of agreement as the later citizen's. The former is even, of course, subject to the latter; insofar as judgment forms a part of the actor's life, it is as open to reinterpretation as any other act.

The American Revolution, treated in this way, is an example of judgment operating which predates Arendt's lectures on Kant but conforms to their general shape; the historian's perspective merges with—becomes?—that of the active citizen in the competing claims which relate both to the act of foundation. This chapter relates to the next in the following way: this one details the 'method'; the next details the 'subject matter'. But the next chapter is also a demonstration of both this chapter and the one preceding it, an account of the faculties there discussed in use, at it were.

4

The Act of Founding

The two previous chapters have detailed the elements of human existence which make politics possible. This chapter is concerned with what happens when Arendt's understanding of politics is turned to political institutions, specifically the 'foundations' of a political system. This chapter fleshes out what it means to think of politics on the basis of Arendt's understanding; to do so, it addresses what relationship a political actor can have to the political system they belong to. This is primarily concerned with the manner in which the actor relates to the founding act upon which begins the political system. This will look, in the account below, much like a combination of 'action' and 'judgment'; the initial act of founding is not finished so long as the system they found stands; those who follow take from the founding both material for judgment and, at the same time, the opportunity to act.

This chapter is also an attempt to decide what it would mean for political foundations to be themselves properly political. This is as

much a matter of the manner in which the system is grounded as it is a matter of how those who inherit it relate to it. The question is how a political foundation is possible which avoids the problems of the *polis* by providing a different relationship between founder and citizen, one which leaves open the possibility of further new initiatives.

Preserving the possibility of engagement of this kind requires that the foundation of the system is a political practice, without other grounding; it must be politics all the way down, as in Arendt's reading of the *Declaration of Independence*. This avoids reducing the system of politics to a system dedicated to some particular aim or other; the alternative would be to settle at the moment of foundation what will count as politics, or as a project of the right kind.

In order to understand the possibility of politics founded in this way, it is necessary to begin with the form of action on which it can be based: the capacity to make promises. This capacity, which also acts as guarantor of the individual's own continuity, functions as a way of actors binding themselves to one another which does not rely on some surrendering to the command of others. This will be combined with Arendt's account of 'power' before turning to consider how politics could be founded in this manner.

Once this is settled, the chapter turns to the main example of foundations in Arendt's work: the *Declaration of Independence*. The aim will be to show how this document—itsself an exemplary instance of action—can inform a politics which takes it as foundational. The main interlocutor here is Honig, who sees in the *Declaration* and in any foundational act at all exactly those elements which Arendt attempts to leave behind by specifying in detail what can count as a political foundation. This reading denies that such an element persists and that the interaction between foundation and actor is more co-operative in nature. This leads, ultimately, to the question of what kind of material the founding action provides.

4.1 Politics without Mastery

The two sections following this one detail, respectively, 'promising' and 'power' as they appear in Arendt's work in relation to political foundations. The justification for turning to these is the business of this section; it is at base the same reason which motivates Arendt's particular uses of both concepts. This reason is the need to avoid one particular form of anti-political organisation based around relationships of command and mastery or, to put it another way, a work-like attitude to the division of political responsibilities.

In the first instance, this constricts the range of possible manners in which a founding-group can initiate a new public realm, not least by making explicit that a group of equal individuals be involved, rather than a Legislator-figure who exists to bestow the laws on an entirely passive people.¹ Instead, the people themselves, conceived of as political actors, need to initiate the political for themselves; in order to do so some extra safeguard is needed against the unpredictability of action which does not breach Arendt's strictures on political admissibility. In order to understand Arendt's description of political foundations, it is necessary to understand what she means by 'the faculty of promising', which is the basis of foundations in her work.

The potential for such a relationship between promising and founding arises because of Arendt's sharp delineation of the boundaries of the political; this division protects politics by refusing justification from anything external to it, in terms either of a pre-political foundation or of a *telos* beyond politics. What is needed, therefore, is a stabilising element which is in some sense a part of politics, compatible with a plurality of actors. For these reasons, we turn to the conception of promising; its usefulness here rests solely on its ability to perform this role, in relation both to individuals and to institutions, without relying on anything external to politics.

¹A concern rather like this one also animates the discussion of Arendt's distinction between types of social contract, here presented in section 4.4.

In order to demonstrate that promising is suitable for this role for these reasons, this section begins with a description of what could be considered the 'basic' form of promising introduced in *The Human Condition*. With the features and purpose of promising in view, it will be possible to consider the use of promising on a larger scale, as part of Arendt's attempt to find a politically-legitimate form of foundation.

Presenting promising in this way is the simplest way of doing so, conducted for the sake of that simplicity rather than in order to make any claim about a hard division between the sorts of promises which individuals make only for themselves and the sort which generate a structure for the public realm.²

Promising is not the objective but the method by which a public realm can be secured without recourse to non-political structures. The objective, rather, is to use promising as a means of securing the continuance of 'power' as well as of an institutional support. By 'power', Arendt means something very particular³, namely the capacity for the free co-operation of political actors (Arendt: 1998, p.200),⁴ thereby excluding from the term a number of phenomena that we might otherwise regard as manifestations of power. For now, only the differences between Arendt's conception and a command-related conception will be considered. Whilst her nomenclature will be adopted in the fuller description of her concept to follow, it will not yet as it would make distinguishing between these two ideas of power ungainly at this point.

As well as forming part of Arendt's general method of elucidation by developing conceptual distinctions, her strict definition of power is mo-

²Keenan's analysis includes the claim that must be some such additional factor for the kind of promise used in an act of founding, as promising alone would not otherwise be able to do the job (Keenan: 2003, p.94). No such 'addition' will be supposed here, not least because any of the promises which could be relevant to the public realm seem to be of a sort which is broadly very similar to the sort of promising which could form a foundation. Further, the idea that promising, as bedrock to the ability to make compacts, is related to the foundation of organisations is already found as part of the description of promising in *The Human Condition* (Arendt: 1998, p.244-245).

³Lukes calls it "an interestingly idiosyncratic concept of power" (Lukes: 1974, p.59)

⁴A full description of which is the business of section 4.3.

tivated by an attempt to set out a mode of co-operation which matches the political. In order to do so, she must show that the plausibility of some system, founded on promising, which combines individuals without making commanders of some and obedient of others. This accounts for a great many of the qualities of power (as Arendt uses the term) which might otherwise remain inexplicable, as well as the very narrow way in which she constructs power.

Examples of the conceptions of power which do not fit Arendt's at all can be found through the entirety of Lukes' *Power: A Radical View*, beginning with his quotation of Dahl's " 'intuitive idea of power' as 'something like this: 'A has power over B to the extent that he can get B to do something that B would not otherwise do.' " (Lukes: 1974, pp.11–12). This element of the conception of power continues through all those that Lukes surveys, however else they develop in response to one another (Lukes: 1974, p.25). His own definition of it differs from the preliminary understanding taken from Dahl by specifying that A's power over B is a matter of A affecting B "in a manner contrary to B's interests" (Lukes: 1974, p.34).

In Disch's summary of these kinds of conceptions of power, which Disch takes Arendt to be writing against, she uses the catch-all label of "the Archimedean ideal of power as leverage" (Disch: 1996, p.48). That concept of power is related, by Disch, to an ideal of individual strength as power (Disch: 1996, p.46); when Disch introduces the idea that this makes of power something akin to 'leverage', she has hit upon a word which neatly captures the form of relationship that Arendt wishes to separate from her conception, the relationship of A and B in which, in schematic form, the power of A over B can cause B to act differently than he otherwise might.⁵ This is a relationship which sees the one person exerting force which is multiplied by the passive and entirely predictable movements of the lever used, which would in this case be none other than obedient followers.

⁵Lukes' conception includes that of modification in more subtle ways, including the potential shaping of B's range of desires or goals by structural limitations (Lukes: 1974, p.34–35). It is perhaps the most significant weakness of Arendt's account that it is so difficult to place precisely these forms of coercion within it.

A focus on the way in which this makes *B* the manipulable agent of *A* in this context makes plain why Arendt felt it necessary to specify the impossibility of calculating power prior to its manifestation; “leverage is calculable, power *in relationship*⁶ is uncertain”, as Disch glosses the distinction.

4.2 Promising in *The Human Condition*

Promising and forgiveness appear together in *The Human Condition* as two faculties with important roles in public life; forgiveness is concerned (primarily) with the past and promising with the future of political agents. Both faculties are intimately linked to politics, being either “[two] of the potentialities of action itself” (Arendt: 1998, pp.236–237) or faculties which “correspond. . . closely to the human condition of plurality” (Arendt: 1998, p.237). This latter claim does not seem to suggest entirely the same relationship as the first between action on the one hand and promising and forgiving on the other. Whether the two are sub-types of action or distinctive somethings which happily share many characteristics of action proper seems not to matter so long as they are taken to be full elements of the political. Together, they are the only “moral precepts” which “are not applied to action from the outside. . . [but] are like control mechanisms built into the very faculty” of action (Arendt: 1998, p.246). For reasons that will shortly become clear, Arendt’s public realm cannot exist without something like promising to give it continuity through time; the alternative would be a public altogether unable to secure either the lasting fame of actors or any coherence at all. It could not even be a public in this case, as the

⁶There is one, perhaps quite minor, complaint regarding Disch’s use of ‘relationship’, as in the sentence prior to this, to signify fundamental differences between leverage-type power and Arendtian power; “Power. . . exists only *in relationships* with [others]” (Disch: 1996, p.48). It is clear enough in context that Disch must mean by ‘relationship’ something like ‘relationships involving notional equality’, for the means by which one person can make an obedient lever or fulcrum of another is of course a relationship also, albeit one with a radically different character.

great deeds would become essentially private acts without a continuous stage for their performance. Standing against this, as the condition of possibility for “continuity, let alone durability of any kind, in the relationships between men” is the capacity of promising (Arendt: 1998, p.237).

Generating consistency in this manner is also a prerequisite of continuity in relation to the individual political actor; without it, the persona created would differ day-to-day, or even action-to-action, in a manner which undermined the very possibility of action generating meaning or a story about a person. Avoiding this mess is the purpose for which Arendt gives the faculty of promising; “The remedy for unpredictability, for the chaotic uncertainty of the future, is contained in the faculty to make and keep promises” (Arendt: 1998, p.237). This is a very broad remit for one faculty, made broader by its need to perform two remedies at once.⁷ These two remedies are, however, closely-intertwined and an examination of each will reveal this.

Unpredictability is the common cause of both needs of promising, though it operates in, as it were, two different directions. The first is the agent’s own inability to predict himself because of the basic “unreliability of men who never can predict today who they will be tomorrow. . . [which] is the price human beings pay for freedom”(Arendt: 1998, p.244).⁸

Continuity of the self from one day to the next is clearly reliant on promising;

⁷In spite of the link between promising and plurality in Arendt’s work, which rather suggests promising ‘proper’ rests on plurality, it is the one aspect of politics which Arendt introduces as something well-remembered by “our tradition” (Arendt: 1998, p.243). Well, not exactly; the full claim is that “the power of stabilisation inherent in the faculty of making promises” has not been forgotten (Arendt: 1998, p.243), which may not in fact be quite the same thing.

⁸The inward-directed element of forgiveness is a peculiarity in terms of Arendt’s account of the public, being an element explicitly intended to regulate the inner workings of the agent whilst also impossible without the presence of others. Even forgiveness is exclusively oriented to relations external to the agent. Whilst Arendt does have her actors forgive one another for the sake of both parties, it is, ultimately, with release from the consequences of actions that forgiveness is concerned (Arendt: 1998, p.241).

Without being bound to the fulfilment of promises, we would never be able to keep our identities;⁹ we would be condemned to wander helplessly and without direction in the darkness of each man's lonely heart, caught in contradiction and equivocalities—a darkness which only the light shed over the public realm through the presence of others, who confirm the identity between the one who promises and the one who fulfils, can dispel (Arendt: 1998, p.237).

Promising here indicates something more substantial than merely signing up, as it were, to particular small projects; it must, if it is to grant the political actor any stability across time, be concerned with wider-ranging commitments. We might also think of the distinctiveness of action in general to approach the same point; very limited commitments such as 'to attend such-and-such a meeting' will not reveal much at all about an actor. The kinds of promise which would be revelatory will feature in subsection 4.2.1, below, as will their relevant qualities.

In one further sense, promising parallels action more generally; it is deeply personal in so far as it something for which the agent themselves must be fully accountable. The actor-promiser is responsible for the beginning and, through promising, such a series of beginnings can be identified as products of the same persona.¹⁰

Promising is also needed as guard against the unpredictability of the consequences of action (Arendt: 1998, p.244). This "is the only alternative to a mastery which relies on domination of one's self and

⁹'Identity' here is clearly meant to indicate 'public identity' or 'persona' but to some degree the following suggests that this is the only sense of 'personal identity' she holds to be possible.

¹⁰Although the idea of breaking promises does not feature in Arendt's description, it is obviously a necessary feature of promising that failure be, in some sense, recognisable. In cases of failure, the promise is just as revelatory of the agent as the successfully-completed promise. That the same agent must be recognised as promiser and failure by other political actors means that even the failed promise secures the sense of continuity promising is supposed to generate—so long as the actor stands in some relation to the promise they have not fulfilled. It will not, however, generate favourable opinion or fame unless the promise-breaking is accompanied by some extenuating circumstance. For more on promise-breaking, see subsection 4.2.1.

rule over others; it corresponds exactly to the existence of a freedom which was given under the condition of non-sovereignty" (Arendt: 1998, p.244). Sovereignty cannot feature as a structuring relation between political actors, as it is inherently opposed to plurality due to its hierarchical, or command-based, form (Arendt: 1998, p.234). Command is the primary means by which the senior part of a sovereignty-relationship acts upon the other; the only relation it can create is between levels of commanders and commanded, rather than mutually promise-making actors.¹¹ Between the two 'levels' of sovereignty-relationship, no political relationship is possible because such a relationship rests on the equality of the two parties, with neither at the disposal of the will of the other. The alternative, freedom, rests necessarily on a contrary reaction, in which the actor's actions are entirely their own in, at the very least, the sense of not being so commanded by another.

In this guise, we find promising is of benefit to those other agents with whom the promiser must deal, acting as guarantor of some degree of predictability without reliance on the agent's obedience to the will of another. It, rather than Arendt's later turn to judgment, makes possible any form of joint action between political equals by binding agents to specific, limited matters of common business (Arendt: 1998, pp.244-245). Those who are so joined must, presumably, enter into their commitments with some idea of the difficulties which they may face in them; in making promises related to the political, they must be aware of at least the unpredictability of other actors and take their (sincere) promising to be a commitment to weathering at least some degree of this kind of hardship.

Some such reliable means of combining into formed action is necessary, for the sake of other actors and the potential for co-operative action at all; without being able to take promises as authoritative declarations of intent, the only way to get anything done at all would require

¹¹Of course, entering into a command-relation of this sort may consist of a process of self-binding promises freely given but, from the moment obedience is pledged, the success of the promise becomes a matter for the one to whom service is pledged.

command on the part of the initiator and obedience on the part of as many bodies as were required to complete the objective. Necessary for this is a recognisable practice of promising that the actors have agreed on; minimally, it must be knowable when a promise has been made. Subsection 4.2.2 will detail this, as we now turn to consider which qualities of promises are a necessary part of, as it were, 'public realm-relevant' promises.

4.2.1 Kinds of Promise

Not all promises are really relevant for consideration as part of the public, as not all touch on the self in an interesting way. Some account of what a publicly-interesting promise would look like is necessary; these kinds of promise, as should become obvious in due course, share many characteristics with the foundation-forming kind.

To illustrate this difference, we can turn to an interpretation of Nietzsche's account of promising¹² which contains a comparison apt for our purposes. This is Aaron Ridley's "Nietzsche's Intentions: What the Sovereign Individual Promises", which contains a contrast between promises or commitments made by 'the windbag' who is easily swayed from them and what is there referred to as "sovereign promising" (Ridley: 2009, p.186). This sort of promising is one in which the object will be undertaken even in the face of unforeseen difficulties and with a view that events may very well fail to "pan out, independently of [the promiser], in a manner conducive to the promise's being kept" (Ridley: 2009, p.186). Evidently, without something rather like this last characteristic, no good-faith promising could be undertaken in relation

¹²Nietzsche makes a fleeting appearance in *The Human Condition* as someone who "saw with unequalled clarity the connection between human sovereignty and the faculty of making promises" (Arendt: 1998, p.245 n.83); though, between this footnote and Nietzsche's appearance in the main text, this mention of him amounts to little more than acknowledging a fellow-traveller. Perhaps the appraisal was rather higher than this; the notes written by Arendt in her copy of Schmitt's *The Nomos of the Earth* call Nietzsche, as part of a scathing verdict on Schmitt, "the only German who understood" the "contract that rests on promise" (Laube: 2010, p.257).

to public affairs; this danger is, however, attenuated by the existence of a reliable practice of promising so long as there exists some mechanism, perhaps shame-based, of penalising the faithless promise-maker.

Marriage vows (properly construed) are Ridley's example of a 'sovereign promise' and exhibit many of the characteristics of promising relevant to our use of the faculty of promising;

The betrothed make some really quite high-octane promises to one another and they undertake to see these through, not just for as long as it is reasonably convenient to do so, but regardless... so that a marriage might be maintained 'even "in the face of fate"' (for instance, in the face of temptresses, boredom, hair-loss, cellulite, football, children, fundamental incompatibility, menopause, snoring)... Sovereign promising, then, amounts to whole-hearted commitment to someone or something, to executing the relevant intention come what may (Ridley: 2009, pp.186–187).

We may leave aside that marriage can not itself count as a publicly-relevant promise of the kind we are interested in. Never-the-less, it shares many of the qualities of any joint action between freely-acting individuals. Already noted is the importance of accepting the unknowability of the problems which may beset attempts to fulfil the promise which, in the longer-term personal commitments which would generate a strong sense of the individual promiser, could be very great indeed.

Further, the nature of the promise itself has an indeterminacy built in to the conditions of success as well; whilst it is very easy to specify what will be considered a successful fulfilment of the promise to 'meet tomorrow at two', interesting promises are less easily pinned down in advance. Ridley claims that the successful completion of a sovereign promise is not something which can be fully specified in advance; "the internal character of the relevant success-conditions... precludes this" (Ridley: 2009, p.190). Principles relate to political acts, therefore to political commitments, in a very similar manner, by providing 'inspiration'

without determining what, exactly (or even inexactly) is to be done by the actor (Arendt: 1993f, p.152). The distinction which Ridley makes between success in following, on the one hand, the spirit of the promise or, on the other, merely following the letter of it (Ridley: 2009, p.190), is similarly pertinent, related as it is to the need to judge the success of a promise to the manner in which it has been fulfilled with reference to the particular instance of promising which it is.

From Ridley's article, we can also take an account of the way in which a promise may be broken, or left partially-fulfilled, whilst still providing a sense of a self's continuity. The sovereign promiser, as Ridley points out, may not hold a set of commitments which are all of the same priority and conveniently mutually compatible (Ridley: 2009, p.191). Most pertinent is the idea of a ranking of commitments; "narrower commitments... [can be] trumped, in effect, by higher-order commitments... of which the narrower ones were special cases" (Ridley: 2009, p.191).¹³ These broader commitments are, in Ridley's use, very similar indeed to the role of principles in 'What is Freedom?'; the commitment to some particular marriage is itself a specific instance of a commitment to "worthwhile human relationships" (Ridley: 2009, p.191)¹⁴. Similarly, the political actor, having once pledged their troth to some particular arrangement of the political, may come for similar reasons to turn against it for the sake of its failure to instantiate political freedom. Of course, just which principles or higher-order commitments are manifest in any given act is as much a matter of later interpretation as it is whatever the actor initially takes himself to be doing. Even the actor may themselves in this position; as they see the results of their actions, it is near-inevitable that they will have the opportunity to reassess their initial aims in the light of new facts.

¹³Ridley also mentions, in a footnote to the same page, that the 'narrow' commitments of separate 'general' commitments may conflict in a like manner.

¹⁴In itself, this does not rule out the possibility of other higher-order commitments being the motive cause for any given marriage; there may be, say, a commitment not to good human relationship but to raising children well, whatever that might mean. This would produce not only a different sort of marriage but a different set of reasons for ending it.

4.2.2 Performatives and Risk

Arendt's account of promising lacks any suggestion that a promise, if it is to be understood, must be recognisable as such by the relevant group of political actors. There is no recognition on Arendt's part that successful promising requires an accepted idea of what, in outline, constitutes an act of promising. This lack is made evident if we consider the example of marriage vows above, a performance which can only make sense against a background understanding of such promises and their general meaning, even a background made entirely of implicit understandings.

Bonnie Honig's work on Arendt addresses this deficiency directly, introducing it with reference to a contrast between Nietzsche and Arendt; the former but not the latter, she claims, has a strictly individualised conception of promising and forgiving (Honig: 1993a, pp.86–87). For Arendt, promises are, as we have seen, necessarily relations between distinct individuals. If they were not, they could not be political, nor would there be any need for some guarantee that one party can in broad outline understand the other. This is Honig's account of this problem;

The characterisation of Arendtian action as performative fits nicely with her insistence that action is a combination of word and deed. But it poses some problems for her equally central claim that action is a "beginning" with "nothing to hold on to...as though it came out of nowhere in either time or space."¹⁵ Surely Arendt's action must have something to hold on to. How can her performatives function without a public subscription to an authoritative discursive practice? Even a promising that is performative postulates a community of promisers... [who] share, at the very least, understandings of what it means to make a promise and

¹⁵This quote is taken from Arendt's account of revolution as a new beginning, which includes some pretty heady language claiming the revolutionary is in some sense outside of chronology (Arendt: 1990, p.206).

of what one must do in order for one's performance to be recognisable as a promise (or a founding, a declaration, a forgiving). In short, promising, even on Arendt's account, is a practice (Honig: 1993a, p.87).

When, immediately after this passage, Honig notes that "Arendt gives no account of this practice" in spite of its importance (Honig: 1993a, p.87), it is a hard claim to argue against; Honig has identified a real deficiency in Arendt's account and apparently corrected it in one move. However, what she above claims as a consequent problem—the conflict with the spontaneity of action—is no problem at all, as becomes clear once we follow Honig to her more thorough description of the supposed trouble. This trouble is relevant for our purposes because Honig believes it stems from the very feature of promising which both distinguishes Arendt from Nietzsche and makes possible the use of promising as a part of the political, which is to say that it stems from its inter-subjective structures, a structure necessarily reliant on norms.

Norms, in this instance, are the problem; the norms of promising are, or must be, "highly sophisticated, even ritualised" and so they "belie the moment of contingency that is characteristic of [Arendt's] politics" (Honig: 1993a, p.88). On this basis, Honig diagnoses a paradox in Arendt's approach to promising. Promises, as kinds of action, are as risky and unpredictable as actions tend to be whilst at the same time forming the only admissible check on the consequences of action (Honig: 1993a, p.88). This may simply be a structural problem, as it were; nothing more powerful than promising can be found which does not, by virtue of its capacity to bind agents, reduce agents to the commands to which they are held. This, however, does not, as it were, rescue promising from becoming something other than a species of spontaneous action, if we take Honig's point seriously. The choice seems to be between a promising which is 'internal' to politics and one that can tame politics.

At this point, Honig is keen to answer something she takes to be a potential criticism of her combination of Arendt's work, which

centres on “the extraordinary”, with Austin’s, “concerned primarily with ordinary circumstances” (Honig: 1993a, p.89). Honig imagines that the reader may complain about this co-mingling of supposed opposites. To answer this anticipated objection, she turns to Derrida’s “Signature, Event, Context”, which “suggests that Austin’s theorization of the ordinary necessarily involves him in a theorization of the extraordinary” (Honig: 1993a, p.89). This use of Derrida allows Honig’s claim that, by analogy, Arendt’s focus on the extraordinary commits her, in a like manner, to theorising ordinary events (Honig: 1993a, p.89). None of this is necessary in defence of Honig’s description of Arendtian action as performative speech act;¹⁶ an alternative response is possible to Honig’s relation of the two, which rests on and responds to a confusion in her approach. In doing so, it makes visible an interesting facet of the interaction between extraordinary action and the norms of promising it is dependent on. For this, Derrida need not be invoked.

In order to accept Honig’s false dichotomy, one must accept her claims regarding the relationship between promising as an established practice on the one hand and the risks inherent to action on the other. Successful promising does require, as she claims, that “the operation of the practice and the meaning of particular promises must be relatively unproblematic” (Honig: 1993a, p.88). Quite so; it would be impossible to imagine, for instance, a successful recitation of marriage vows without (at the very least) the other person understanding what is signified by the ceremony. This much is consequent of Arendt’s contrast between, as it were, promising out loud and the less-real role-play of promising to oneself (Arendt: 1998, p.237).¹⁷

¹⁶Though it is structurally interesting as a means of leading into Honig’s approach to Arendt and the *Declaration of Independence*.

¹⁷Arendt actually says “. . . no one can forgive himself and no one can feel bound by a promise made only to himself; forgiving and promising enacted in solitude or isolation remain without reality and can signify no more than a role played before one’s self” (Arendt: 1998, p.237). In itself, this seems fair enough, though Arendt’s psychology may be a little lacking here (due mainly to the focus of her project): it is not entirely without consequence how an agent conceives of their own internal relations, even if such conceptions do not make themselves apparent to others. In

Action 'in general' does not directly encounter the same issue in relation to norms because, except in a very minimal sense, there cannot be a set of norms which apply to all kinds of action. Specific kinds of action, however, must have norms specific to them in the same way promising does, if they are to be understood by other actors. One must be reasonably sure when 'beseeching' some particular thing, for example, that other actors will understand roughly what it is one is saying and what the words themselves are meant to achieve. Only within some general understanding of the function or form of beseeching can this be possible. The alternative would be words and deeds which appear meaningless to other actors.

Part of what is at fault in Honig's analysis is a confusion between the practice of promising and the instantiation of particular promises by particular actors. Put another way, she has confused the structure of promising with its contents; the former only is the business of the norms which any promising must inhabit. Their existence cannot touch upon

privately committing oneself to a particular task, it is altogether a different conception of commitment in which one 'promises to oneself to do such-and-such by the end of the day' rather than 'commanding' the same.

One who is in the practice of promising, rather than commanding, himself is not likely take up the habit of command with regard to those others with whom he shares a common world, so long as he can be convinced to conceive of them as equals.

An agent adopting a model of self-command is liable, as Nietzsche suggests in relation to willing, to identify himself solely with that internal element which does the commanding (Nietzsche: 2002, §19), rather than the obedient element. Curiously, Arendt recognises the link between self-rule and rulership (in place of politics) in the organising of public business, contrasting the principles based upon promising with those which would be based on moral standards;

For Platonic rulership, whose legitimacy rested upon the domination of the self, draws its guiding principles... from a relationship established between me and myself... until the whole of the public realm is seen in the image of "man writ large", of the right order between man's individual capacities (Arendt: 1998, pp.237-238).

The direction of influence in relation to promising, so far as Arendt is concerned, is entirely the opposite; one learns to perform it in public and, from that, can learn self-forgiveness and self-promising as derivative acts (Arendt: 1998, p.238). It is obvious how frustration at the difficulty of successful public promising could, when compared with the ease of the private simulacra of them, turn an agent to adopting a desire rulership.

the “moment of contingency” with which a promise begins because they cannot determine the content of a promise, though they may direct what is commonly understood to be acceptable content. ‘Direction’ in this case, if it touches upon content, actually increases the risk inherent in certain promises by providing grounds upon which they may be dismissed, mis-understood or taken to be entirely inappropriate, as well as making explicable a promise’s (or, indeed, any action’s) success conditions.

Risk, of course, cuts both ways and Honig’s concern with the practice of promising is that it shields the actors from risk in some manner; one consequence of “the practice and meaning of particular promises [being] relatively unproblematic” is that “action as promising cannot occur *ex nihilo* and will not be as risky, as contingent and unpredictable as Arendt says it is” (Honig: 1993a, p.88). It is not necessarily entirely clear which side of an act of promising Honig takes to be the beneficiary of the risk-reduction of the promise.

Consider a case analogous to that of promising between individuals: the drafting of a treaty between two states. What is agreed to in, say, a mutual defence pact is reasonably clear to those who draft it but it does not follow from this that the acts necessary to fulfil treaty obligations are fully knowable in advance. Both parties are made open to vast new areas of risk not only in relation to one another’s acts but also to as-yet-unknowable relations to other states or international actors. The risks are themselves only taken on as potential burdens of the states *because* of the very norms of treaty-making which bind the two together. These norms themselves, as necessary grounds of promising, are necessary grounds of the *risks* of promising.

Without these norms, an act of promising would be a curious and inexplicable spectacle, effectively a mute and meaningless event. Suppose an actor who, rather than promising in some known manner, tries to promise in a manner quite unknown to any available to witness his action. What has he risked? Nothing more than if he had not promised at all. His sense of self-continuity is not at all in jeopardy, for no witness

is present who can speak to his success or failure if he has not been understood. He is, in fact, altogether much safer in this scenario; not being understood, he cannot be held to anything whatsoever as a result of his incomprehensible promising because only the actor himself has any chance of judging his future acts relative to the success conditions of his promise. The same, of course, follows for our inter-state treaty; if a treaty is attempted in some manner which does not accord with either side's norms of treaty-making, then it will not be binding upon them.

4.3 Power

In addition to the ways in which a promise conditions a promiser and stabilises them for others, promising has a further effect which is relevant to considerations of political foundations. This effect is the instantiation of power, as Arendt understands the term, for which promising has a constitutive role; through this, promising lies at the root of political foundations.

The Human Condition, "On Violence" and *on Revolution* contain Arendt's reflections on power. From the first two, a very consistent, if under-described, conception of power emerges¹⁸ which is then found in an 'applied form' in *On Revolution's* analysis of revolution and constitution. Power is a necessary element of good constitution-making as Arendt understands it, delivered at the beginning of the venture by mutual promises.

The first step to seeing how this can function is to present Arendt's account of power. This will include power's role in the continuance of a public. Finally, this section will end, as it must, by relating power to promising. The next will begin with an examination of power which treats the Founding Fathers as a 'case study', in order to reach the

¹⁸The similarity between the two is instructive; *The Human Condition* was published in 1958, "On Violence" in 1970 and little difference is visible in the concept of power as it appears in each.

question of power's continuance beyond the moment of foundation itself.

As with most of the concepts presented in *The Human Condition*, 'power' is revealed largely by contrasting it with related concepts, in this case with force and strength,¹⁹ in order to emphasise the plural character of power (Arendt: 1998, p.200); strength is "indivisible" whereas power is found only within groups of people (Arendt: 1998, p.201). "On Violence" contains a more direct description of power, though it too rests in part on the contrast with strength;

Power corresponds to the human ability not just to act but to act in concert... When we say of somebody that he is "in power" we actually refer to his being empowered by a certain number of people... In current usage, when we speak of a "powerful man"... we use the word "power" metaphorically; what we refer to without metaphor is "strength" (Arendt: 1972c, p.143).

This separation of power from strength and from several other terms is hardly incidental; the contrast makes evident that Arendt is looking for some 'binding' or 'unifying' phenomenon which does not efface politics. Power fulfils this as it designates the potential co-operative interaction of several free actors; Arendt's warning that it cannot be calculated ahead of time aside (Arendt: 1998, p.200), it seems we can happily talk, with some caveats presented below, of an increase of power attendant to an increase of co-operating actors.

Power is not coeval with action itself in the same way as Arendt holds freedom is, continuing 'in potentia' whilst actors remain together (Arendt: 1998, p.201). Between actions, power is a potential and (in a

¹⁹The exact same contrast between power and strength recurs in *On Revolution*; "In distinction to strength... power comes into being only if and when men join themselves together for the purpose of action" (Arendt: 1990, p.175). The dissolution of power with the separation of these men also figures in this description, as it does in *The Human Condition* (Arendt: 1990, p.175). Arendt, then, is consistent with regard to power across all three works.

contrast which is not itself convincing), “not an unchangeable, measurable, and reliable entity. . .” (Arendt: 1998, p.200). Power takes on these particular characteristics not as a result of its “ “potential” character” but because of the peculiarities of such a potential within a group of political actors; the unpredictability of action comes from the unpredictability of actors rather than of potentials as such. Until the moment at which an actor is called upon, there has been no determination one way or the other how they will act on the power existent between them and fellow actors. If they were determined by power in this way, then they would not be free actors but mere functionaries of some group cause.

4.3.1 The Location of Power

A plurality of actors is required for power for this very reason, as it is for politics. As with politics more generally, Arendt claims a minimal role for material conditions in relation to power;

The only indispensable material factor in the generation of power is the living together of people. Only where the men live so close together that the potentialities of action are always present can power remain with them. . . (Arendt: 1998, p.201).

Not just any common space can do for the maintenance of power, if we take seriously Arendt’s claim that a loss of power is the beginning of the end for a political community (Arendt: 1998, p.200). Organisation is a necessary component of power, else we cannot make sense of Arendt’s claims relating to “small but well-organised” groups using power more effectively than more numerous adversaries (Arendt: 1998, p.200).

The relationship of organisation to power is far from clear;

What keeps people together after the fleeting moment of action has passed (what we today call “organization”) and

what, at the same time, they keep alive through remaining together is power (Arendt: 1998, p.201).

The difficulty lies in determining what the 'what' within parentheses refers to as 'organisation'. It could conceivably refer to "What keeps people together. . .", in which case organisation would be an alternative name for power. For political power, this cannot mean just any form of organisation which relates people; it must be a grouping which installs them as equals rather than establishing command-relations. This is consistent with "On Violence"'s invocation of an alternative tradition, Roman and Athenian, in which the "concept of power. . . did not rely on the command-obedience relationship" (Arendt: 1972c, p.139).

To be effective in generating power, a structure works best if it includes a division of power, as well as "checks and balances" (Arendt: 1998, p.201). The increase of centres of power allows an "interplay of powers" (Arendt: 1998, p.201) and, we might add, this must be caused by multiplying the opportunities and contexts available for action, as well as the number of political groupings in which any given actor can move. The mirror image Arendt presents of such a structure is Montesquieu's account of tyranny, which "generates impotence" rather than power because of the manner in which it mutually isolates both tyrant and subjects (Arendt: 1998, p.202). A properly political set of institutions, as the other extreme to this, should be structured such that it creates multiple opportunities for power, perhaps with some elements provided only for that purpose.

In addition to these 'structural' considerations, power must be reliant on the self-understanding of the actors involved. By her claim that "Only where men live so close together. . .", Arendt must mean their living together with some idea of their action-potential. Otherwise, any old combination of co-existent people will do, whereas Arendt claims that power "is actualised only where word and deed have not parted company" (Arendt: 1998, p.200), i.e. only if the situation is conducive to properly political action and there are actors available with an understanding that this is so.

4.3.2 Power and Continuance

This much cannot be sufficient for power, or Arendt's dire warning of its tendency to dissipate cannot form part of her analysis; the idea is that the withering away of the power potential of a group is the first sign that it is in trouble (Arendt: 1998, p.200). Any crumbling of structure must thus come after in this particular case, which is a description of what might be thought of as a 'quiet death', a withering-away. Another case, of course, would be the conquest by outside forces, in which the institutions may well be destroyed, most likely with the aim of making the generation of power more difficult.

The potential for power to dissipate without such a cause suggests that power, in the political-organisational sense Arendt means, works something like an animating principle for politics. Power, by its nature, cannot be coercive upon individual actors, though they may take themselves to be duty-bound to certain kinds of action. Arendt's example of power not put to use is university students who do not act against lecture-disrupters; "the majority clearly refuses to use its power... the academic process breaks down because no one is willing to raise more than a voting finger for the *status quo*" (Arendt: 1972c, p.141). Clearly, no obligation exists for the majority to avoid becoming "the latent ally of" (Arendt: 1972c, p.141) disruption by any positive act; a sense of responsibility for safe-guarding the educational process would be needed, a sense that is perhaps discouraged by the very fact of a pedagogical setting in this case. This may well indicate that power is most fully realised where some structure of roles exists whereby the responsibilities of actors are apparent, or at the very least, the actor is denied the sense that some other person is responsible in their stead. To look to, or for, another person in this manner is to look for a relationship either of command or authority; quiescence then replaces the mode of responsible engagement proper to the political actor.

4.3.3 Promising Power

How does the capacity to make promises touch on the preservation of power? By prolonging the otherwise-fragile power

generated when people gather together and “act in concert,” which disappears the moment they depart. The force that keeps them together, as distinguished from the space of appearances in which they gather and the power which keeps this public space in existence, is the force of mutual promise or contract (Arendt: 1998, pp.244–245).

Actors remain in contact in the relevant manner because an authoritative promise can count as a reason for them to do so, thereby providing grounds for power. The promise can do something further than can mere happening-to-be-together; it makes explicit the responsibilities of the actors as such in relation to their common endeavour. In this manner, the keeping of promises acts to guarantee not just the proximity of actors but also the individualised, human, character of that proximity, placing them together in a manner conducive to politics and moderately stable. In *On Revolution*, the link between promise (in the form of “covenant and ‘combination’”) and power makes the former the basis of “a body politic” without which the individual “remains impotent” (Arendt: 1990, p.171). Only promising will serve as such a basis; Arendt contrasts it as basis with consent-based systems in which the power of the individual is alienated to somebody of government, leaving them with the same impotence as those outside the covenant (Arendt: 1990, p.171). As consent seems a close cousin to the promise-based model, a comparison of the two will be instructive; for this reason, they are presented here in section 4.4.

Arendt claims, in *On Revolution*, that promising, including the derivative forms of “combining and covenanting”, is “the means by which power is kept in existence”, which rather suggests it is the singular method available. It is also apparent that, in promising, the actor cannot help but create new power between himself and his witnesses.

Arendt makes the further claim that actors who are thus keeping power intact are “already in the process of foundation, of constituting a stable worldly structure to house, as it were, their combined power of action” (Arendt: 1990, p.175). Any measure of “stability” provided by promises automatically generates a world.²⁰

Given Arendt’s view of the fragility of power, if no promise functions as such a ‘force’, then the power potential will likely dissipate regardless of the bare institutional support enjoyed by that particular public space. The difficulty of expecting this sort of support from promising comes from the most obvious limit of promising; one can only authoritatively promise for oneself,²¹ so the promise cannot be binding beyond those who promise if it is to retain its character as the common undertaking of free individuals. In order to maintain this characteristic, the promise, including its embedded consequences, must not, in relation to subsequent joiners, resort to supports of the kind which were not involved in the initial moment of promising. That is, it must remain a promise freely entered, without force or other coercive effect but reliant only on the actor’s commitment to the promise; the next section, below, is underpinned by this claim, or something functionally similar.²²

²⁰One might be tempted to think that all action does this to some degree, creating a world even as it is dependent upon the world for a context into which it can manifest. This is true to the degree that all actions contain an implicit promise, in relation to the specific matter with which they deal. Only promising however, has an exclusively and explicitly future-directed focus, bringing to full light the concern with the future preservation of the common world in a way not necessarily otherwise present.

²¹The exception to this is that one can also promise on behalf of those who can be disposed of at one’s will; for those people, however, it is not a promise which directly binds them but the command-relationship. In relation to other promisers, the commanded are the equivalent of any other resource pledged to a mutual goal. At least in theory, those commanded do not have a say in the contents of the promises to which they will be committed by their commander. This is obviously not a suitable basis for politics and this is reflected in Arendt’s stipulations of the forms of contract or promise which can be part of foundations. This stipulation is the subject of section 4.4.

²²For the view that a promise, even on Arendt’s account, is restrictive of the freedom of actors inheriting it, see Keenan (2003), which is discussed below, p.175.

4.4 Forms of Social Contract

Arendt distinguishes, in both *On Revolution* and “Civil Disobedience”, between different types of ‘social contract’, only one of which is really suitable for politics as opposed to a system of ruler-ship. These social contracts are differentiated with reference both to the structure of relations they are held to establish and the means by which that structure enacted and maintained. One of the two²³ forms of social contract forms the theoretical basis for foundations of a politics of engaged pluralism; its suitability for the may best be seen using Arendt’s contrast between it and the unsuitable form of social contract. Curiously, the rejected form of contract is the one which seemingly creates conditions more conducive to the exercise of authority, this being a key component of the continuance of a public realm. Arendt’s reasons for this particular rejection are themselves therefore generative of a need for a new and distinctive conception of authority and the way in which it can function without the support of an anti-political relationship of command.

The two forms of social contract Arendt finds “in theory. . . clearly distinguished” (Arendt: 1990, p.169) are distinct in several respects in spite of (as she repeatedly mentions) their common name; they “have hardly more in common than a commonly shared and misleading

²³“Civil Disobedience” contains a third form of social contract, one “concluded between a people as a whole and its God”, (Arendt: 1972c, p.85) which empowers a theocratic form of government to act on their understanding of that God (Arendt: 1972a, p.86). The reference to a god as the determining factor for action very obviously makes it suitable for priestly rule rather than politics. While interesting enough in its own right, this form of social contract does not merit much effort here; it is essentially rather similar to the ‘vertical’ contract we shall soon enough encounter. Arendt is of course aware of this similarity between the divine power and the supposed omnipotence of the ruler to whom power is resigned in the ‘vertical’ contract (Arendt: 1990, p.171). Different between the two is that the structure of Biblical covenant theological rule has a (nominal) apex external not only to the system of laws but also to the physical laws of every-day life. A theological covenant without a ‘vertical’ structure other than the link of obedience between God and man is imaginable; an individualistic Protestantism which referred only to scripture for guidance, looking something like the kind of non-communicable conscience which Arendt discusses in “Civil Disobedience”. The nominal apex of command would in fact, be only the individual’s interpretation, binding only upon themselves.

name", as she notes in parentheses when introducing them (Arendt: 1990, p.169). For ease of reference, the account we present here will combine the account of social contracts Arendt presents in *On Revolution* (which itself connects more directly to her account of the American foundation) with that in "Civil Disobedience" (which employs mercifully succinct nomenclature which we adopt from the off) without effacing any differences between the two accounts. Where no difference is indicated, it may be taken that the two are in accord; such differences as exist will be indicated. This will, if nothing else, demonstrate the remarkable consistency of Arendt's writings.

In "Civil Disobedience", the two models of social contract are referred to as 'horizontal' and 'vertical', with Arendt's enthusiasm entirely with the former at the expense of the latter in relation to suitability for politics. We begin with the unfortunate latter;

the Hobbesian variety, according to which every individual concludes an agreement with the strictly secular authorities to insure his safety, for the protection of which he relinquishes all rights and powers. I shall call this the vertical version of the social contract (Arendt: 1972a, p.86).

Immediately, a problem with this form of contract is apparent; it secures only personal safety, rather than a public realm, though it may conceivably generate one of those at the same time, albeit by accident. The vertical contract, therefore, fails as a political foundation on account of its purpose; in the terminology of "What is Freedom?", it secures liberation from want, rather than freedom (Arendt: 1993f, p.148). This particular flaw must be set aside to focus on the structural deficits of the contract and the way in which 'consent' features in the creation and maintenance of this structure.

The deficit, from the view of the political, lies in the alienation of 'all rights and powers' by all participants other than the sovereign; whilst necessary for efficiently organising a system to meet material

needs it is entirely antithetical to politics²⁴. This contract only creates, in theory, a relationship between the ruler on the one hand and the subjects on the other. This is not incidental in the version of the vertical contract presented in *On Revolution*; “it is precisely their isolation which is safeguarded and protected” (Arendt: 1990, p.171) in leaving the state of nature for the protections of Leviathan.

Whilst Arendt identifies this sort of contract with Hobbes, his Leviathan’s subjects do in fact contract with one another to establish obedience to the common authority which is then brought into being (Hobbes: 1994, pp.99–100). Arendt sees the unity of the Leviathan’s state as entirely the product of an over-awing power (Arendt: 1972a, p.87) and this is true in the sense that Hobbes’ covenant-makers are over-awed by fear of the state of nature, if nothing else.

Only at the moment at which the vertical contract is made is there any potential connection of power between the contractors; this power in fact manifests itself in that single instance purely in order to undo the possibility of its own future workings. This is the essential fault with the vertical contract though Arendt does not spell it out fully; all of the qualities of the political are deployed in order to prevent their further usage, even without reference to the aims of the contract, which are themselves entirely a-political.

The ‘horizontal’ contract, by contrast, uses the same faculties in the cause of their own potential further use and perhaps does so with this fully in mind rather than as accident. Built on mutual promises which take the form of alliances between the promisers, “who contract for their government after they have mutually bound themselves” (Arendt: 1972a, p.86). This two-step contracting, which Arendt seems to think an accurate model of the American experience (Arendt: 1972a, p.76)(Arendt: 1990, p.169), creates a society as well as a system of government²⁵. Promising, in this form, itself serves as the explicit basis

²⁴The confusion between the two is, of course, a significant part of Arendt’s complaint against modern conceptions of politics.

²⁵In the case of Leviathan, there is only one step in effect; the contract to mutual

of the body politic (Arendt: 1990, p.171); in directly addressing the structuring the individual actors in relation to one another, it prevents them from collapsing into a set of interchangeable subjects.

The most appropriate image for this is of course that of a web, which appears in *The Human Condition* as the 'web of relations' and may perhaps be the theoretical underpinning of her Montesquieu-like understanding of law as establishing relations (Arendt: 1998, p.190fn.17). Each actor becomes an intersection, held in place by relation to definite others rather than isolated in relation to everyone but the sovereign power. By virtue of this quality of combining without effacing the differences of the actors, the act of promising continues to generate power (or at least does not impede it) not just between individual actors but also, *mutatis mutandis*, between any such groups of actors, thereby allowing political bodies to combine without thereby losing "their identity" (Arendt: 1990, p.171).

In place of the mutually-enacted promises which form the basis of the horizontal contract, the vertical contract relies on the individual subject's "consent" to the sovereign power, a purely private affair (Arendt: 1990, p.171). By this consent, the individual surrenders all power, as seen above, rendering them obedient without thereby introducing them to a public realm. So far as this is understood to be the functioning of consent, it has no public role.

However, consent appears in a very different manner in "Civil Disobedience", which presents us with a case of Arendt treating it seriously as a part of politics and its institutions. This is something altogether different from the idea of "tacit consent" to a society to which one happens to be born, requiring certain other qualities in order to be meaningfully exercised, though Arendt rather runs the two together (Arendt: 1972a, p.88).

This is unfortunate because it obscures an important element; the interaction between power and consent, which itself rests on the way in which consent is supposed to operate in relation to political communi-
obedience.

ties properly constituted, including in Arendt's idea of America. There, the possibility of dissent is generative of the possibility of assuming, in its absence, tacit consent;²⁶ "one who knows that he may dissent knows also that he somehow consents when he does not dissent" (Arendt: 1972a, p.88). Consent here relates not to the level of specific laws or policies but with reference to the Constitution itself, (Arendt: 1972a, pp.88–89), which places it at the same level of generality as the consent to Leviathan in the vertical contract. The key difference, of course, is that consenting to Leviathan creates a beast against which future dissent is in theory not possible. Talk of consent after that moment of creation is an absurdity for this reason; the subject is no longer able to meaningfully dissent.

The question is what constitutes meaningful dissent of the kind Arendt claims is "the spirit of American law and the quintessence of American government" (Arendt: 1972a, p.88). Because we are here interested in the possibility of dissent in relation to the political, there is one obviously necessary quality for the possibility of meaningful dissent: the capacity to engage in dissent *publicly*. In turn, there are several rather obvious requisites for this to occur, amongst them the guarantees of free speech and association, including some level of protection from violence at the hands of the state's agents. In this last stipulation is seen a further difference between obedience to Leviathan and a power- and promise-based contract; the latter, as the contrast suggests, ought only to employ power against its members. Even this does not quite catch the relevant difference in interaction, which is in the horizontal contract's case supposed to be the interaction of those members conceived as equals, which both generates further power and maintains the otherwise-inanimate structure in some manner. The prohibition against employing violence in response to fellow citizens' use of power is a necessary component of civil political discourse.

No less important to the continuance of this discourse is that it is

²⁶Though, one might well read it as actual consent in the case of a person free to dissent who does not do so.

conducted in co-operation even with those on the opposite side of a particular dispute; no *polis* can survive without this condition in place. Once the workings of authority are laid out in full order, the way in which this is achievable will be much clearer, though for now we may note that it includes a judgment-like commitment²⁷ to considering the views of the other, combined with a commitment to the enterprise of a continuing political community as such which has priority over any particular dispute.

So long as dissent must remain a political possibility, no non-political method can legitimately answer its use, nor can anything but the persuasion and power of fellow citizens exercised on an equal footing. The structure of the (essentially fictional) horizontal social contract reflects this, in the first instance by relating actors directly to one another. In the second instance, this is suggestive of the political community itself, operating in a manner based on whatever consensus can be achieved, working upon the machinery of the state. It does so in place of the isolated subject of Leviathan interacting with the sovereign, which is a one-to-one relationship in which the determining factor is never power, which is to say: never political.

The above considerations affect the following even as they provide an important component of the interaction between individual and political institution. The affect will be felt in the manner in which authority can function within a political community given the equality of citizens which is necessary to such a community.

4.5 Arendt's pre-US America

We now turn to Arendt's account of America, taking in not just the act of founding itself but also her account of the history which preceded it, which determines the set of problems which the founding had to

²⁷Judgment, or at least this element of it, is present in outline if not in name in Arendt's reflections on the relationship between conscience and civil disobedience (Arendt: 1972a, p.58ff).

address. This, in turn, affects the plausibility of Honig's reading of Arendt's reading of the *Declaration of Independence*.

Although Arendt recognises the basically mythical character of the social contract, her account of the history of America prior to and including the *Declaration* reads it as something like the horizontal social contract as historical fact, including the creation of a political community prior to establishing its system of government. In relating the two, Arendt claims "it looks rather as though [Locke] was more influenced by the facts and events in America" than the contrary, in relation to his *Treatises* (Arendt: 1990, p.169). America is to Arendt the factual instantiation of the otherwise-theoretical 'state of nature' which is a necessary part of any social contract theory (Arendt: 1990, p.171).²⁸

The "American Revolution", according to Arendt, did not itself create the "new power concept" which the colonists had discovered but merely made it explicit, by instituting "the foundation of a new body politic, designed explicitly to preserve it" (Arendt: 1990, pp.166–167). There is some difficulty in understanding the sense of 'preserve' in that claim, as Arendt enthusiastically documents the pre-revolutionary means by which this power concept was practiced. The most likely explanation is that Arendt is concerned that some alternative system of government could instead have been created which did not preserve or even acknowledge power in that form, thereby damaging the practice by denying the theoretical analogue to it. The practice itself was already safely established by the Mayflower Compact, which, itself forming a basis for "all necessary laws and instruments of government" for its signatories, "quickly became a precedent" (Arendt: 1990, p.167) for further such unifying compacts. This is not to say, of course, that the

²⁸It is a recurrent theme of Arendt's pre-revolutionary American colonists that they found themselves practising promising and covenanting without any real theoretical backing, apart from, perhaps, "the Puritan's reliance on the Old Testament, and especially their rediscovery of the concept of the covenant of Israel" (Arendt: 1990, p.172). Given the vast difference in kind between a covenant between a God and a people on the one hand and the need to contract between equal individuals on the other, some significant adaptation of theory was necessary for the former to be made applicable (Arendt: 1990, p.172).

process of founding cannot be a generator of further power; indeed, it must because it creates ever-more new relations between ever-more new bodies, so long as it institutes a system which is genuinely political.

This is not, however, the primary task for the act of founding; the “binding and promising, combining and covenanting” which keep power extant pre-date the revolution which they inspire in part (Arendt: 1990, p.175). All of these are, in their way, limited acts of foundation for so long as the power generated in action is maintained. The act of founding a political community is more ambitious than this, of course, because it posits not just a reason for the originating actors to remain in a power-relation but for future actors to join with it. Whilst promises, even action as such, must “deal with the future”, (Arendt: 1990, p.175) the founder does so in a manner subtly different, addressing the following generations explicitly, offering to them something built only for the sake of their possible involvement in human affairs. For this, a greater degree of stability is required than need be found in non-foundational promises; put another way, there must be a robust way by which the ‘we’ of the original promise can, through the act of foundation, become a ‘we’ which is expandable, able to take in people. There is an urgency to attempts to found a political community which is not present in any more modest political project, since the founding of a community necessarily includes the introduction of new members, in the form of the as-yet-unborn members. For this reason, the founding must accomplish something rather difficult; it must create something which can be taken to be authoritative enough to make a ‘we’ without thereby subverting the unique character of the political. Arendt recognises that authority is at stake in the American revolution;

What the royal charters and the loyal attachment of the colonies to king and Parliament in England had done for the people in America was to provide their power with the additional weight of authority; the chief problem of the American revolution, once this source of authority had been severed from the colonial body politic in the New World,

turned out to be the establishment and foundation not of power but of authority (Arendt: 1990, p.178).

Note that the problem of protecting power has dropped out of the equation here, to be replaced by a more pressing problem.

This problem of establishing authority comes into view as the main one which presents itself in the revolution, though power's continuance is of course not automatically rendered secure at the same moment. Understanding the possibility of establishing authority—particularly a form of authority which is compatible with politics *and* Arendt's diagnosis of modernity—is the central difficulty of the following considerations. The *Declaration of Independence* serves as an example of a foundation which can do just this but, in order to understand what exactly is required of it, the meaning of authority and its relationship to other concepts in Arendt's work must be presented.

4.6 Authority, Augmentation and Continuation

This is the work of this section, which most take in the concept of authority as Arendt presents it, along with both the nascent American republic at the moment of foundation itself and, further, the relationship between that moment and those who later belong to the republic. This will involve a mix of both Arendt's "What is Authority?" (Arendt: 1993e), to pin down her concept in its more general terms, and her reading of the American experience of foundation in *On Revolution*, in order to ascertain if it successfully meets the challenge of establish authority anew with which we closed the preceding section.

It is perhaps obvious enough that, in order to determine if the Americans can successfully marry authority to the politics born of their founding, it must be known what 'authority' is. Arendt claims the concept is "clouded by controversy and confusion", caused by the lack of a common "authentic and undisputable experience" of it on which an agreed conception can be based (Arendt: 1993e, p.91). This claim of

a particular cause for forgetting the ‘proper’ meaning or experience of authority, of course parallels Arendt’s thesis regarding politics itself but there is a difference; the “crisis of authority” is primarily a practical, rather than a theoretical, problem and one which Arendt claims “has accompanied the development of the modern world in our century”, i.e. the twentieth (Arendt: 1993e, p.91). Compared to the loss of the political, authority is a recent casualty. This is primarily presented as a problem of politics, which “has spread to such pre-political areas as child-rearing and education”, areas of activity in which authority is fundamental to correct execution of purpose (Arendt: 1993e, p.92). In this is already apparent the potential tension between authority and the political; it would be a pretty wide-ranging tool which was suitable in unmodified form for both a hierarchical system of instruction and an egalitarian public realm. Arendt matches a few different kinds of regime with a specific shape each; for the authoritarian system, she proposes “the shape of the pyramid [as a] particularly fitting image for a governmental structure whose source of authority lies outside itself, but whose seat of power is located at the top” (Arendt: 1993e, p.98).

Arendt presents a brief description of the differences between authority and a small handful of things with which she takes it to be frequently conflated as a result of its conceptual indeterminacy.²⁹ The most likely confusion is of authority with “some form of power³⁰ or violence”, since obedience is an integral part of authority (Arendt: 1993e, pp.92–93). It is an obedience, however, which cannot call on those tools; “where force is used, authority itself has failed” (Arendt: 1993e, p.93). Persuasion is likewise forbidden, as it rests on an “egalitarian order” quite at odds with the “authoritarian order, which is always hierarchical” (Arendt: 1993e, p.93). This structuring, the hierarchy which underpins authority, is not incidental to authority but the means by which it functions differently from any of the alternative methods of interaction just discussed;

²⁹This is followed by Arendt issuing a defence of making distinctions, itself written in a peculiarly defensive tone against a (perhaps imaginary) tendency for political theorists to unnecessarily collapse distinctions (Arendt: 1993e, p.95).

³⁰Presumably Arendt has the usual broad meaning of power in mind.

The authoritarian relationship between the one who commands and the one who obeys rests neither on common reason nor on the power of the one who commands; what they have in common is the hierarchy itself, whose rightness and legitimacy both³¹ recognize and where both have their predetermined stable place (Arendt: 1993e, p.93).

In one regard only does this share anything with the political; that it relates individual people in a definite way, tying them to one another by means of a structure which exists between them and is sustained only by their acceptance of it.

There, the similarity ends, as the structure which Arendt claims is the basis for authority, or for authoritarian systems, is inherently inegalitarian in a manner which prevents political interaction between participants in the structure in relation to any matter which is within its purview. As Villa puts it, "Authority defined in *this* way is obviously antipolitical, predicated as it is on a hierarchical distinction" (Villa: 1999b, p.161). Not only has authority vanished, it was also wildly unsuitable for politics anyway. Of course Arendt recognises this; she takes Plato to be the originator of "one aspect of our concept of authority", presumably its refusal of persuasion, the basis of the Greek means "of handling domestic affairs" (Arendt: 1993e, p.93).

The idea of divorcing authority from persuasion is a curious one, not least because Arendt has left it under-developed. There are several ways in which persuasion and a practice of authority might intersect, only one of which would seem to indicate a failure of authority, that where it becomes a supplement to counteract the recalcitrance of the commanded. The relationship between authority and persuasion will be more easily understood (perhaps: 'must be understood') in terms of Arendt's approach to Plato as an influence on the concept of authority.

³¹Whilst the one who obeys must believe in this hierarchy, it is unclear that the one who commands need have any thoughts at all regarding its 'rightness' in order for it to function. He may simply enjoy the capacity of command, or be accustomed to it in an entirely non-reflective manner, without this jeopardising it in any way.

She takes much of his approach to authority to derive from an attempt to justify rulership by philosopher-kings replacing the *polis* (Arendt: 1993e, p.109), motivated in turn by “the conflict between the philosopher and the polis [which resulted] in the trial and death of Socrates” (Arendt: 1993e, p.107). This brings us to Plato’s opposition to persuasion and hence to its supposed incompatibility with authority, with reference to a slightly fuller account found in Arendt’s “Philosophy and Politics”. There, the focus is on the inability of Socrates to persuade ‘his judges of his innocence and his merits’ (Arendt: 2004b, p.427) or, for that matter, his friends that he should not evade punishment (Arendt: 2004b, p.428). In the face of this ineffectiveness, Plato wanted “something liable to compel [men] without using external means of violence” (Arendt: 1993e, p.107). The philosopher’s appreciation of ‘the truth’ is insufficient for this, for it can be binding only on the kinds of people who find the related concerns compelling. For the remainder, something is needed which does not rest on persuasion (itself ill-matched to propagating the truths of the philosophers because it necessarily treats them in the same manner as ‘mere’ opinions (Arendt: 2004b, p.428)). The frustration, then, for Arendt’s Plato, is not primarily that a system of authority could be created in which specific instances of it were questioned but that accepting the system as such would be placed in jeopardy if it were to be presented ‘on a level’ with citizen’s opinions.

In both these cases, persuasion is employed in a manner which is in some sense ‘external’ to the practice of authority, because both involve questioning the legitimacy of the structure itself and therefore may only be asked by someone not fully immersed in the structure. This seems to be the concern Arendt ascribes to Plato in both “What is Authority?” and “Philosophy and Politics”, since he is proposing a new valuation, precisely that of the philosopher’s supposed expertise at the expense of the Greek *polis*’ persuasion-based means of doing public business. The question there is, as it were, how to convince a people to accept a new ordering of the common world and the relevance of this to considerations of foundings are obvious.

For the act of foundation to be a political act, it cannot be presumed to function without the support of persuasion. This is only possible if we assume that Arendt's account of authority is not simply identical with her Plato's account of the phenomenon save for a difference in evaluation of it. This particular difficulty will be carried forward into the examination of the American experience of foundation.

With these as the basic characteristics of authority, or, more accurately, an authoritarian system, it is hard to see what role it can have for politics. On the other hand, Arendt claims, in a remark hardly expanded upon, that freedom is dependent on the boundaries of authority, without which it "became helpless, defenseless, and bound to be destroyed" (Arendt: 1993e, p.97). The potentially mutually-supportive workings of this relationship between authority and freedom will become clearer with reference to the American founding but a preliminary answer is possible now; authority can in another sense, one not immediately clear from Arendt in "What is Authority?", indicate an acceptance of a given governmental system itself as authoritative without thereby ascribing roles to members based on command relationships. A relationship of equal citizenship may itself be bound to, founded on, an authoritative system of this type which thereby justifies that equal relationship. We will soon enough determine if the American founding is an example of creating a system with something like that character.

4.6.1 The Lost Supports of Authority

First, though, it must be seen why Arendt thinks authority is in a state of crisis in modernity. She ties it into a trinity with tradition and religion (Arendt: 1993e, p.93), the latter of the three understood in a very particular way and all three sharing in the same crisis. Authority is the latest of the three to suffer from the "general doubt of the modern age", which thereby "invaded the political realm" (Arendt: 1993e, p.93). These are not three separable things which merely happen to share a fate; the twin losses of tradition and religion together cause the weakness

of authority. The ways in which these two support authority provide much of the character of authority as “an obedience in which men retain their freedom” (Arendt: 1993e, p.106). Whilst ‘tradition’ seems the easier linked to authority, Arendt’s account of (Roman) religion forms a vital mediator between the two, so must be the first-addressed of the two here.

Whilst the role of religion in support of authority is perhaps less obvious than tradition’s, we might assume that it could perform it by providing a sanctified support to a government based on that government’s accordance with scriptural teachings. This, however, is not at all the idea Arendt has in mind when she refers to religion, which she clears of all explicitly belief-related content of the kind we might naturally associate with, say, the Abrahamaic religions.³² Indeed, transcendental justifications for particular rulers appear in “What is Authority?” not as a part of the kind of religion she has in mind but as Plato’s justification for philosopher-kings (Arendt: 1993e, pp.107–108).

Instead, Arendt plays on the derivation of ‘religion’ from “*re-ligare*: to be tied back, obligated. . . to be tied to the past”, where this is understood, for and by the Roman citizen, as a reverential tie to Rome’s own moment of foundation and the history which follows from it (Arendt: 1993e, p.121); those foundations are understood as “enormous, almost superhuman and hence always legendary attempts” to create a lasting foundation (Arendt: 1993e, p.121). Religious activity becomes “almost identical” with political activity, when understood in this way; “The binding power of the foundation itself was religious ” (Arendt: 1993e, p.121).

The unity of these two makes sense only once we follow another of Arendt’s etymological derivations, this one the derivation of authority, as it “originally appeared”, from augmentation, specifically the augmentation of the foundation act by those in whom authority was later vested (Arendt: 1993e, pp.121–122).

³²On the other hand, the workings of authority with reference to both tradition and religion, are essentially adopted by the Christian Church for its own purposes in Arendt’s account, thereby becoming a religion “in the ancient sense” (Arendt: 1993e, p.126).

Religion, then, derives from the same base as authority itself with a relationship of mutual support between the two in Arendt's Rome, with the religious element supplying an affective element of attachment to the foundation (and hence the practice of authority), which is to say that it is the religious element which is responsible for the feeling of 'rightness' which we have seen Arendt claims is vital to a practice of authority.

In the case of Rome, it is the Senate which benefits from this recognition, bestowed upon it by virtue of "descent and by transmission (tradition) from... the ancestors" (Arendt: 1993e, p.122). This is the content of tradition for Arendt's Rome and therefore the object of the religious feeling which supports authority. Tradition, which Arendt presents as "undeniably" lost for modernity, is not identical with the past itself, a confusion which Arendt takes to be prevalent (Arendt: 1993e, p.94). Instead, tradition is

... the thread which safely guided us through the vast realms of the past, but this thread was also the chain fettering each successive generation to a predetermined aspect of the past (Arendt: 1993e, p.94).

In the case of Rome, this results in an authoritarian pyramid-shape formed "as though the peak of the pyramid [reached] into the depth of an earthly past (Arendt: 1993e, p.124) In the image of the pyramid as such, Arendt claims the layers of the pyramid "are interrelated like converging rays whose common focal point is the top of the pyramid" and its source of authority (Arendt: 1993e, p.98) which, in the case of Rome, would mean something like a continual examination not of the past but of the tradition. The difference here must be spelled out; it can only be that the latter is the 'processed form' of the former, providing the bare facts not only with a layer of interpretation but specifically a layer of interpretation which itself had a particular unified focus and selective function. At any point, the exercise of any act would in theory be subject to a question rather like 'does this augment Rome's

founding?’ or to put it as Arendt does, the “whole weight of the past” was on the shoulders of the Roman at all times (Arendt: 1993e, p.123).

Arendt’s Romans sound almost ravenous for tradition-creating and -enhancing opportunities; “[a]nything that happened was transformed into an example, and the *auctoritas maiorum* became identical with authoritative models for actual behaviour, with the moral political standards as such” (Arendt: 1993e, p.123). This cannot be too indiscriminate, or else it would not be a coherent tradition. The past which is handed down “from one generation to the next [is] the testimony of the ancestors” (Arendt: 1993e, p.124), so will come to the citizen with a particular, probably reasonably proscribed, emphasis and point-of-view. The seriousness with which Arendt’s Romans took precedents from their tradition as a source of authority was the basis of their acts, with actions conducted without such a reference “was inconceivable” (Arendt: 1993e, p.124).

This approach to the past, resting on a religious sentiment in relation to a particular mythical moment, combined with a unified tradition related to the same, does now seem lost. If authority as such necessarily rests on these two in combination, or even one or the other, then a reliable source of authority which is also compatible with the political, is a futile hope.

4.6.2 The Lost Species of Authority

It is very tempting to read “What is Authority?” this way because, although Arendt starts with the caveat that she is not discussing “authority in general” but rather a very specific form which had been valid throughout the Western World over a long period of time” (Arendt: 1993e, p.92), she proceeds without any reference to alternate forms of authority.³³ Arendt’s account of authority, then, is supposed to be read as the loss of a particular form of authority, capitalised on but not

³³This is not exactly true: Arendt does mention the ecclesiastical authority of the Catholic Church; she describes it as inheriting ‘Roman-style’ authority (Arendt: 1993e, p.125).

caused by the totalitarian movements (Arendt: 1993e, pp.91–92), even if it is written in a manner that makes it sound as though Arendt holds that the possibility of authority as such has passed (or is at least, apart from the caveat, not unambiguous on this point). The claims that one *particular species* of authority has passed are over-shadowed by the more spectacular opening claims of the essay that suggest authority as such has vanished, or even that the essay should have been titled “What was—and not what is—authority?”, as Arendt begins it (Arendt: 1993e, p.92).

It is precisely these statements which encourage readings of Arendt’s essay, such as Flathman’s,³⁴ which take seriously the ‘authority as such’ strain of the essay at the expense of Arendt’s caveat. Flathman recognises the Roman-specific quality of Arendt’s concept but treats it as exhaustive of her concept of authority; “acceptance of these beliefs [in religion and tradition as found in Arendt’s Rome] eroded away. Because *in* authority depended on them, their decline left Western societies with no more than the appearance of authority” (Flathman: 1980, p.71). Flathman treats tradition and religion in Arendt’s account as functional supports for authority as such in terms of their being a “deeply held and widely shared system of values and beliefs” which are able to ground the “constitutions, rules, procedures” and other of the manifold phenomena of authority (Flathman: 1980, p.71). The point at which Flathman departs from a charitable reading of “What is Authority?”—the same point at which following his reading would render Arendt’s hope for the American founders establishing both power and authority quite incoherent—is his claim that the specific authority-tradition-religion “constellation is not merely one possible

³⁴Honig criticises Flathman for this (Honig: 1993a, p.102). She altogether misses the curious fact that, having criticised Arendt’s alleged death knell for authority, Flathman provides a good account of how authority could function without resurrecting the ‘Roman form’ of it but intends this as a criticism of Arendt’s presumed pessimism. As we shall soon see, it need not be used that way and can indeed form a basis for the recovery of authority within terms quite similar to Arendt’s own. Honig’s own account of ‘modern authority’ (Honig: 1993a, p.103) can itself fit into the framework Flathman builds as a generalised account of authority.

set of conditions in which *in* authority might take root and flourish, it is necessary to *in* authority" (Flathman: 1980, p.71).³⁵ Flathman recognises that Arendt's link between power and authority makes the former dependent on the latter (Flathman: 1980, p.263n.6) without recognising that Arendt's examples of modern instances of power, found elsewhere, complicate both this relationship and the dependence of authority on supposedly vanished authority and tradition.

Leaving aside for the moment the errors in Flathman's reading of Arendt, there are other elements of his work which provide the appropriate framework for addressing the manner in which she can hold authority in some alternate form to be a possibility for the moderns. On Flathman's account, Arendt's failing is that she supposes a very exact constellation of beliefs necessary for "genuine or true or real authority" (Flathman: 1980, p.73);

She is correct that *in* authority requires values and beliefs that provide grounds for preferring forms of association that include *in* authority over those that do not and for preferring some particular version of those forms that include it. She may also be correct in her thesis that certain beliefs about tradition and religion in fact played such a role in ancient Rome. But it is implausible in the extreme that those particular beliefs are a necessary condition of any and all systems of *in* authority. The experience of one society (or the writings of one theorist) does not not legislate to all future practice. The writ of no *in* or *an* authority runs so far (Flathman: 1980, p.75).

Initially, this criticism of Arendt may seem to miss the point of her habitual procedure of making strict distinctions, for it seems, on a

³⁵Unless we just assume she held a different view about the constellation of necessary conditions for authority when writing *On Revolution*. We do not need this assumption because of the caveat in "What is Authority?", though it would in fact be a perfectly acceptable way of reconciling the two, especially once Honig's distinction between 'Roman' and 'modern' forms of authority is adopted.

pretty shallow reading, to risk undoing the distinctiveness of authority as captured by her description.

However, this would be to miss the point: Flathman's work allows us to point up the ways in which practices of authority share similarities, linking Arendt's accounts of Rome on the one hand and the American founding on the other in a way not easily manageable with Arendt's work alone. Linking the two is a necessary part of treating Arendt as a consistent thinker simply because she insists on the rigid distinction of authority from many other things whilst using the term to refer to elements of two different sets of institutions and attendant practices.

This work must be done before addressing Honig's account of the distinctiveness of these two forms of authority, in order to show that they are indeed phenomena which ought to be captured by the same conceptual schema.

The bridge between the two is Flathman's claim that, whilst the specific 'beliefs and values' of ancient Rome are not necessary for the functioning of authority, "practices of *in* authority do require values and beliefs in terms of which authority can be preferred over alternate arrangements" (Flathman: 1980, p.75).³⁶ This (perhaps obvious) point suggests that the Roman and American forms must be broadly identical in schematic form in order for both to fall into the same category as Arendt uses it. This is not to claim that there is identity of content between the two sets of practices but that tradition and religion must be replaced by some other set of 'beliefs and values' in the American case in order for authority to function, a replacement which, whilst not obviously possible given the way in which Arendt presents authority, can hardly be said to have been ruled out by it either. The success (or otherwise) of this attempt can only be decided by an examination of the American founding and the subsequent system spawned by it but it must be borne in mind that the above is the preliminary framework

³⁶Flathman's claim encompasses both the preference for one particular practice of authority over another and the preference for some authority rather than none whatsoever.

for understanding both what Arendt may be attempting and, to some degree, the operations of Honig's reading of this.³⁷

Based on the considerations of this section so far, it can be seen that the work of a founder in the modern age is especially difficult. A different relationship between system and citizen is necessary when all citizens can become direct political participants, rather than mere electors. In the Roman example, the authority of the senate is, as it were, exercised in relation to those who are non-senators. For Arendt's modern conception of politics, there is no hard distinction of this kind to create a hierarchical relationship as such, so some difference in the relationship between citizen and the authoritative system as such will be evident. Given Arendt's view of tradition, both in the Roman sense and more generally, any practice of modern authority must do without the support of an authoritative tradition as supply of common materials about which views may be held. The same point is applicable also to the use of religion for authority; it is hard to imagine a religious awe in relation to the founding act with quite the same character in a modern setting (as it would seem to require a Roman-like attitude to the founding act) and the Abrahamic faiths, looking mainly to the heavens, can not perform a comparable service.³⁸

It is possible to generate an understanding of a modern practice of a specifically *political* authority by reference to Arendt's analysis of the American founding, centring on the *Declaration of Independence*. This must include Honig's reading of the same.

4.7 The American Founding

The need for some system of authority for the successful functioning of politics established, it is time to turn to how such a system can

³⁷Though, Honig's quick dismissal of Flathman suggests that she does not understand her own work in these terms.

³⁸This same difficulty also applies if the founding is intended to produce a non-political system of command relationships, unless some means for restoring them can be found.

be created which does not violate the political by robbing it of its autonomous character as a mode of human life. The appearance of this problem in Arendt parallels but does not match the standard problem of how to legitimately found a government, such as one might find in Rousseau, Locke or Hobbes, based on the assumption that people are, loosely speaking, otherwise in some kind of 'state of nature'. The problem is slightly different for Arendt, being instead the problem of founding a governmental system such that it is taken to be authoritative in a manner which then enables the practice of politics. In fact, this problem might not have been apparent at all without, first, the appearance of a crisis of authority in "What is Authority?" and, second, the way in which she treats the American founding as a means to create authority anew under modern conditions. Arendt creates a need within her project for a *something* which can stand as a generator of authority, able to stand without prior supports; the correct point to address this is below, in subsections 4.7.4 and 4.7.5, in which the issue of the newness of the system comes to the fore in the question of what is constituted in the act of founding. This forms the background for the following considerations.

There is a peculiarity in Arendt's approach to the founding of the United States of America: she does not identify, as we might expect her to, the Constitution itself as the primary foundational document of that system. Although that document does feature in her account, particularly with reference to the institutional forms and functions after the act of foundation, the focus in relation to the justificatory aspect of authority is on the *Declaration of Independence*. Arendt's claim that "[u]nder modern conditions, the act of foundation is identical with the framing of a constitution" (Arendt: 1990, p.125) seems as though it might count against this claim but she continues; "the Declaration of Independence initiated the writings of constitutions for each of the American States, [which] culminated in the Constitution of the Union, the foundation" (Arendt: 1990, p.125). Alone, this does not settle the matter: it does not establish that the document of the Constitution is itself the justificatory source of itself.

Arendt has a very specific source in mind for this justification;

If we were to understand the body politic of the American republic solely in terms of its two greatest documents, the Declaration of Independence and the Constitution of the United States, the Preamble to the Declaration of Independence would provide the sole source of authority from what the Constitution, not as an act of constituting government but as the law of the land, derives its own legitimacy; for the Constitution itself [including the Bill of Rights]. . . is singularly silent on this question of ultimate authority (Arendt: 1990, pp.193–194).

Whilst the Constitution itself is not a negligible part of the historical process, it has been demoted, in essence, to a (significant) document of implementation rather than source. The *Declaration* takes the position of originary document, the Constitution itself essentially subordinate to it, justified by it in a manner we have yet to explore.

The caveat with which the selection above begins cannot have escaped notice: it will become clear that Arendt essentially does wish to understand the American body politic in terms of these two documents, though perhaps not exclusively in those terms. The alternative, which shortly follows this passage, is to construe of the source of authority for the American government as either the workings of divinely-informed reason or, even worse, the God who stands as guarantor of reason thus construed (Arendt: 1990, p.194). This possibility, at odds with Arendt's conception of politics, is the root fear against which much of *On Revolution's* account of the American founding is written. It remains to be shown that the *Declaration* can ground authority without recourse to something non- or pre-political: such is the work of the remainder of this section.

To that end, the account Arendt gives of the American founding will be considered, with the interpretive approach to it provided by Honig considered alongside. There are several relevant elements to Honig's

approach and this section will deal with each in turn. The immediate question is ‘what does Honig think can ground a modern, post-Roman practice of political authority?’, keeping in view the elements she believes to be novel to the ‘modern’ as ‘opposed’ to the Roman forms of authority, as well as the similarities between them which justify their unity within one concept. Honig’s reading, as we shall see, privileges the differences between the two without addressing the similarities which seem to underlie them.

A brief examination of Honig’s over-all claim, then, to begin, which is that there are two recognisably distinct practices of authority to be found in Arendt’s work: the one in “What is Authority?”, which is the ‘Roman’, the other a ‘modern’ practice of authority which can be understood largely with reference to *On Revolution* (Honig: 1993a, pp.96–97). Honig’s

Arendt does not simply mourn the disappearance of authority in modernity; she also celebrates it. And, in that spirit of celebration, she constructs a replacement for it: through her fabulist rendering of the American revolution and founding, she offers a powerful account of a practice of authority *for* modernity (Honig: 1993a, p.96).

This is how Honig sets up both the ending of the possibility of a ‘Roman’ practice of authority and the possibility of some newer practice replacing it, noting that the loss of the ‘Roman’ form is in some sense liberating, marking “the recovery of human worldliness, and new possibilities of political action” in spite of the difficulties it creates (Honig: 1993a, p.96). These difficulties are themselves directly political;

we [cannot] exercise our world building capacities in a world without authority. If we love the world, if we are committed to world-building—to politics—we must find another form of authority, one that can be sustained in modernity. Only then will we experience the privilege of a kind of political action that is not just revolutionary (Honig: 1993a, p.103).³⁹

³⁹By ‘not just revolutionary’, Honig does not mean ‘merely revolutionary’, for

This is the framework for understanding Honig's approach to species of authority and, coming so soon after viewing her rebuke of Flathman, we can see the similarities between the works of the former and of the latter: in both we find a variant on the claim that a non-Roman practice of authority is possible, though Flathman claims to find one against Arendt, whilst Honig finds it with her.

Honig provides an interpretation of Arendt's 'modern' system of authority, one which is worth addressing at length.⁴⁰ The first salient difference she posits between it and the 'Roman' form of authority, based on the loss of the latter, is that "it requires for its sustenance not a shared belief in particular deities or myths but a common subscription to the authoritative practice of promising" (Honig: 1993a, p.103). About the first part of this sentence, there can be no reasonable dispute: a requirement based on subscription to something mythological and pre-political would be quite unworkable, indeed ought to be refused even if taken to be workable. Difficulty stems from the second claim, largely because it is difficult to see how a subscription of that kind can meaningfully contribute anything significant to the political. Honig claims it must rest on a pre-existing community, albeit one which need only be united in

common linguistic practices, not even necessarily by a single, common, inherited, first language (Honig: 1993a, p.103). The only commonality of membership is that all "understand and subscribe to performative practices. Such a community should be able to sustain this new kind of authority... assuming that it can see and be satisfied with the power an authority inherent in its own performatives (Honig: 1993a, p.103).

she cannot and remain in accord with Arendt's project and enthusiasms. She must instead, or ought to, mean 'beyond the revolutionary moment itself'.

⁴⁰Keenan also provides an interpretation which also centres on the *Declaration of Independence*. The deficiencies of his account merit their own separate treatment (found on p.175), as they allow us to establish by contrast some further elements necessary to an understanding of Arendt on authority.

Whilst a subscription to some common performative practices is obviously a minimal criterion for any community at all, it does not get us very far at all towards an exhaustive account of how a modern practice of authority can be sustained. What it does provide is a basis on which individual political actors can regard the promises of others as binding, the same basis on which the community is supposed to be able to regard itself as a 'we' without resorting to a national myth. That a practice alone can do this is doubtful, if by 'practice' Honig refers to the acceptance of a particular formal manner of promising.

Suppose Honig's contrast between the 'authoritative practice of promising' and 'a national myth' to indicate something more basic: the contrast between accepting performative acts as such rather than insisting on some constative tether or guarantee for action which somehow lies outside the political. Honig's summary verdict of the Mayflower Compact and acts of founding taken together supports this reading; she claims them as "performatives that are not solipsistic, because they presuppose a plurality of actors who subscribe to a common practice of promising and not nihilistic because, by virtue of their own power, they are the guarantors of their own authority⁴¹. . . Political action has no anchor" (Honig: 1993a, p.104). The second part of this claim of this claim gives us some hope that the operational distinction between 'promise-based authority', as we might call it, and 'myth-based' is the relevant target of Honig's efforts, even as the first part gives us cause for concern. The shared commitment, both a particular form of promising and to promising as such, can generate authority only between the agents who so relate themselves by accepting it and enacting it in specific relationship-creating acts. Of the generations who follow, it has no claim as yet and some supplementary element must be uncovered which can extend its reach and some supplementary element must be uncovered which can extend its reach.

⁴¹This formulation exactly parallels Honig's fuller description of the way in which the *Declaration* works as a basis for authority.

4.7.1 The Role of Promising

Given the way in which promising figures as basic faculty for the possibility of long-term political projects and commitments, it is perhaps no surprise at all to see the faculty make an appearance directly in Honig's account of the American practice of authority, even if it is relatively brief. Its appearance is as an alternative to "a shared belief in particular deities or myths" as a source of "sustenance" for modern forms of authority (Honig: 1993a, p.103). Specifically, it is as a shared practice that promising can act as a substitute of this kind; "the modern conception of authority... requires for its sustenance... a common subscription to the authoritative linguistic practice of promising" (Honig: 1993a, p.103). This common subscription is to underpin a community, indeed is to be, on Honig's account, the only thing regarded as binding on that community's members and hence constitutive of the community as such (Honig: 1993a, p.103). Practices bind the community but it is unclear quite what degree of specificity Honig regards as necessary for the constitution of such a community as the foundation of modern-form authority. It is tempting to regard the need to be a need for some *specific* range of practices to be regarded as authoritative, were it not for the following claim of Honig's; "The is a community whose members understand and subscribe to performative practices. Such a community would be able to sustain this new kind of authority in Arendt's view" (Honig: 1993a, p.103). This makes it sound that merely recognising the possibility of performatives as such will be sufficient, which is not only a low standard but also a particularly loose basis for a community, making it hard to understand how anyone could fall outside it (barring certain neurological disorders). However, it is something Honig presents as the danger facing this loose conception of community which is the crucial point;

that it can overcome its nihilistic craving for a law of laws,
for a source of authority that is transcendent or self-evident,
assuming that it can see and be satisfied with the power and

authority inherent in its own performatives (Honig: 1993a, p.103).

What makes this element, presented almost as secondary, crucial to the practice of political community? It is that, whilst every conceivable community has managed to understand the operation of performatives, very few (perhaps none at all?) have managed to treat performatives unsupported by some absolute 'law of laws' as sufficiently authoritative.

Even this runs up against a problem: it is not clear how even a fully-accepted practice of promising would take the place of religion and tradition in order to 'sustain' authority. All the reliability that promising can generate does not necessarily convert to authority, though an understanding that tethers for authority of a certain kind cannot be sought can itself function as a means of tethering the system of authority. It throws the actors back upon themselves, forcing them to confront themselves as the only resource from which authority can be generated. This would act as a basis for the reading of Arendt which Honig engages in, whilst the promise-based part of the passage above is insufficient and, probably for that reason, disappears from view reasonably promptly. Honig's reading does not ultimately place either the linguistic practices or the absence of transcendental foundations at the centre of Arendt's practice of authority, placing 'fable' in that position instead, though it is a fable *about* promising exercised in the founding.

4.7.2 Roman and American Alike: the Religious Element of Founding

When Arendt discusses the role of religion in the Roman foundation, it is the point at which her twin accounts of Roman and American practices most nearly become identical. The religious element of authority, as it appears in "What is Authority?" has already been discussed above and, with this in mind, may now be compared to the short passage in *On Revolution* in which Arendt retreads much of the same material.

The object of reverence in the American case is the Constitution itself, which “strengthens the American Government ‘with the strength of religion’ ” (Arendt: 1990, p.198). The most important element of the religious element of Roman authority was that it had now faded from the world and could not again function. However, the attitude towards the Constitution which Arendt attributes to the Americans after the founding is ‘religious’ only as

understood in its original Roman sense, and their piety would then consist in *religare*, in binding themselves back to a beginning, as Roman *pietas* consisted in being bound back to the beginning of Roman history, the foundation of the eternal city (Arendt: 1990, p.198).

The American religious experience of the Constitution is identical in form with the Roman religious experience of their founding; since the Constitution is, as the object created in founding, the product of the American founding, it is fair to say that the American ‘religion’ is also substantially identical with the Roman. It might be said, perhaps, that the former focuses on the result of the act of foundation, whilst the latter turns its gaze to the moment of foundation itself but this seeming distinction is one without substance. The founding of Rome could only be known, in any real sense, through familiarity with the governmental system it birthed, especially if one takes seriously Arendt’s claim that the practice of authority—as *augmentation*— was a practice of continual refounding.⁴² With this particular attitude taken to the structure of authority comes the concomitant thought the structure is, or ought to be as far as is possible, in accord with the foundational act, in order to be continuous with it. When Arendt concludes this passage relating authority to its source, she does so with the claim “that one is tempted

⁴²One likely inspiration for this thought in Arendt’s work is Machiavelli’s *Discourses*; as part of a favourable comparison of the character of the people with that of princes, Machiavelli says that “the populace is so superior in sustaining what has been instituted, that it indubitably adds to the glory of those who have instituted [laws, codes of civic life, statutes and new institutions]” (1970, p.256).

to claim that it was the authority which the act of foundation carried within itself, rather than [several alternative sources], that assured stability for the new republic" (Arendt: 1990, p.199). The act itself is invoked as 'what one is tempted' to claim is the ultimate source of authority, in discussing the document which eventually resulted from that act.

What of the claim, though, that the Constitution-worship functions as a substitute for the "act of beginning" which could not be conceived of "except as something which must have occurred in a distant past" (Arendt: 1990, p.198)? Through Woodrow Wilson, Arendt claims that the worship of the Constitution was derived from the knowledge of its origins as not-too-distant (Arendt: 1990, p.198).⁴³

4.7.3 American Judicial Authority and the Senates

The Roman concept of authority re-appears as part of Arendt's discussion of the modern form, which suggests that she does indeed intend the latter as something distinctive from the former. The separation does not prevent the "great Roman model [asserting] itself almost automatically and almost blindly" in the minds of the Founding Fathers as they began to shape their new constitution (Arendt: 1990, p.199).

Arendt does not claim, however, that the Founding Fathers copied exactly from their Roman model; both the location of authority's prac-

⁴³In its way, this would make the Constitution, including the act of constituting as well as the object, a more fit subject for exemplar-creation and political emulation. Its nearness robs it, potentially at least, of mythologised status, so that it may be more easily realised as the free political action which it was or, to put it another way, the project which it announces could more easily be seen as one in which the inheritors had a more equal say. The Romans' distant mythological founders, being more remote, perhaps more easily approach a Legislator-figure, bestowing the principles of a governmental system in an unalterable manner which cannot itself be easily altered. This thought leads in two directions; first, to Keenan's claim that foundings are also restrictions of freedom, addressed below, beginning p.175; secondly, the ways in which Honig treats Arendt's own analysis of the American Founding as engaging in fable-construction. If the link to the latter is not at first clear, it is this: Arendt's own work presents the Founding Fathers certainly as heroic figures but not heroic in a way which the rest of her work suggests is unobtainable by others, providing they take on the risks of political action.

tice and the object upon which it operates change in the adaptation of the Roman model. Both of these changes are signalled in Arendt's brief introduction of the Roman concept; "[it] was not versed in laws, and the validity of the laws did not derive from an authority above them. It was incorporated in a political institution, the Roman Senate" (Arendt: 1990, p.199). In the American practice, the need for authority to rest with a "concrete institution. . . especially designed for the purpose" is recognised in deference to the Romans, though it is now the Supreme Court (therefore becoming a part of the judiciary branch) rather than the Senate with which it rests; they remained, on Arendt's account, true to the spirit of their model even if they did not align names and functions of institutions identically with it (Arendt: 1990, p.199).

The relationship between law and authority in the American case, absent for the Romans, is one of the key contributors to the shape of authority in the American system. The political authority of the Romans, which "consisted in giving advice" differs in that regard from the Americans' "legal" authority, which "consists in interpretation" (Arendt: 1990, p.200). Perhaps more curiously, the specific characteristics of the Supreme Court which "signal" it is "the true seat of authority in the American Republic" are characteristics which simply *could not* have belonged to the Roman Senate: "lack of power, combined with permanence of office" (even if Arendt does trace the Founding Fathers' understanding of the separation of power and authority to the Romans) (Arendt: 1990, p.200). Or, as Arendt claims earlier on the same page; "its very authority made it unfit for power, just as, conversely, the power of the legislature made it unfit for authority" (Arendt: 1990, p.200). A curious transformation has taken place here: authority, in moving from the Roman Senate to the American Supreme Court, has shifted from being something directly addressed by the political to an entirely different beast, a judicial matter; this Court's "authority is exercised in a kind of continuous constitution-making" (Arendt: 1990, p.200).

The Court's function presents us with one dis-similarity and one similarity between Roman and American systems, the two taken to-

gether supporting both the claim that two distinct concepts of authority are at work and that they are variant of the same fundamental practice.

The dis-similarity is the more obvious, which is the transformation by which power and authority become mutual anathema, making them unsuitable for combination within the same institutions. The same is not true in the Roman working of power in relation to authority. The Senate must have been involved the generation and exercise of power, being the seat of Roman politics. Arendt's account, however, also places it at the effective top of the pyramid of authority, via its link to the Roman ancestors, thus combining the two in a way avoided by the Founding Fathers.⁴⁴ Is it plausible to describe the Supreme Court as 'powerless' even in Arendt's special sense? It certainly has power, so long as the system survives, in the sense of being able to alter the behaviours of others through the medium of the laws it adjusts. This is true even with law conceived as Arendt, following Montesquieu, does, as a matter of establishing relations between things and people rather than lists of prohibitions (Arendt: 1990, p.188–189). Power-as-leverage was concerned with modifying behaviours or acts: modifying the relationship between any two things, when at least one of those things is a person or group of persons, is an attempt to modify the way in which that side of the pairing interacts with the other. In the sense of combinatory power which Arendt designates with the term 'power', it is not quite so clear that the institution as such has power; more importantly for assessing Arendt's claims is the question of whether it actually *lacks* power. There is perhaps power between the constituent members, as there is between the members of any institution, unless it can be said to be lacking some quality vital to the creation of power. The only viable candidate for this is the spontaneity of action, as the Court is bound to consider only those things put before it.

The two forms of authority share as central concern the past of the

⁴⁴Arendt quotes Hamilton on the place of authority; "the majesty of national authority must be manifested through the medium of the courts of justice" precisely because of this powerlessness (Arendt: 1990, p.200), a claim quite inconceivable in relation to the Roman Senate.

system, more obviously for the Romans than for the Americans, especially their respective foundational acts. Although exercised through differing bodies, the one political, the other legal, they share a particular similarity in relation to how they address this past: both can be seen as attempts to 'augment' it. As the Roman Senate's self-understanding was of a body which perpetually refounded Rome by a process of augmenting the original act of foundation (see above and Arendt (1990, p.201)), so the Supreme Court exercises itself in relation to "the Constitution as a written document", upon which it itself works through a process of interpretation (Arendt: 1990, p.200). Arendt takes a phrase from Woodrow Wilson to summarise how she takes this Court to relate to the Constitution; "a kind of Constitutional Assembly in continuous session" (Arendt: 1990, p.200). Demonstrating the essential similarity of this to the Roman practice of continual augmentation rests on the passage which follows that, in which Arendt specifies some of the differences between the judicial authority of the Americans and the political authority of the Romans;

For *auctoritas*, whose etymological root is *augere*, to augment and increase, depended upon the vitality of the spirit of foundation, by virtue of which it was possible to augment. . . the foundations as they had been laid down by the ancestors. The uninterrupted continuity of this augmentation and its inherent authority could come about only through tradition, that is, through the handing down, through an unbroken line of successors, of the principle established in the beginning. To stay in this unbroken line of successors meant in Rome to be in authority. . . (Arendt: 1990, p.201).

All of this applies directly, of course, only to Rome. However, Arendt holds to her claim that the Roman concept of authority was influential on the American Founding Fathers, claiming they had been "nourished by the classics and [had] gone to school in Roman antiquity" (Arendt: 1990, p.202). It seems fair also to treat the Supreme Court as engaged

in augmentation of the Constitution and, therefore, of modification of the inheritance from the founders. In this, it mirrors the function of the senate by providing an unbroken line to the ordinary act which, in theory at least, maintains the spirit of that act.

One difficulty remains: the change from 'political' to 'legal' authority: the change from 'political' to 'legal' authority. This fundamentally alters the character of authority, obviously in relation to the political, changing the availability of being 'in authority' by narrowing it quite dramatically.⁴⁵ This is not to suggest that the practice of Roman authority was in principle open to all: indeed, it only could have functioned as an authoritative body with regards to those who were not currently members, i.e. those who were not able to be treated politically. However, the Supreme Court takes the stem of authority out of the political itself, though it is in effect exercising it at least nominally in a form deriving from a political process. In both the original founding and the acts of re-founding which take the form of amendments, it is the political which has generated the document or the change within it. In theory at least, though this allows of an admittedly broad range of possible answers, the work of the Court is merely interpretive, therefore not generative but revelatory of meaning. This last claim is perhaps a naive one in relation to the work of courts, particularly if statutes are unclear in their wording, or confused in their relations to other law. In these cases, interpretation may well need to verge on invention in order to make a decision at all.

Perhaps what stays the hand of the Supreme Court, in the manner in which it permits the combination of novelty and stability, is the religious element: the regard it has for the founding may well keep it from presenting anything new itself, in order to maintain the structure through novelty can be generated by others.

⁴⁵Although Arendt doesn't, the authority-related function of the Supreme Court might be considered to extend downwards through the subsidiary courts in each instance where the highest does not contradict their rulings. They are, after all, working on the statutes within their limited domains in the same way that the Supreme Court works on the Constitution itself: interpretation focused on an ever-smaller range of statutes or law.

4.7.4 Constative 1: Arendt's Banishments

Honig's treatment of Arendt is couched in terms taken from J. L. Austin, via Derrida: that is, she talks in terms of 'performatives' and 'constatives', both when discussing promising, as above, and when she turns to the functioning of the U.S. Founding (Honig: 1993a, p.104). This is entirely apt, a neat way of presenting and analysing the distinctions animating Arendt's discussion of the same. As it is perhaps not entirely clear quite what the distinction between performative and constative utterances amounts to, the two terms shall now be detailed using Austin's original description of them, in sufficient detail to understand Honig's use and no further.

Austin describes a 'constative' statement as one which admits being either true or false (Austin: 2009, p.3). The term is chosen, in preference to 'descriptive' because Austin takes there to be statements which may be judged true or false which are themselves descriptions of the conditions under which reports are made, or intended to produce some effect other than that of conveying a fact (Austin: 2009, pp.2-3). The performative, on the other hand, is not an utterance which admits of a truth-value (Austin: 2009, p.5); instead, each "is, or is a part of, the doing of an action, which again would not *normally* be described as, or as 'just', saying something" (Austin: 2009, p.5). It is already apparent that Austin's 'performatives' and Arendt's 'action' have much in common. The performative utterance is not itself a description of what one has done or is doing but is instead, Austin tells us, the doing itself (Austin: 2009, p.6). This is the case even with those performatives which sound otherwise: to say, in the right formal circumstances, 'I will my fortune to you' is to will my fortune to you, not to say that I have done or currently am doing so separately to my saying so. Or, more similarly to our current interest, saying that one is promising X is to promise X. In some sense, it is fair to call 'I am promising X' true, though it is so only in the most trivial sense, for it cannot be otherwise. Performatives can indeed be deficient but it in an altogether more interesting variety of

manners than mere falsehood, the possibilities including: deficiencies of form; inadequacies of conditions necessary for some performance to be initiated; or an insincerity which, in the case of the promise, is the closest of Austin's list of 'infelicities' to simple falsehood (Austin: 2009, p.18).

A substantial element of Honig's analysis of Arendt treats her in these terms. It is an attempt to address the role of the 'constative' element of the *Declaration* and Arendt's attempt to excise it from the centre stage of her account of the American Revolution. To appreciate Honig's reading, which amounts to the re-insertion of a novel (to Arendt's account) constative element into the *Declaration*, it is necessary first to see which constative elements of it Arendt banishes and how she achieves this. Arendt develops, to that end, a very specific (and creative) reading of the *Declaration*, emphasising certain elements at the cost of others. Understanding this reading and the role it can play for Arendt's understanding of both politics and the American founding rests on the way in which Arendt uses two particular elements of the *Declaration*, both of which are found within the first two paragraphs of the document. This section begins with the reading of the second paragraph, before returning to the first paragraph of the *Declaration*. Many of the points which will be raised in relation to the first-addressed of these elements might just as well have been raised in relation to the second; the greater relief into which Arendt's treatment of the first-addressed is thrown by its proximity to those elements which she wishes to throw into the shadows makes it the more salient contrast, thus the easier location for much of this work. An understanding of Arendt's reading thus established, Honig's alternative constative will then be examined in order to see if the problems it raises are merely purported and how they might impact upon Arendt's work.

The first element of Arendt's reading to be addressed is her approach to the second paragraph of the 'Preamble' of the *Declaration*, in particular her treatment of

[a] sentence which relates to a transcendent source of au-

thority for the laws of the new body politic... Jefferson's famous words 'We hold these truths to be self-evident', combine in a historically unique manner the basis of agreement between those who have embarked upon revolution, an agreement necessarily relative because related to those who enter it, with an absolute, namely with a truth that needs no agreement since, because of its self-evidence, it compels without argumentative demonstration or political persuasion (Arendt: 1990, p.192).

Jefferson's phrasing evidently presents Arendt with a difficulty (as well as an opportunity), one she recognises; "[absolutes which are truths of the self-evident kind] are no less absolute than the revealed truths of religion or the axiomatic verities of mathematics", putting them beyond debate and therefore beyond the reach of politics (Arendt: 1990, p.192).

For this reason, her reading of the *Declaration*, supported by her reading of other works of Jefferson, seeks to emphasise what she above refers to as the 'relative', at the expense of the 'absolute', element of the document. Arendt quotes Jefferson to demonstrate his awareness of the same claim, who calls them "the opinions and beliefs of men [which] depend not on their own will, but follow involuntarily the evidence proposed to their minds" (Arendt: 1990, p.192). This seems, on the face of it, to repeat in a slightly different form the 'despotism of truth' Arendt's Plato wishes to establish (Arendt: 2004b, p.428) in order to tame politics, even if, in this case, the truths chosen are not especially difficult to grasp. The difficulty remains that they are, in theory at least, quite outside of modes of meaningful political interaction because of their supposed self-evidence.⁴⁶ If this is what the Founding Fathers are offering, then they seem not to be producing either a properly political act or a structure predicated on the possibility of engaging with their

⁴⁶It is perhaps obvious to point out that, being a relatively vague and far-reaching set of "unalienable rights" (Jefferson: 1776, p.102), great latitude of interpretation and therefore of political contestation is possible even in the event of their total acceptance as truths.

project as something which is open to political discourse. This last concern is what necessitates the particular reading of the *Declaration* which Arendt employs, the validity of which will be addressed as that strategy is unveiled.

Arendt's reading of the way in which Jefferson presents the 'unalienable rights' of the *Declaration* relies on establishing a difference between the truths there listed and truths of another kind, namely mathematical (although matters of religious revelation might also have been used in this place) and ascribes the same understanding to Jefferson. She describes the 'laws' of mathematics as irresistible even for God (Arendt: 1990, p.192) and therefore "sufficiently irresistible to check the power of despots" (Arendt: 1990, p.193). They are not, however, at all "of the same nature as the laws of a community, [nor could they] somehow inspire [the same]" (Arendt: 1990, p.193). The kind of compulsion, to use her example, which operates in the case of a statement like "two times two make four" is that it "is rooted in the physical structure of the human brain and therefor is 'irresistible' "(Arendt: 1990, p.193). Though perhaps not put by Arendt as plainly as it might have been, she must mean something like the claim that the truth of this particular sentence is immediately clear to anyone capable of understanding the words so employed and thus the relations between them: there is no room for reasonable debate as to the validity of the result so long as the sentence is understood.

On the other hand, the claim that "all men are created equal", an example from the *Declaration* that Arendt uses, is not immediately and uncontroversially clear in the same way; Arendt refers to it as "a reasoned statement which stands in need of agreement" (Arendt: 1990, p.193).⁴⁷ The two kinds of 'law', mathematical or scientific on the one

⁴⁷This is not really a statement of the kind which is open to political discussion as such, by Arendt's reckoning, so makes rather an odd example for her to draw from the Preamble. Instead, a relationship of 'artificial equality' is essentially a practical postulate, a very minimal one at that, for the continuance of political engagement between given persons. It cannot be open to reasoned disagreement without thereby excluding some persons or other from the discussion of its own reasonableness.

hand, societal or legal on the other, are, or must be treated as, entirely different things in spite of the shared term employed by both.

The difference between the two laws, having been established as part of Arendt's view, is of no consequence to an analysis of the *Declaration* unless it can be incorporated as some part of the Founding Fathers' understanding of their own project. By claiming that Jefferson was himself "dimly aware" of this difference between mathematical truths and the truths listed in the *Declaration*, Arendt is able to address the "somewhat incongruous phrase, 'We hold these truths to be self-evident'" (Arendt's emphasis Arendt: 1990, p.193) in a manner which underplays the truth claim-related element. She claims, as evidence of Jefferson's 'dim awareness', that an entirely different phrasing would be appropriate if he had without reservations regarded the 'truths' forming the second paragraph of the *Declaration* to be genuinely self-evident in the same manner as axioms in mathematics;

These truths are self-evident, namely they possess a power to compel which is as irresistible as despotic power, they are not held by us but we are held by them; they stand in no need of agreement (Arendt: 1990, p.193).

If something like this were taken to be the intended message of the *Declaration*, the result would be a 'fixed' and non-negotiable basis for the system it generated and, therefore, one which was not itself the object of political discourse so long as its status as set of constative statements was taken seriously. Instead, in claiming that Jefferson's choice of language reflects a doubt about the kind of truths he was listing, Arendt seeks to place the emphasis elsewhere, demoting the list of unalienable rights from the position of ultimate source of authority. On Arendt's account, the authority of self-evident truths, found by the

Arendt might have in mind that some other sense of equality is intended in the Preamble, though it is not clear she does, or that Jefferson's text means by it anything other than a kind of moral equality inhering in birth as a human as such. Quite what sense of 'equality' was intended shall become clearer, below, with reference to more of the list of 'self-evident truths' and the way in which they are presented in relation to governments.

light of “divinely inspired reason”, are but one small step from the “authority of an ‘avenging God’ ” (Arendt: 1990, p.194).⁴⁸

Arendt has two good reasons to avoid establishing the self-evident truths of the *Declaration* as the authoritative grounding of the action. The first is that it would install as ‘higher law’ a “divinely informed reason [whose] truths enlightened the conscience of men so that they would be receptive to an inner voice which still was the voice of God”, which would command them (Arendt: 1990, p.194). This is the reason which Arendt acknowledges in *On Revolution*.

There is a second reason for emphasising the method of the *Declaration* rather than the content, one which does not feature in *On Revolution*; the list of unalienable rights, being an answer in part to an economic dispute as much as a political one, contains few claims which directly touch upon Arendt’s concept of politics. In spite of the foundational role she expects the *Declaration* to perform for the American republic, the list of rights is mainly related to, in the language of “What is Freedom?”, ‘liberation’ rather than ‘freedom’ proper (Arendt: 1993f, p.148);

We hold these truths to be self-evident: That all men are created equal; that they are endowed by their creator with certain unalienable rights; that among these are life, liberty,

⁴⁸The seriousness with which Jefferson takes these rights as themselves transcendent in relation to politics, hence beyond discussion, may be seen with reference to his letters, a resource that Arendt almost certainly had access to, given that she draws her version of Jefferson largely from his correspondence. The bibliography to *On Revolution* contains three collections of his writings: *The Complete Jefferson*, *The Life and Selected Writings* and *The Writings*. The last, Arendt notes, is in ten volumes (Arendt: 1990, p.334). In an 1816 letter, Jefferson writes; “Our legislators are not sufficiently apprised of the rightful limits of their power; that their true office is to declare and enforce only our natural rights and duties. . . this is all the laws should enforce. . . the idea is quite unfounded, that on entering into society we give up any natural right (Jefferson: 1816a, p.143). This suggests that, far from being aware of the open-to-debate ‘nature’ of the unalienable rights, Jefferson regarded, or came to regard, them as pre-political in a way quite contrary to Arendt’s design. Further, it seems the ‘We hold’ of the *Declaration* may just as well be read as ‘We have discovered’, which is to say that the phrasing is not incompatible with an idea that the self-evident truths constitute something quite non-negotiable; leave aside for this purpose the difficult matter of quite what constitutes adequate fulfilment of those ‘natural rights’.

and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of those ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its power in such form, as to them shall seem most likely to effect their safety and happiness (Jefferson: 1776, p.102).

It is hardly surprising that, with this content, that Arendt should wish to focus on the method of inter-personal combination, the subscription to 'we hold', in preference to the content, most of which can on her account stand only as the minimal precursors to freedom proper. In particular, the claim of basic rights relates specifically to 'safety and happiness' where we might expect a 'right to public life' or something similar to be pre-requisite of a *Declaration* which accorded with Arendt's conception of politics.

This expectation is not necessarily thwarted by the language of the *Declaration*, however: regarding it as thwarted would require a reading which took the right to 'the pursuit of happiness' invoked there to refer unambiguously to 'private welfare' rather than the enjoyment of public life. Arendt's Jefferson though, is not so unambiguous; she draws on a 1774 work of his, "A Summary View of the Rights of British America" in an attempt to establish this. This includes a Whiggish reading of history which links the revolutionary cause to a supposed original reason for the emigration to America of "free inhabitants of the British dominions in Europe" in order to seek to establish societies "likely to promote public happiness" (Jefferson (1774, p.65) used in Arendt (1990, p.127)).⁴⁹ As Arendt says, if "Jefferson was right" in ascribing this

⁴⁹Jefferson relates the emigration to the colonies to an even earlier supposed occurrence, the emigration of Saxons to Britain from "their native wilds and woods in the north of Europe" (Jefferson: 1774, p.65), presumably in order to establish by analogy a greater legitimacy for the American efforts.

goal to the initial migration to America, “then the colonies in the New World must have been the breeding grounds of revolutionaries from the very beginning” (Arendt: 1990, p.127). Rather a lot of historical import might well rest on determining the accuracy of Jefferson’s claim as it certainly affects how the original emigrants relate both to their country of origin and how their goals align with those of their descendants. More interesting, however, is whether Jefferson actually takes this to be the case, i.e. whether or not he takes the then-pending revolution to grow out of the same rights, understood to include a right to public happiness. There is no reason to believe that Jefferson’s Whiggish account of American history is not at least sincere.

In Arendt’s account, Jefferson’s work of historical interpretation serves to show that the American colonists *could* have conceived of the ‘happiness’ which appears in the *Declaration* as ‘public’, the right to engage in public life and therefore as a right claimed even greater than merely to be left alone in private pursuits (Arendt: 1990, p.127). This right, “as distinct from the generally recognized rights of subjects to be protected by the government in the pursuit of private happiness even against public power. . . [something] only tyrannical power would abolish” is the right “to be a ‘participator in the government of affairs’, in Jefferson’s telling phrase” (Arendt: 1990, p.127).

Arendt’s link between happiness and public engagement not only makes possible some interpretive leeway in the *Declaration*; she also takes it that it “indicates strongly that there existed in the country. . . such a thing as ‘public happiness’, and that men knew they could not be altogether ‘happy’ if their happiness was located and enjoyed only in private life” (Arendt: 1990, p.127). Public engagement, “prior to the revolution” (Arendt: 1990, p.127), is something considered necessary for the fully-realised life in itself, not merely as a guard of some other element of life.

There is an interesting consequence of taking this particular part of Arendt’s description seriously. The first is that it allows us to see Jefferson and his colleagues as seeing themselves not as engaged in some

entirely *ex nihilo* enterprise when they found but engaged instead in an act of continuance.⁵⁰ The existence of promise-based consociations and power prior to the Revolution give its form and an awareness of this on the part of the Founding Fathers is especially evident with this additional text by Jefferson's in view to show Jefferson's understanding of American history. With the flourishing of public power and the enthusiasm for it preceding the Revolution, however, the failure of the Revolution to create a maintainable public space seems a more spectacular failure; it seems as though an opportunity has been squandered and pessimism about the prospects of the political perhaps entirely justified.

There is a second important element of the *Declaration*, one which performs two roles as part of Arendt's reading of it. The first is the one familiar from above: the performative character of the document. The other is to contribute towards establishing the Founding Fathers' enthusiasm for 'public happiness', a form of happiness Arendt believes quite contrary to then-usual understanding of public engagement as burden, or duty (Arendt: 1990, p.128). Acknowledging Jefferson's oft-stated desire to quit the political matters of the day for the quiet of his home, Arendt dismisses one such quote and its like as "not carry[ing] much weight", as not really representative of the Founding Fathers' "[a]uthentic experiences" of public engagement (Arendt: 1990, p.129). Plato is partly to blame; "with the possible exception of John Adams" their thought was generally lead astray by his work even as they complained of it (Arendt: 1990, p.129). The 'general' tendency to be so lead astray by theory hostile to politics is not taken to be complete by Arendt, a claim which contributes also to her reading of the first paragraph of the *Declaration* (see below);

⁵⁰This is implicit in earlier referring to Jefferson's "A Summary View of the Rights of British America" as a Whiggish history. Arendt makes a similar claim about the element of continuance present in the founding but with reference almost exclusively to the Founding Fathers' understanding of Antiquity. In focusing on this, she is able to make the rhetorical strategy of the Founding Fathers as a means of psychologically shielding themselves from the novelty of their action much more prominent and easier to claim.

...there are more than a few instances when their profoundly revolutionary acting and thinking broke the shell of an inheritance which had degenerated into platitudes...

Among these instances is the Declaration of Independence, whose greatness owes nothing to its natural-law philosophy - in which case it would indeed be 'lacking in depth and subtlety' - but lies in the 'respect to the Opinion of mankind', in the 'appeal to the tribunal of the world... for our justification', that inspired the very writing of the document, and it unfolds when the list of very specific grievances against a very particular king gradually develops into a rejection on principle of monarchy and kingship in general (Arendt: 1990, p.129).

The 'revolutionary' element in question, the acceptance of the public realm not as burden but as joy, really only obliquely (at best) present in the selection which Arendt above takes from the *Declaration*. If it is present at all, it is in the relationship which the document implies between its signatories and their intended audience. Seeing quite why requires a little examination.

Much of what has been said above about the strategy of Arendt's reading could be repeated here; there is perhaps a slight difference possible in the treatment of the above passage. It would in fact be entirely compatible to read it as a genuine query to the 'tribunal of the world' even if the 'we hold' was taken to indicate truths held to be self-evident. It is an invitation to treat those claims and, from the phrasing by which it is presented, it reads as the invitation of one to an equal other. In privileging this, Arendt makes apparent the implicit attempt to, in the phrase of Kant's claim of judgment that she would later repeat, 'woo the consent' of the other members of the human species. It might be thought unnecessary to present the cause of the Revolutionaries to a world considered as a tribunal if they were indeed convinced both of the unalienable rights and the evidence of their usurpations. The phrasing used, however, might instead indicate

that the crimes of the British Crown were known to the colonists but in need of presentation in much the same manner as in a criminal court; the particular standards to which the accused is held are not themselves an object of negotiation but are presented there merely as the fixed thing against which particular deeds are measured. That is, we might regard the colonists as convinced of their case, conceiving of the world-tribunal as an audience or jury, one it would be better not to be punished by. On this reading, the colonists would not take themselves to be open to the possibility of being convinced otherwise but only interested in convincing others. If they are attempting to convince the remainder of mankind of 'self-evident' truths, then they return to something analogous to the philosophers' presentation to the *polis* of truths which are supportive of their presumed authority. If, however, they sincerely take their audience to be mankind in an opinion-holding, rather than truth-apprehending capacity, then they aim at persuading their fellow man of the rightness of their cause in a manner which does not include attempted compulsion. This is perhaps the more plausible treatment of the language of the *Declaration*, one which also supports Arendt's treatment.⁵¹

What of list of specific grievances against the crown? By containing many elements which clearly differ in kind, it does support the claim that the Founding Fathers did wish to protect public engagement, even if they did not consider it a 'happiness', which they had already tasted in combining to write the *Declaration*. The list is a very mixed affair, containing as it does complaints relating to military matters, trade, civil and criminal justice and constitutional concerns (Jefferson: 1776, pp.103–104). This last grouping of complaints has some claim also to being the primary concern, more directly connected as it is

⁵¹The link between persuasion and authority, discussed above, may muddy the waters somewhat. However, so long as we do not take the *Declaration* to be a persuasive text of the sort which would then operate the authority-relations which featured above, we do not run into this problem. Certainly, it does not say 'and having decided upon these truths for ourselves, you had better join in' but we are already ahead of ourselves here; Honig's treatment of 'we hold' will deal with this.

to the introduction to the list, which claims “a history of repeated injuries and usurpations, [by the Crown] all having in direct object the establishment of an absolute tyranny over these states” (Jefferson: 1776, pp.102–103). The grievances listed are presented as proofs of this (Jefferson: 1776, p.103), making them supporting claims to the narrative of a growing encroachment of tyranny. Particularly interesting are those ‘constitution-related’ concerns, such as the arrangement of representation and the convenience of access to any forum of public business (Jefferson: 1776, p.103). We might have been free to regard these as instrumental concerns only, had the insistence of the *Declaration* against tyranny not suggested otherwise (especially considering them in combination with Jefferson’s reading of the pre-Revolutionary history of the American).

4.7.5 Constative 2: the ‘We’

Honig complains that the above constative-downplaying manoeuvres on Arendt’s part “rest on [a] too-easy dismissal of the constative moments of the Declaration” (Honig: 1993a, p.104). Instead of refuting those particular moves, Honig wishes to show the importance of the constative element of that document by insisting on a constative element within it which Arendt has not noticed, one which she claims to find in the very phrasing which Arendt privileges. The performative of the ‘we hold’, she claims, is itself a constative which Arendt has not successfully disposed of; at issue, then, is not the presence of ‘self-evident truths’ within the *Declaration* but that there is a ‘we’ able to hold them (Honig: 1993a, pp.105–106). Since Arendt relies on this phrase, using it as the grounding for a government system in the political act itself, some care must be taken to make sure that it can so function without thereby smuggling anything unwanted into the public realm. The main concern is to ensure that the ‘we hold’ is either not itself a constative or, if it is, to make sure it can do no harm.

Two sets of considerations exist in relation to this claim; first is

the question of accuracy, second the question of impact. The former touches on the substance of Honig's claim whereas the latter relates to its consequences for political practice. As Honig's claim seemingly returns the signers of the *Declaration* to "Sieyès' vicious circle", in which they lack the authority to create the system because the system does not yet exist which can authorise them (Honig: 1993a, p.105), there are potentially very great consequences for the founding of an authority based upon the *Declaration*. The question of accuracy must be addressed before this, as it may yet save us from negotiating the consequences.

Honig's Arendt addresses the 'we' as a constative as follows: in a manner which parallels the relationship between an individual action and its actor, "the "we" does not exist as such prior to the Declaration" (Honig: 1993a, pp.104–105).⁵² Now, this interpretation of Arendt encounters a difficulty: the people doing the constituting at this point do, in fact, already exist as a people, by dint of the history of promising and organising leading up to the moment of the *Declaration*. Perhaps this is a bit hasty as an attempt to dismiss Honig's point; it is certainly still an open question whether or not 'a people' as such exist immediately prior to the signing of the *Declaration*, just as it remains open whether Arendt holds the same. Her account of the pre-revolutionary history of America suggests she sees more of continuity than perhaps she tends to admit to, though this is not the same thing. The best way to get some sense of the 'right' answer is to examine the two alternative possibilities separately, one and then the other. Note that what follows is a treatment not of something which Honig thinks is the real problem with the 'we' of the *Declaration* but a separate issue, which follows naturally from the

⁵²Is it possible to read this postulated constative which is in the *Declaration*—according to Honig's Derrida a structural feature of language (Honig: 1993a, p.106)—back into action as such? Curiously, the constative element is much more apparent in relation to the foundational case than it is in relation to, say individual acts of promising and again, more salient in that case than in the case of other performatives. Isn't it the case, though, that any act, whilst it does not postulate a 'doer' as such, does postulate the possibility, or ambition, of a self formed through a coherent narrative? One key and obvious difference remains between those who act in the instantiation of a life and those who act in the instantiation of a republic: the former has a rather more definite end, in which death takes the place of the last or ultimate signatory.

claim with which this paragraph began. An attempt to address Honig's own claim begins on p.165.

Suppose for the sake of our first argument that the people as such do exist at the moment in which they sign themselves over to the *Declaration*. In this case, we are entitled to ask just what secured or created them as a people. They cannot as yet be the 'people of the United States', for that body does not as of yet exist; not existing, it cannot have members. This leads us only to postpone the 'creation' of the people a step, as we would then need to account for their existence as some people or other prior to signing. In Arendt's account of America, as seen above, another promise pre-dates the *Declaration* and another that one, with the earliest on her list the *Mayflower Compact*. In each case, the question recurs; what makes this a people before they have signed to this promise? In each case, it seems only that the answer has led to some prior voluntary arrangement which has shaped or bound them. Prior even to these may be some other commonality, such as either religious ties or ideas of nationhood; if these are present, they cannot be admitted as constative for the political group created as a people by an act of promising without thereby undoing the work Arendt puts into banishing the constative elements she identifies in the *Declaration*. They may very well coincide with a particular political realm, though they must be treated by the political actor as if 'by chance' only; if otherwise, the 'what' of the actor would determine the criterion of membership and impose a condition upon the revelation of a 'who' in public. It might be objected that, in almost every known case, membership which is not so limited *de jure* will in fact be limited *de facto* merely because of historical happenstance. To allow the limitation to be formalised would prevent or retard the future expansion of the public realm and do so on entirely unsavoury grounds.

The creation or formalisation of a people as a collective group is a special case of promising in general. In any promise, the implicit structure of the commitment creates a group; it may well be as trivial a group as 'those who will meet on Thursday next week', in which

case the group's existence as a current concern will be dissolved on that Thursday, at the completion of the relevant promise. The same feature 'scales' with the scope and depth of the promise in which persons engage, even found as part of one of the indefinite-duration promises which can form the basis of an ongoing project which touches more closely on the persona created through enacting it. Marriage is a promise most definitely of this character, creating a new legal entity of the persons thus combined. It does not matter that, before the vows, the 'we' constituting the marriage is not yet a legally-recognised entity; there is, however (except in the most ill-advised of marriages), already a recognisable 'we' constituted by the parties which contract to marriage. What the typical marriage does is essentially a peculiar hybrid of two elements: it creates a new 'we', to which it commits its members but it does so (and can only do so) because of the pre-existence of a 'we' which has maintained itself without the legal structuring into which it now places itself. In deliberately making it an object of law, the character of the partnership has changed, though much of it is continuous with that which preceded it. In this regard, at least, the act of foundation is like a marriage, though with the key difference that it is explicitly left open to the possibility of further members signing themselves to the same promise, whereas (most) marriages do not. This continuity between the two types of promise is the best way to make sense of Arendt's use of so many promises as parts of her reading of American history and her insistence that the Revolution made explicit a new power concept born of the colonists' experiences (Arendt: 1990, p.166).

This quality of expandability is in fact the one which saves the constative element of the 'we hold' from damaging the *Declaration* as a foundation for politics. So long as the people forming the 'we' is not a closed unit, there is not a harm of this kind to be found. Treating the 'we' in this form, whilst directing it towards something which seems rather more in keeping with the proper character of Arendt's politics, also subtly alters its character away from the constative Honig presents it as. It also alters its relationship towards the future in a way which

parallels the incompleteness of any ongoing action. The lack of 'last instance' to secure the moment of authority finds its opposite in the lack of 'last instance' of perfection of the 'we': it is never a complete 'we', never one which in principle cannot take on new members or alter the way in which it conceives of the fundamental truths which in theory constitute it.

The lack of perfectibility of this 'we' is something which is raised to the level of discourse by the existence of the specific political document which creates and defines it. Rather than creating an additional constative, it takes the existing mute constative of the pre-political 'we' and makes of it something more open; it is, in principle at least, a contestable claim who the 'we' can contain. Expansion of the 'we' is explicitly present both in the power-concept Arendt claims to find at work in the American colonies, with its form indebted to the combinatory capabilities of promising. The same is true in relation to the appearance of the 'federal principle' and of the council system of government in *On Revolution*, both examples of the power of such combination.

This is not, however, the problem which Honig believes she has found in the use of the *Declaration* as a source of authority, though it seems something which one ought to be concerned with. Honig's concern is instead with the mechanism which makes possible the use of the *Declaration* as an anchor, reliant on the constative element of the 'we'. Honig's analysis relies on the claim that, for Arendt, the 'we' does not exist prior to signing and, Honig claims, therefore cannot "stand as the guarantor of its own performance" (Honig: 1993a, p.105). The Founding Fathers "lack the authority to sign until they have already signed" and it is their awareness of this—an understanding of the limits of performatives rather than awe at the constatives used—which causes them to invoke "the laws of nature and the name of God" (Honig: 1993a, p.105) in order to escape the vicious circle of instantiating authority without possessing authority. The coupling of the non-existence of a 'we' and the non-existence of an authority is curious; the difficulty is created by Arendt's grounding of the authority in the 'we' which, Honig says,

“stands as the guarantor of its own performance” (Honig: 1993a, p.105). This necessitates a “counter-signatory” who can stand as guarantor, hence the invocation of pre-signature constatives as groundings (Honig: 1993a, p.105).

It is not clear, ultimately, either that we should desire a source of ultimate authority for our system of government, or that such a source is ever in fact a possibility. To the first point first: Arendt’s work relies on asserting the power of the performative but the real work, the actual functioning of a system of authority, results not from the performative which began it but from the efforts of those who later accept it. No singular moment but instead a multitude of individual negotiations forms the actual basis of the authority system; this much seems an obvious claim in relation to the working of authority as such. It is raised to an explicit part of authority’s functioning in the case of ‘modern’ systems, whereas prior institutions, such as Arendt’s Romans, will have focused on some object for this consent as the basis for the system, rather than on the consent which is itself the animating force, such as Arendt’s Romans, will have focused on some object for this consent as the basis for the system, rather than on the consent which is itself the animating force. This claim is a natural corollary of treating the constitution as a renewable document which is the object of active consent. Perhaps nothing else is ultimately needed for the anchoring of a system ‘suitable for modernity’, for a politics which does not rely on any non-political methods, either in the form of violence and force or pre-political authority, to sustain itself.

As for the second claim, which is perhaps the stronger, we say that, just as it is not clear that the *Declaration* is dependent on the existence of a ‘we’ prior to the moment of signature, it is not even clear that such a signature or ‘we’ is even possible in any substantive sense. The performative, even in cases which take themselves to be founded on some substantive constative or other, is the real binding agent of any group; the declaration of the ‘we’ is the birth of the ‘we’ even if the ‘we’ in question is a community of believers. Only the performance

can make it so (even if we assume the constative to refer to something true). This does not touch the constative element of the 'we' itself rather than of the claim to which it cleaves. Not only is the constative in itself mute, as Arendt suspects and Honig notes, it is also very far from being effective at all without the performance which is its acceptance by actual individuals. That is, it must be taken to be effective in order to be effective.

Rather, it seems most sensible to think of the workings of authority of that event—indeed, of any relevant event—as an entirely retroactive process, casting authority's success into the hands of those at the base of its pyramid rather than the origin. It is, on this account, the living citizens who really exercise power⁵³ and, for that matter, create the authority which they exercise themselves, even if they do feel a need to generate it out of some constative, or tale, or—as in the next section—a fable. Honig's answer is different to that we shall develop here; in order to see it, we must know what her Arendt puts in place of the constative elements she wishes to do away with. This is the 'fable', which will also be crucial to our own approach.

4.7.6 Fable

Arendt, on Honig's account, addresses the problem of the constative element of founding by concealing it; creating a fable out of the *Declaration*, to address the "moment or place the system [of authority] cannot account for" (Honig: 1993a, p.108). The link between 'constative' and this 'moment or place' may not be entirely obvious at first: it is that the constative element of the founding which Arendt works so hard to banish "delegitimizes the . . . moment of pure legitimacy" (Honig: 1993a, p.107) is that which "enable[s this authority-system] but is illegitimate from its vantage point" (Honig: 1993a, p.108).⁵⁴

⁵³Note how similarly this 'matches' to the structuring of the federated council system as described by Arendt (see chapter 5).

⁵⁴Hypothetically, we might imagine some alternative to a constative which anchored the system but did not share in those features of the constative which Arendt rules

The fable which Arendt constructs around the *Declaration* functions as the “placeholder” which secures the system with, as Honig quotes Derrida, a “fabulous retroactivity” (Honig: 1993a, p.108). It is this fable-building effort that shapes Arendt’s version of the American Revolution and founding, especially the excision of constative elements of the *Declaration* (Honig: 1993a, p.108). This allows her to, as Honig summarises, “treat the performative element as “a sufficient guarantor of the authority of the new republic—in order to fill the place [of the constative] with a fabulous faith” that no constative was needed (Honig: 1993a, p.108).⁵⁵ To the same end, Arendt does not take seriously the Founding Fathers’ search for Ancient precedents; “her criticism of the American founders for their inability to conceive of a beginning that was not rooted in the past must be in the service of her fable, for she too proves to be unable to conceive of such a totally present event” (Honig: 1993a, p.108).

One way in which Honig glosses this part of Arendt’s approach is curious, perhaps even unwarranted; “the effect of Arendt’s fable is the same as that of all legitimating fables; to prohibit further inquiry into the origins of the system and protect its center of illegitimacy from the scrutiny of prying eyes” (Honig: 1993a, p.109). This does not seem a primary feature, either of Arendt’s fable of America, or of fables as such. Although the fabulist obviously does direct the reader certain elements at the expense of others—no story at all could otherwise be told—it is no necessary part of the tale that other interpretations are

out of the political. If such a thing can be imagined (which is difficult enough) then Arendt would presumably not need to banish it; her complaint is specifically against the characteristics which make the constative moments of the *Declaration* alien to politics: their claimed immunity to discussion, their non-negotiability. The difficulty of imagining the one without the other is the result of the way in which the moment outside of a system relates to those persons within it; being beyond questions of legitimacy, it is itself quite immune to discussion whilst the system stands.

⁵⁵We have seen as much above, taking the erasure of the constative but treating it ‘in good faith’ as Arendt’s actual view of the event. Honig treats Arendt as recognising what she does by way of interpretation of the *Declaration*, linking this to the ‘impasse’ at the end of the ‘Willing’ volume of *The Life of the Mind* and the turn to judgment (Honig: 1993a, p.109).

refused out-of-hand. If it did so, a fable would take on not the character of a political tale or event but that of a constative in itself.

Two further features prevent the fable from seriously restricting the inquiry into origins.⁵⁶ The first is that constructing a fable about the origins of a system, particularly a fable of this character, hardly seems the best strategy for obscuring the origins of the authority-system. A different kind of fable might work well enough in this regard; it would need to be of a character such that it placed all of the event beyond reinterpretation. To some degree, the existence of the *Declaration* itself functions as a means to guard against this kind of fable, though a non-explicit founding may lack such a defence. This brings us to the second objection to the idea of Arendt's fable functioning as an obscuring device; if it is to seriously be a political matter—that is, if it is to be a functioning authority of the kind suitable for modernity—then it must invite the citizen onto its ground, acknowledging the ways in which it is deficient or negotiable. If it does not, then the fable becomes a constative itself, even if its entire content is the presentation as virtuous some heroic performative. Adoration is fit conduct for an audience but hardly for the citizen; that or its contrary would become the only responses possible in relation to the purely non-negotiable fable.

But the fable, any fable, provides something for the citizen to work with and against in the public realm. At this point, our account must approach Honig's, which it approximates rather closely. The methodology, or how the citizen is invited to act, is very closely similar between the two. The object of their operations is not, as should become clear shortly enough. For Honig, it is the very thing which Arendt's fable obscures which is the proper object of political discourse: the constative (Honig: 1993a, p.109ff.). On Honig's reading, "the fact that *one cannot*

⁵⁶An attempt to claim much efficacy for it in this regard is itself undermined by Honig's own ability to write against it, uncovering easily enough the elements of the American founding banished from Arendt's fable. In itself, this does not count for much; it may be the fable still does well enough as obfuscation amongst those who are not political theorists, which would be enough in practice, one suspects, for it to achieve dominance.

decide which sort of utterance [the *Declaration*] is, constative or performative" (Honig: 1993a, p.106) is the fact about it (obscured if we rely on a fable) which makes it a political act; "the American Declaration and founding are paradigmatic instances of political acts (however impure) because of this undecidability, not in spite of it" (Honig: 1993a, p.107). What Honig objects to in the use of a fable is that it obscures the constative, fore-stalling the possibility of it as political material.

Honig's rehabilitation of the constative element for politics relies on her focus on the "notion of resistability [which] is at the center of Arendt's re-covered conception of authority for modernity" (Honig: 1993a, p.109). The resistance is to the constative, to its attempts to become a law of the kind 'above man'; "the law will always resist [the actor's] resistance" (Honig: 1993a, p.110). The resistance the actor (and Arendt and Derrida by their theorising) must work against is, in Derrida's words, the tendency "to present performative utterances as constative utterances" (Honig: 1993a, p.110). By deploying Derrida thus, Honig does not mean to indicate that the whole business of the political ought to become the cataloging of utterances into one list or the other. Rather, she means that the political will be engaged in resisting the law's tendency towards command-type law modelled on divine law, by attempting to keep present the performative elements of any law, of any political act. Each political act is therefore an attempt to force back into conscious awareness; whatever else it may do, it destabilises by its resistance of the existing order. Any action which did not, at least to some degree, work against the existing, not being a new beginning in any sense, would hardly be action at all. However, the link between this and distinguishing between 'performative' and 'constative' is not quite so clear. It is also far from clear that a politics which spent itself entirely on the resistance to reification would be recognisable as an endorsable practice: a practice of pure resistance would look like an unappealing attempt to avoid learning the lesson of King Cnut commanding the tides. A politics which was only so oriented would also be no freer than one which was engaged with its past only reverentially, determined instead

to act in the opposite direction by continuously denying one particular aspect of the given. On Honig's part, the constative is something to be feared, her description of it making it co-existent with truth-claims of the kind which damage the political;

Remember that in [Arendt's] view, constatives are violent, despotic and disempowering: they are not the products of shared public agreement; they demand an isolated acquiescence to a truth. They are not held by us, we are held by them. In short, they silence us; hence Arendt's insistence that they are illicit in the realm of action, the realm of speech (Honig: 1993a, p.107).

There are two points on which this particular reading can be questioned. The first is the question of the degree to which they are co-extensive or, to put it another way, the question of whether all constatives share in those qualities Honig attributes to them and therefore require, on Arendt's view, removal from the public realm. It might be that, instead of the perfect overlap between 'constative' and 'despotic and disempowering', we can imagine some constative such that it invited political engagement in a manner which denied not its structuring as a constative but its particular constative content.

With this suggestion in mind, it becomes possible to look more seriously at the way in which Honig conceives of all constatives as 'despotic' and amenable to means of private, rather than public, adoption. It isn't clear that Arendt actually holds *all* constatives to be of this character or that it would even be intelligible to hold such a view. Arendt's turn to judgment may offer the easiest demonstration of this; the judge who makes public his view is engaged in a performative, true enough but it is (must be) one which has a significant 'claim element' to it. To say 'Achilles is brave', in so far as it is a performative, places the judge (and his audience) in a certain relationship to Achilles but, by the same act, it claims something about Achilles in such a manner as to invite discussion. It is a constative from the moment it is uttered,

one that opens itself to discussion. The answer appropriate from other political actors is not to resist the constative elements of the statement (whatever that might mean) but to offer alternative constatives as part of a discourse focused on the meaning of the judgment uttered. Judgments cannot be purely performative in the sense of 'lacking a claim' or else they could not be attempts to 'woo the consent of' other actors, a feature which is central to the performance. The 'constative' element is a necessary feature of politics, though note in the mode which Honig claims it to be.

It might be wondered, against the above, why Arendt's writing focuses on the performative elements of the *Declaration* if the constative (or certain examples of it) can be safely admitted to the political. There are two answers to this which need consideration. The first is that Arendt's interest in the *Declaration* as political act requires her reading to down-play the constative elements of it in order to show that the political can ground itself; she operates, so to speak, at one step removed from the hypothetical 'ordinary actor' who might work within such an understanding of politics. She *needs* to show the self-grounding elements in the way the actor does not: the system in place, he is free to address himself to the specific elements of the *Declaration* as claims, resisting or reforming them as part of a political process. Arendt doesn't have this freedom because her project includes the demonstration of politics independent of truths of a certain form. This, the 'certain form', is the real difficulty of the constative elements and the second reply which this paragraph promised to deliver. The judgment-type constative, to put it in relatively unsophisticated terms, is still a constative just as the 'truths' are; only the mode of accession differs. The judge may revise, indeed invites revision whilst the dogmatist cannot. The problematic element is this, the mode of its coming-to-be-held, rather than that it is held at all.

On Honig's reading, the thing resisted is the transformation of performatives into constatives; this reading is still hostile to the constative elements, resisting them not for their content but their form. With

this suggestion in place, the second objection to the reading can be addressed: it is conceivable that a constative such as the 'we' is one of this nature, malleable enough that it can be addressed in terms of its content. Instead of resisting the descent of a founding performative into a mute constative, this approach would also see the constative as an invitation, albeit one to a different kind of politics, one modelled on Honig's suggestion that Arendt has made a fable of the American founding.

The use of a fable, as above, to "fill the gap in [Arendt's] theorization of a politics of founding" (Honig: 1993a, p.108) points us towards another use of fables, one which brings the American founding closer as a practice to the Roman founding whilst making obvious one further difference which makes the former suitable for 'modern conditions'. Honig's work does not take this route as such, turning instead to her account, presented above, of how the constative elements of a founding can be incorporated into a subsequent political practice in a way which encourages, rather than limits, it by casting it as part of a practice of resistance. As an alternative to Honig's politics of a 'practice of resistance', something must be said of the similarity between Arendt's appropriation of the *Declaration* and the way in which the citizen can be expected to relate to the same. This forms the basis of our understanding of the operations of a political system which has a foundational moment to tell a fable about.⁵⁷

The fable-element of the way in which Arendt takes the American

⁵⁷Many of the same points might very well be made in relation to any political community which did not have a moment of system-foundation to point to; this is a consequence of placing so much of the sustenance of a system in the hands of whomever happens to be a current practitioner within it at any given moment. Jefferson's use of pre-Revolutionary American history might be classed as an action of this sort, reading back into the historical events whatever the actor needs, either as support or as opposition. Indeed, the Founding Father's appeal to Antiquity as a means of understanding their own foundational enterprise as a continuity would also fit this pattern. This can also be done within an existing system, essentially subverting it to serve the political better (or worse, as the actor desires); something like the incorporation of works such as Bagehot's into a working understanding of the British constitution would fit this description.

founding to operate as the basis of a system of authority establishes a decisive difference between it and the Roman practice, if 'fable' is taken to indicate something similar to the usual meaning. To treat the moment of foundation itself as a fable is to make of it something which is negotiable, open to discussion, no longer functional as a mute constative, a finalised event. Treating it in this way is different from the self-understanding of the citizen who takes the inviolability of the founding moment as a non-negotiable act of the past to which they are tied by a sense of religious obligation. The latter attitude, whilst it may actually modify or re-interpret the founding act, does not take itself to be permitted to do so. The very idea of acknowledging the fabulist element of a foundation as such, on the other hand, leads naturally enough to the idea of its revisability: the retroactivity of the fable which features in Honig's Derrida's reading makes explicit the functioning of legitimacy as a specifically *retroactive* phenomenon. An unrefuted system of this kind which relies only on the continued sense of its legitimacy for support is therefore a legitimate system, so long as it remains retroactively revisable in this manner.⁵⁸ The possibility of revision, as a form of the possibility of dissent, proves the legitimacy of whatever narrative is current (or, it at least establishes the passive indifference of the citizenry).

Is something which is a fable and accepted as such a fitting basis for a system of authority at all? Certainly, the fact of its being a fable which lies at the centre of political attention is not a problem itself; it is very hard to take the founding of Rome as anything other than fabulous or mythological. Rather, it is when the fable becomes an acknowledged fable for its political actors that the question arises. The anxiety is something like this: the functioning of authority must fundamentally rest on something which is accepted as authoritative or

⁵⁸This is an alternative answer to Keenan's anxiety about *particular* projects as foundations: acknowledgment by the citizenry that they freely deal in a fable protects them from treating the particularist element of the project as too binding. In a way, it as though political freedom has surreptitiously made itself the *actual* principle, operating behind the particular goals of the founders.

legitimacy-bestowing by the participants. To reject whatever is taken as the anchoring fact, be it event or theory, is to reject the system as a whole. Something treated as a re-interpretable fable becomes a thing open to negotiation and all negotiations or re-interpretations, if they are to be freely undertaken, necessarily involve elements of refusal as part of that adaptation: no emphasising of one element can take place without thereby promoting it above some other element, which is then treated as somehow inessential. Refuting elements of the 'act itself' which created the system must have consequences on the character of the system which follow from it; whatever flows from the downplayed elements cannot, during a period of their demotion, command the citizen. From this comes the fear that a fable-based system will be too unstable to really function as an authority-system at all. If it were admissible to say anything at all, without restriction, about a founding act, then this fear would be quite valid. This however, is not really the case; the particular act of founding—the *Declaration* and the U.S. Constitution in this case and other deeds in other cases—itself remains authoritative for its interpreters.

Further, the negotiation of interpretations—the interplay of conflicting stories about some action which started the whole system—can only, if they are political events in themselves, be settled by means of persuasion, else reinterpretation is not a political possibility. We have already seen that persuasion cannot be a part of the functioning of authority on the Roman model and of authority as such.

Much here depends on how far, so to speak, the persuasive element of the relationship between citizen and fable can be said to reach. It certainly cannot, given Arendt's differentiation between fact and opinion, reach the events themselves at a basic level: an opinion about what is meant by the *Declaration*, say, is supportive, rather than destructive, of a functioning system derived from that document. If undertaken in a constructive spirit, one which takes the act itself as support rather than opposition, it maintains the system, augmenting rather than replacing the origin.

It is of course conceivable that some should interpret the originary act as 'bad', refusing its authority altogether. This is also quite possible for the act which is conceived of as inviolable or non-interpretable foundation myth: in that case also, the consequence of taking the founding to be illegitimate exists with the same result, that of placing oneself without the system. This is not any more likely when the founding experience is presented as fable instead of unalterable fact; indeed, it seems rather less likely when some greater latitude of response to the founding is permitted.

It might also be thought that the relationship between fable and citizen is not different in kind from that between citizen and other 'placeholder', save for the acknowledgment of the interpretive element. That is to say that, just as the citizen may respond to a fable but down-playing some elements to the benefit of others, any system necessarily features the possibility of such manoeuvres as part of citizenship. Or, as Honig has it, "all placeholders, according to Derrida, including those that are constative in structure, are fables" (Honig: 1993a, p.108). We are simply trapped with them, therefore with the problem of our own self-determination, however keenly we might apply ourselves to constructing some tale to escape this burden.⁵⁹ Acknowledgment of the quality is the substantive difference; without this acknowledgment, the fixed meaning of the founding act can ossify into one specific approach or negotiation, presented as 'authoritative' in a manner which excludes other interpretations to make itself the privileged statement of the founding events. Although this seems to remove the matter from politics, it does so only in the sense of seemingly putting it beyond debate; changes become harder to effect once the 'despotic power' of truth is accorded to some interpretation or other.

⁵⁹This has something of a reverse effect upon Arendt's fable: it is a fable unlike other fables, one which ostensibly points up the incapacity of fables to provide anything better than a merely-false security against the burden of freedom. It pointedly refuses the use of precedent by the Founding Fathers, in order to create a precedentless precedent for future actors.

4.7.7 Keenan and The Duty of Remembering

Keenan offers a different account of the division of effort necessary for a political foundation to work, a division which we now examine. The element of Keenan's reading which is of interest is the way in which he relates promising to the fragility of action (Keenan: 2003, p.88). The consequences of his reading appear after the reading itself, below.

This division of effort between founder and later citizen is in part determined by the way in which Keenan supposes the action of foundation-laying to be different from action of other kinds. Actions which are foundational are supposed by Keenan to be extended across time in a manner seemingly unique to them, by means of their basis in promising (Keenan: 2003, p.87). Keenan has a peculiar anxiety about the possibility of action's remembrance without the use of promising, which leads him to focus on Arendt's claim that action and speech "*create their own remembrance*" (Keenan's emphasis Keenan: 2003, p.87), treating this in a peculiar manner, as though the action itself were responsible for the performance of its memory. Based on this, Keenan asks; "How could the most fleeting of activity be preserved even as they remain "materially futile" and have their "end" in the activity or performance itself?" (Keenan: 2003, p.87). The answer, for Keenan, is that promising extends the action;

Speech-action can "endure" in the form of "remembrance" only because of this "force" of promise. Promising⁶⁰ is speech-action's way of remembering itself; it institutionalizes, or textualizes, the merely "potential" nature of free speech-action. (Keenan: 2003, p.87).

The *force* of promise [of this kind] lies in its ability to form a new political community, or "space", where none had been before, by deliberately leaving a trace or mark, in the present

⁶⁰There is no reason that promising 'as such' need create new institutions, though clearly the kind of promising which is relevant to foundations must.

that immediately becomes past, on whose basis the identity and the freedom of the community can be measured.⁶¹
(Keenan: 2003, p.88)

Keenan's concern with material futility seems to indicate a desire on his part that a foundation be made fast by the founders alone, bequeathing through their promises a stability which is inheritable and, frankly, quite at odds with the description of action. In Keenan's account, the mismatch here is masked by his insistent addition of promising as a means of prolonging the action.

By Keenan's reading, the order of effort has become reversed between founder and successor.⁶² Somehow the act of foundation has become something which 'remembers itself', which is somewhat different from Arendt's claim that the *Declaration* is a particularly significant example of an action which creates "its own monument" (Arendt: 1990, p.130). It is perhaps trite to note this difference: a memorial, however well-crafted, does not guarantee (or have a prescriptive ability related to) the action of which it is a trace of remembrance. Keenan's phrasing instead suggest an action which is extended well beyond the life-spans of its actors; whilst Arendt's project relies on the *effects* of action having the possibility of being so extended and hence remembered, (even where they are not examples of promising) this is not at all the same thing as to say that the original action has itself survived as monument in a literal equivalence.

Keenan's expression of this is that the "*Declaration of Independence* works as a promise of *freedom* [in spite, we may add, of the actual content of its promise] only by the immediate memorialization and insitutionalisation of its action, by which it promises its own continua-

⁶¹Accepting this particular claim actually requires us to disregard Arendt's narrative of pre-revolutionary America; better to claim, instead that promise of this kind permit the continuation of a community, which is achieved by the creation of a new 'space' which they may share in.

⁶²This is not to say that the founders have no need to exert themselves at all; indeed, it is evidently part of founding that it is as difficult and as perilous as action *tout court*.

tion" (Keenan: 2003, p.88). Even with the reservations related to prior statements by Keenan in mind, it is obvious this captures neatly the functioning of a promise, or of *the* promise forming the central pillar of a foundation. It also reveals what must be seen as a key anxiety related to such a pillar, which we may think of rather as an anxiety as to the means by which a promise takes on the form of a pillar: pillars are, after all, sturdy supports rather than negotiable relations. The promise out of which one has been made becomes, to those not included, an object when it takes on the form of an institutional arrangement.

An action which did survive in this manner, 'remembering itself' (pretending this to be possible), would not be reliant in the least on future political actors.⁶³ There are three possible ways in which we might imagine this.⁶⁴ The first is that no efforts at all are required of these actors once the motor of the action is running, which sounds flatly ridiculous. The other, which is at least imaginable, is to suppose that the later actors are somehow compelled to remember the action in question, to refer to it, regard it as unalterable; should they alter it, it will of course have been subject to their action, which in altering it destroys the purity of its self-remembrance. It is obvious that this is quite unsuitable for the political, binding into passivity the following potential actors and thereby prohibiting action to them so long as they regard it as authoritative; it would become for them something alien, imposed, non-negotiable, effectively a transcendent thing to which they could only function as audience. It may be, of course (this being the

⁶³As a matter of classification within Arendt's project, it would also become an example of 'work' rather than 'action', a transmutation which is summary of the problems listed in the following lines. If the founder is a workman, whose blueprints are successfully implemented in the form of a stable structure, then this makes mere labourers of his inheritors, maintaining the structure in the face of decay, bound to the blueprints in a reverential fashion.

⁶⁴These considerations also apply, for the most part, with respect to the relationship between the founders and their contemporaries. If the exclusions which are detailed are fit for future generations, they may just as well be fit for contemporaries of whoever devises the planned foundations. In practice, this would look rather similar to either the sovereign of *Leviathan*, or Rousseau's legislator, which ought to indicate just how dim a view Arendt would take of the idea.

most plausible interpretation), that the actors merely regard something as such when they in fact do the work of remembrance themselves, in a state of false consciousness. This at least has one advantage over the prior two suggestions: it is intelligible. It is still problematic, however, as a part of political practice, for the same reasons as the second. For non-political authorities, such as within some technical specialisation, it would be perfectly acceptable: the worst it would do is to stall innovation if the attitude were not successfully restricted to matters of tuition.

These considerations amount to the claim that the act of remembrance is for each generation of a 'we' which accepts a founding an action they themselves begin anew, even if they do not take themselves to be novel in this regard. Each would bring, almost unavoidably, some element of themselves and of the generations between them and the founders to the renewal of the foundations. The alternative would be a stasis which entirely denied the opportunity for meaning-creation. Honig's alternative account of the relationship between a public and its foundations does not fail on these grounds, so must be counted preferable to Keenan's.⁶⁵

Above, it was promised that a problematic consequence of Keenan's reading would be addressed, one which, as it happens, would not be a possible consequence of Honig's. Keenan claims that, in effect, foundations cannot be secure so long as they accord with the "logic of freedom and action" (Keenan: 2003, p.89). As a consequence, he claims, acts of foundation must "limit all subsequent "free" acts (Keenan: 2003, p.89). The sharp delineation between foundational and other actions is

⁶⁵This is not to say that Keenan's work is without merit altogether; it shares with Honig's an awareness that the promise of freedom relies entirely upon the *memory* of that promise in order to function. More problematically, Keenan's exact claim is that "the possibility of maintaining freedom rests on the possibility of memory" (Keenan: 2003, p.87). If this were straight-forwardly true than no new beginning would be possible at all once the world had fallen into collective amnesia. Whilst we might accept this, Arendt clearly would not, since it would rule out the act of promising freedom, which is itself a free act. His work also has the merit that it makes obvious the quite great efforts needed in founding.

the root cause of this claim, which need not otherwise have been made: all actions condition or limit future actions in some way, via the web of relations which is created and modified by actions. The alternative parallels Arendt's account of the difference between those bound by promise and those who are not so related to others. Keenan is also aware of this dependence of freedom on the presence of others (though without applying it to the claim in question here); "freedom... can only be found in the midst of plurality" (Keenan: 2003, p.81). For this to mean anything substantive, it must mean that the actor is born into a world of existing relations and conditions, determined by the past actions of others, which provide the bulk of the material with which he will have to work in his project of self-revelation.

This counts against Keenan's claim that "to the extent that the freedom of the political realm is founded on a *specific* project, it cannot be entirely free" (Keenan: 2003, p.89), a claim which can rest only on a notion of freedom entirely at odds with Arendt's conception of it. Within her use of the word, freedom must always be found in some context, some *specific* world into which the potential actor is born. Even without a specific foundational project as referent, the actor is necessarily so conditioned. It may be that Keenan has in mind a claim something like 'the existence of a political foundation which is a *specific* project places illegitimate constraints on the political actor'. However, this ignores both the necessary existence of limits which result from any action forming part of the context of an actor, and the potential to overcome those limits, either by reinterpreting them or by resisting them.⁶⁶ Keenan claims that a promising of the kind which founds "can effectively *lay down the law* of freedom only by immediately violating that same law", leaving Arendt's attempts to describe foundations "caught between freedom and foundation" (Keenan: 2003, p.89). We

⁶⁶Keenan cannot be entirely ignorant of the irreversibility of action, which makes an appearance earlier in his work; "what is freely done can neither be predicted beforehand nor undone once started" (Keenan: 2003, p.81). Possibly, Keenan only realises this with regard to the actor themselves, rather than the potential sufferers of the deed.

have already addressed the relationship between the foundation and the restriction it places on the field of intelligible actions by being the promise of a *particular* project.

Separate to this is the relationship between the later actor and the method of beginning the project of foundation: the promise rather than the project is the guarantor of freedom. By its example, it commits the character or spirit of the institutions it forms, at least initially, to an abstention from non-political means of preventing alterations. The act, as much as it sets the initial project which will inhabit the public realm, also sets out an initial understanding of how it and other projects can justifiably be undertaken. That is, it operates as an exemplar of cooperative action, one which could provide a powerful reference point when discussing the limits of political methods even after the initial project (which, in the American case, is reasonably loosely-defined anyway) has mutated significantly. Perhaps this contrast between 'method' and 'content' places too much faith in the power of the former to shape the latter once in the hands of those who follow after an act of foundation. Arendt's reading of the *Declaration* suggests she holds something like this as a hope, downplaying as it does the specific project of the founders to concentrate on the method by which it was achieved.

This brings us back to our consideration of Honig, for whom Arendt is a teller of fables about acts of foundation, her work as much a model, it could seem, for citizenly engagement as it is an historical appreciation of the *Declaration of Independence* as a foundational act.

4.8 Conclusion

In both Keenan's and in Honig's work, the act of foundation becomes a 'dead act', a *fait accompli* which forms an inert backdrop for future actors to resist, or to overturn entirely. To do so is to treat the foundation as if it cannot conform to the description of action found in *The Human*

Condition but Arendt already has an account of a foundation of that character: the *polis*.

The American example, however, is of an interactive foundation, which is not finished until the system it spawns is, as a whole, finished; only the open-ended nature of the promise which forms its basis makes this possible and it does so because it leaves open the question of what it means in exactly the same way as the description of action undertaken without control over other actors.

The call for resistance to the foundation, to the system which results from it has the further side-effect that it makes it sound as though the political could, so long as it did nothing one objected to, be left to its own devices, as though it had become an agent in its own right; if the political is taken to be an entirely automatic process, it is no longer something for which anyone living takes responsibility.

Institutions which protect individual responsibility for politics by making engagement obviously meaningful are the subject of the next chapter.

5

The Council Systems

On Revolution is not just the story of the American Revolution, or even just of its comparison to the French Revolution. It is also the story of the assorted councils, *soviets* and *räte*; these arrangements of politics, alternatives to representative or party democracy, appear independently in the wake of several revolutions and in Arendt's account of revolution.

Whereas the previous chapter presented a political phenomenon—the relationship of a polity to an identifiable, contestable tradition—this chapter is concerned with a phenomenon which does not form a stable tradition at all. The disparate events which Arendt draws on for her discussion are not part of a conscious tradition; in drawing on them, Arendt makes them into a recurrent struggle between two forms of political organisation and, thereby, makes them available for judgment in the same way as the founding act made itself available.

The other source Arendt draws on to discuss institutions of this form is Jefferson; this is not the Jefferson of the *Declaration of Independence*, as

in the last chapter, but the later Jefferson, who developed an enthusiasm for a very fine-grained federal system of government. This ‘ward’ system, which appears in his letters of 1810–1816, is presented in a period long after his engagement in the revolution; it is, in effect, theory informed by practice.¹

What is it that Arendt hopes to achieve when she describes the councils and links them to the Jeffersonian ward system? One candidate answer is that they are meant to be read as a straight-forward alternative blueprint for political organisation.

This would be to understand the relationship between theorist—especially in the figure of Arendt’s own work—in the same terms she explicitly refuses in a 1972 conference exchange with Christian Bay. Bay is “disturbed when Hannah Arendt said that her desire [as a theorist] is never to indoctrinate”; on his account, the point of theory is to enter the “pluralist universe” to argue in order to improve things (Arendt: 1979, p.307). Arendt denies the likely effectiveness of such efforts: Arendt holds that theory only influences action at one step’s remove; theory works on changing consciousness and that, in turn influences action (Arendt: 1979, pp.304–305). The difficulty comes, Arendt thinks, because of the sheer number of people one would need to influence to make much difference (Arendt: 1979, p.305). It is not even predictable, she thinks, what direction one’s conversion efforts could push others in (Arendt: 1979, p.309).

There is one more passage from that conference which is worth examining, Arendt’s answer when she is asked how she ‘as a theorist’ would instruct a political actor;

I wouldn’t instruct you, and I would think that this would be presumptuous of me. I think that you should be instructed when you sit together with your peers around a table and exchange opinions. And then, somehow, out of this should

¹The practice in question is that of the American experience of federalism; for the link between this and the abrupt end of the councils, see below, section 5.4.

come an instruction: not for you personally, but how the group should act (Arendt: 1979, p.310).

This response contains both the discarded relationship of ‘theorist instructing actors’ and its alternative, the discourse of peers with the aim of making a decision. The latter corresponds, in a basic form, to the description of how councils operate.

This conference aside, the idea of the councils as blueprint would be a poor match for the concept of action which plays out in Arendt’s work; a blueprint for political organisation, taken from a theorist’s work and imported in a straight-forward way, would assume in relation to the political the same position as anything else which was merely given to political actors. The reduction of politics to skilled conformism to a particular plan—even one which adequately reproduced the basic features of the practice of politics—would remove the element of ‘plurality’; it would also be, in this particular instance, to corrupt the nominal aim of the blueprint itself. It would also ignore the way in which Arendt sets up a strict opposition between council-members and the ‘professional revolutionary’.²

Related to this view of the relationship between theory and practice is one final reason to avoid treating the councils as if they are intended to be a straight-forward blueprint: to do so would cast Arendt as a utopian thinker. Sitton addresses this concern in his article on the council system, taking Canovan (1978) and Sternberger (1977) as representatives of the claim that Arendt’s discussion of councils constitutes one form or another of “utopianism”.³ (Sitton: 1994, p.307) In Sitton’s view, Arendt has two plausible reasons for this neglect of structure (Sitton: 1994, pp.307–308). The first is Arendt’s claim (in an interview) that no need existed for her to specify the structure of councils; “. . . important studies on this subject have been published in recent years in France

²See below, p.191ff.

³And, as is happens, Arendt herself uses the same term, though not without reservation; “Whether this system is a pure utopia. . . I cannot say” (Arendt: 1972d, p.231).

and Germany, and anyone seriously interested can inform himself” (Arendt: 1972d, p.232). Sitton’s second defence is to point to a different aim for Arendt’s use of councils;

Her purpose instead is simply to sketch a political structure to illustrate the possibility of realizing alternative political principles: direct democracy, the experience of public freedom and public happiness in the modern world, an arena for proper opinion formation, and a polity not based on the notion of sovereignty (Sitton: 1994, p.308).

There is something peculiar, perhaps self-defeating in the move Sitton performs to avoid the ‘utopianism’ charge. He leaves this in place and turns to expounding the above ‘principles’ in its place. Even if we do not regard this as begging the question against Arendt, it leaves something of a problem: if the councils remain utopian, then this too seems to hold for the list of principles Sitton gives. It suggests—even if it does not impose—the thought that those things Arendt uses the councils to illustrate are doomed to the same limited lifespan as her historical examples.

What of the contents of Sitton’s list of principles? Much of this is in place already by the time Arendt writes *On Revolution*; much of what is not is also well-represented in that book by the American Revolution. The one element in Sitton’s list which is unique to the councils is the institutional element, comprised of ‘direct democracy’ and the ‘arena for proper opinion formation’ together (the latter is, to some degree prefigured by the judgment-like elements of *The Human Condition*).

This purpose accounts for the looseness of the description, as well as the level of generality in which it is given by Arendt. As for the ‘principles’ in question; these turn out to be very similar to the concerns which animate her description of action. The councils are an embodiment of the characteristics of political action. In particular, the contrast between them and representative democracy, which develops below, speaks to Arendt’s concern with the centrality of ‘rule’ as a concept even within democratic politics, as seen above.

That Arendt does not provide more detail reveals one of the problems of *On Revolution* as a book; the volume of material presented gives a full view of the phenomena presented at the expense of detailing one particular facet, such as the councils.⁴ Were the councils the sole concern of that book, then they might have been better-detailed. However, Arendt also presents several related phenomena; the 'failure' of the French Revolution and its contrast with the American, the effects of goodness and hypocrisy as political concerns, and the deficiencies of representative government. This creates a tightly-linked nest of conceptual concerns, each dependant to a degree on some other with which they are contrasted.⁵

With so much else fitting alongside the councils, Arendt focuses on developing what she takes to be their essential characteristics, rather than an exhaustive blueprint.⁶

Hansen understands Arendt's project for *On Revolution* as an "historically-informed ontology of action" which details "what action has actually meant, and can mean, under certain conditions" (Hansen: 1993, p.193).⁷ The idea of the book as an ontology of this sort is a curious one; if taken in isolation, it is not entirely clear that one could work backwards to the ontology of the *vita activa* Arendt develops elsewhere. Nor does *On Revolution* need to be read alongside Arendt's work to become comprehensible; the most obvious candidate for this position would be *The Human Condition*. Each book stands apart from the other; though they share many common themes, there is no order

⁴Canovan describes the book as "rambling and discursive" and as the book by Arendt "in which formal organisation is least apparent" (Canovan: 1978, p.13).

⁵For a similar summary of the sheer diversity of topics covered in *On Revolution*, see Miller (1979, pp.177–178); that list also refers to emotional responses to the book and to the complex way in which the elements of the work inter-relate.

⁶This also leads to Medearis' complaint that Arendt downplays the differences between each historical occurrence (Medearis: 2004, p.453).

⁷Hansen gives the history of his own reading of *On Revolution*; he came to regard the book this way as a response to his own earlier dissatisfaction with the work. This dissatisfaction is on the grounds that, in his initial reading, Hansen did not find an explicit account of ontology, or of "what it means to be fully human" (Hansen: 1993, p.193). Hansen's description of *On Revolution* as 'historically-informed ontology' represents the fulfilment, rather than abandonment, of this earlier hope.

of dependence between them.⁸ The relationship of *On Revolution* to *The Human Condition* is that it echoes its themes, repeating (not always in the same terms) any conceptual apparatus needed for it to stand alone.

With the caveats about vagueness in mind, we may now proceed to examine what substance there is to Arendt's description of councils. We can expiate this vagueness not only by the myriad of content in *On Revolution* but also with reference to the sheer number of disparate organisations there captured under the name 'council'. Medearis presents a catalogue of the several differences between councils, in terms of aim, structure (Medearis: 2004, pp.450–452), culminating in the claim that "the actual councils of history. . . never constituted a sort of separate and homogeneous political system, or a distinct form of state" (Medearis: 2004, p.454). Arendt does not present the councils in terms which contradict this claim.

Arendt's list of councils is indeed presented by her with the caveat that it does not constitute a conscious tradition. However, it is presented as a list of things which belong to the same set (Arendt: 1990, p.262), without much reference to any differences between them. As Hobsbawm has it; "[Arendt] talks in the same breath of politically very different organisations" (Hobsbawm: 2007, p.273). We may compare this to the level of differentiation afforded the councils by Medearis in an attempt to rescue the councils themselves from three theorists of them, one of whom is Arendt herself (Medearis: 2004, p.447). For this reason, his work presents the differences between the various councils, whereas Arendt;

constructs herself an ideal type, defining her subject matter accordingly, excluding what does not measure up to her expectations (Hobsbawm: 2007, p.269).

Hobsbawm's review, in particular, makes it sound as though Arendt is acting in bad faith in stripping out all the details she considered

⁸The only one of Arendt's works to appear in the bibliography of *On Revolution* is *The Origins of Totalitarianism* (Arendt: 1990, p.331).

accidental. Indeed, if we take a detailed presentation of a phenomenon to be a part of understanding it, then Arendt's description of the councils fails as such a description.

Hobsbawm also criticises Arendt for her selection of revolutions, which excludes those prior to 1776 and any which took place outside of Europe or North America, claiming this makes possible some sweeping claims at "the price of making a serious study of the phenomenon of revolution" (Hobsbawm: 2007, p.269). Instead, Arendt's interest is with the principle of 'public happiness' (Arendt: 1990, p.221), which she sees as a significant commonality across these disparate events.

This includes, as it must, the way in which this principle manifests, both in revolution and in the councils (and perhaps wards) as the completion and perfection of revolutions seen in this light (Arendt: 1990, p.221). Therefore, the following reflections on councils will also reveal some of the characteristics of this underlying principle.

What follows for the remainder of this chapter is a reading of the councils, including the way in which they can contribute to an understanding of Arendt's work. Based on the above, it is clear both that Arendt cannot intend them to stand as blueprints but also that treating them as 'merely utopian' distorts them. What follows immediately below is an examination of the contrast between council-systems and party-systems of politics. After that, the structure of the councils is illustrated, mainly with reference to Jefferson's ward system; that something fairly substantive can be spun out of Arendt's description shows that. This will also show the ways in which the councils reflect on (and illuminate) Arendt's conception of political action. Finally, the elements of Jefferson's ward system which Arendt ignores, combined with the way in which she takes the membership of the councils to be composed, will address the problem of 'elitism'. In combination with the earlier demotion of the *polis*, a demonstration that Arendt is not—in regard to the councils—straightforwardly 'elitist' will detoxify her work. This is not to suggest, as it might be taken to, that Arendt is not interested at all in the rare, the historically-important, or the

glorious; instead, it is to suggest that she holds anyone capable of deeds with just those qualities.

5.1 Arendt's Anti-Theoretical Theorising

One of the most striking contrasts which Arendt develops through her use of the councils is between those involved in such 'spontaneous' organisations and those who cling to theorisations of revolution which pre-date their experience of the actual event. (Arendt: 1972d, p.231). The contrast between the two rests on Arendt's claim that the council organisers do not hold to theories to help organise and respond to their circumstances.

This theory-blindness is a repeatedly-referenced characteristic of the council-founders. This is partly responsible for the difficulty in separating each council from the chaos preceding it; this chaos, rather than pre-existing theory, is the impetus for each movement. Arendt describes councils as "occurring in every genuine revolution" of the last two centuries (Arendt: 1990, p.249) and, indeed, we shall see that her description of their formation could make no real sense outside of such events.

This is largely due to Arendt's insistence that councils "sprang up as the spontaneous organs of the people. . ." (Arendt: 1990, p.249), as "new revolutionary organs of self-government" (Arendt: 1990, p.247). Both of these descriptions occur as part of establishing a contrast between council and party, something we will return to below. We may, now, attempt to determine what constitutes the spontaneous character of the councils, which we might expect to match in some regard the same characteristic as it forms part of action. Lenin and Marx are both, on Arendt's account, unable to properly come to terms with the councils; "they were confronted with a repetition unaccounted for by any conscious imitation or even mere remembrance of the past" (Arendt: 1990, p.256). This 'blind' recurrence in isolation is clearly

important to Arendt, who repeats the claim when she presents her list of occurrences of council movements (Arendt: 1990, p.261).

This deliberate denial of precedent is an interesting element of Arendt's description, which plays into the idea that she expects action to be *de novo* in some strong sense, though it hardly entirely licences that claim. If Arendt demanded pure novelty of political action, then much of the chapter preceding this would not be possible; instead, her emphasis on the independence of council-formation shows that, perhaps, this basic level of organisation which we detail below is possible even without coercive effort or domination under law.

This makes best sense of the 'professional revolutionary' as a contrasting figure, especially their relationship to theories of revolution. This group includes Marx and Lenin, as examples of the "professional revolutionist", who was "an entirely new figure on the political scene" from the French Revolution onwards (Arendt: 1990, p.258). This figure is not an exclusively Marxist one; theorists of all stripes were unable to categorise, therefore unable to cope with, the councils. They were, in this, "utterly unprepared for the actualities of revolutionary events" (Arendt: 1990, p.258). These theorists are creatures of a recognisable tradition and of a matching practice of theory, these being the main qualities separating the professional from the council-founder. The former finds himself 'locked' into patterns of theory which radically fail him when contemplation is set aside for action (Arendt: 1990, p.258).

It should be fairly obvious that this opposition between council-founder and professional revolutionary maps onto several other elements of Arendt's work. Firstly, the most obvious match is with the comparison of political actor on the one hand and the political theorist, conceived of as something like a craftsman, on the other. But this match rests on another: the professional revolutionary's trouble stems from the way in which he attends to events as if they are opportunities to deploy pre-existing solutions, i.e. as if they need not do anything but implement what is already known. The council-founder instead attends to the events as opportunities for political action, grounded only in

responsiveness to the situation itself. This clearly echoes the earlier discussion of initiative as a component of action in section 2.4.

In effect, Arendt's work acts as a supplement to the council movements, trying to capture in one account the essential characteristics uniting the different incidents. In so doing, something like a 'theory of revolution' is being constructed.

In line with our earlier work, we may account for this as follows; Arendt is offering something other than a comprehensive theory, a picture of particular historical moment as demonstrations of alternative forms of political participation which are compatible with Arendt's already-existing description of politics. Accepting this, it seems the relevant difference between Arendt's work and theory 'in the pejorative sense' is that she sees herself as offering something better-grounded in political events rather than abstract frameworks.

This dissimilarity is in part one of circumstance; Arendt has historical materials with which to work the revolutionist evidently does not. Even with this list of past revolutions, Arendt does not create an explicit generalised structural prescription for post-revolution organisation based on a pre-existing theory. It also helps Arendt that she writes with a view of several revolutions, whereas the professional revolutionist either has no material to work with, having yet to see revolution, or has neglected previous revolutions. This is a necessary part of Arendt's claim against the professional revolutionist. They also differ from Arendt in terms of aim, working as they do with a mind only directed to the revolution to come; in this, they differ markedly from the 'responsiveness' which is so central to Arendt's concept of action. One problem with this exclusively forward-looking perspective is that it takes it for granted that one need not seriously attend to the acts of others once they have occurred.

Arendt's aim is rather different, oriented towards past revolutions instead, attempting to shape them as a resource available not just for future revolutions but for the study of politics as such. *On Revolution* also serves part of the role which Arendt gives to poets at the end of

that book. There, she refers to “memory and recollection” as the only compensation for the eventual failure of the councils (Arendt: 1990, p.280). In doing so, Arendt’s testimony provides (at least in bare outline) exactly that testament which was absent, by uniting the disparate historical events as exemplars. This exemplar-building provides only historical details and evidence of a non-sovereignty form of political organisation; the lack of programmatic content in Arendt’s book prevents a straight-forward repetition of the sort that results from simple enactments of party doctrine. Perhaps not very much more than the mere possibility of public freedom can be gleaned from the book. Even if the councils were presented in great historical detail, minutely catalogued with an exactness to which Arendt is not inclined, no attempt at straight-forward replication could be undertaken in good faith.

5.2 The Structure of Councils and Wards

There are, as it were, two council systems in Arendt’s work (primarily Arendt (1990) and Arendt (1972d)); one is Arendt’s account of the doomed post-revolutionary movements, the other the “new state concept” (Arendt: 1972d, p.230) of which these are the rudimentary form. These two generally occur together, although the extrapolated version can be found straying further from historical background towards the end of *On Revolution*. These final few pages, bereft as they are of any pretence to historical record, can be read in conjunction with Arendt (1972d) to show that the councils do function as prototypical state form.

This posited organisation, which Arendt admits may be “a pure utopia” (Arendt: 1972d, p.231), is a federated system of government. In each instance, she claims the councils discovered anew

... the federal principle, the principle of league and alliance among separate units... [forming] a new type of republican government which would rest on ‘elementary republics’ in such a way that its own central power did not deprive the

constituent bodies of their capacity to act and form opinion (Arendt: 1990, p.267).

Such is the sort of federated structure which Arendt thinks she sees in the organising councils found in “the February Revolution of 1917 in Russia [as well as] the Hungarian Revolution of 1956” (Arendt: 1990, p.266). These are joined by the Paris Commune, which Arendt presents as an early example specifically of the conflict between this way of organising politics and an organisation based on lines of sovereignty (Arendt: 1990, p.266). This conflict is brought out explicitly in the Commune, in spite of, Arendt claims, the lack of evidence at the time that “the spirit of revolution and the principle of federation” are related (Arendt: 1990, p.266).

In each of these examples, it is the geographical element which is emphasised, rather than the participants’ socio-economic unity, as the basis for each council. Arendt does not ignore the relevance of socio-economic similarity so much as treat it as merely incidental;

...councils of writers and artists...students’ and youths’ councils...workers’ councils in the factories, councils in the army, among civil servants and so on. The formation of a council in each...turned a more or less accidental proximity into a political institution (Arendt: 1990, pp.266-267).

These councils, based on occupation or work-place, are assimilated to the “neighbourhood and so-called revolutionary councils” (Arendt: 1990, p.266). The explicit work-based connection—also the implicit social homogeneity of neighbourhoods—is presumably demoted in importance because Arendt’s interest is not in the objective world so much as it is in the example of its being organised in this particular manner.

The immediate reason for this focus is, as Medearis points out, to make the set of councils a closer approximation to Jefferson’s ward system (and to one another) (Medearis: 2004, p.470).

Jefferson's ward system, which appears in his letters, takes a much more definite specification than the councils; this is as we would expect, given it appears as a theoretical account of an idealised system. The smallest unit of public governance is the 'ward', a unit of around six square miles in area (Jefferson: 1824b, p.385), or "of such a size that all the children of each will be within reach of a central school within it" (Jefferson: 1810, p.183). The population within the boundaries of such a ward is to approximate one hundred households (or men); Jefferson refers to them as "hundreds" in one letter (Jefferson: 1810, p.183) and as equivalents "to the hundreds of... Saxon Alfred" (Jefferson: 1824b, p.385).⁹

One reason for Arendt to prioritise geographic, rather than occupational, councils in order to assimilate councils to wards is that it allows her to avoid treating workplace roles as determinant of political form. (Councils organised for entirely workplace-related business, such as the management of a factory, do not address her main interests.) Treating occupation as a prerequisite for participation would amount to the social shaping the boundaries of the political. There is nowhere to be found in Arendt an alternative basis; it is difficult to imagine any criterion could avoid this difficulty. Even a geography-based system seems to fall, *de facto* into this so long as we are not blind to the fact that similarly-situated people will tend one way or another to be found together. This issue will be addressed more fully in section 5.5.¹⁰

With geography as the basis of what we might call jurisdiction, though Arendt does not, we can more fully understand the federated structure based on the councils. As Jefferson admits, such a system inevitably falls prey to practical geographic limits;¹¹ the advantage of the ward system is the convenience of local access to meetings, an advantage which is impossible to transfer to any larger unit than a "New

⁹Jefferson is, of course, reasonably free to specify both population and area in his descriptions, thereby specifying also the approximate density of population.

¹⁰This is also consistent with Arendt's interest in revolutionary, rather than workers', councils in Arendt (1964, p.498).

¹¹This is perhaps not so inevitable with the development of information technology.

England Township” (Jefferson: 1816b, p.207). This is not something Arendt directly considers. Each more general unit encompasses several of the councils, enjoying authority over an area encompassing them. At the end of *On Revolution*, the idealised form of a council system thus takes on the ‘shape’ of a pyramid, which “is of course the shape of an essentially authoritarian government” (Arendt: 1990, p.278). That there is a pyramid rather than trapezoid indicates Arendt intends there to be many such levels.

The groupings of the wards are, as one might expect with a planned scheme, laid out rather more clearly. A group of four wards together form a county (Jefferson: 1824b, p.385). Wards here retain a great number of competencies in this relation, though a “subordinate” of these (Jefferson: 1824b, p.385).

The same relation is repeated in the relationship between county and state, though not again between state and federal levels; Jefferson groups federal and international business into a single separate body (Jefferson: 1824a, p.229).

5.2.1 Authority as Function of the Councils

Authority featured prominently as part of the way in which a founding act can contribute to a polity. It should hardly be a surprise that authority should feature in Arendt’s discussion of councils. The term features in a slightly different way in that context because of the change in focus; it is, in relation to the councils, a question of the procedural arrangement which ensures the different stages of the council organisation relate properly. The question of the ‘ultimate’ authorisation provided by the founding event remains in the background, licensing that which follows immediately below. For now, this is a question of how any given council can come to have authority over the more-local councils within its purview. The membership of the ward-level councils is itself a more fundamental issue; it is in effect the question of who can be a part of the political at all, question is addressed below (see p.209ff.).

The meaning of 'authority' in relation to the councils, then, refers to the authority of councils within the context of a particular established system; what is at question is how a *particular* council can come to be authorised as a proper organ of the authority-system to which they belong. For Arendt, the solution is based on the method by which membership is determined. On each level, a council consists of members present by virtue of election by "their peers" in the subordinate council of which they are the deputies (Arendt: 1990, p.278).

This changes, on Arendt's account, the way in which authority is generated for organisations within the system; it instead comes to be generated anew at each level. It is obscure how exactly this differs from other democratic practices of authority, except in the presence of many such authority-generating relationships. This is not, in practice, a negligible difference; a simple model of representative democracy might consist of only one such relationship, that between constituent and representative. In the councils, this relationship is recreated between any two adjacent levels, with no word on authority-generating relations beyond this. It seems obvious that the authority of any given level is itself dependent on the levels preceding it possessing authority to act as authority-generators, something Arendt does not mention.

There is one further difficulty, that of the practical application of authority in disputes between layers of councils. Arendt provides no guidance for how these might be resolved. Sitton makes some attempt to explain how this might function in practice but his description only supports the initial intuition that something important is missing here;

it would appear that the councils would be related through mutual respect, coupled with the practical recognition that coordinated action is necessary. No single council would have to be persuaded that the course of action upon which the others had decided was the correct one. Rather, each council would have respect for the opinions of the others and realise that certain things must be done, whether that particular council agreed or not (Sitton: 1994, p.314).

This, perhaps, is where the council system starts to sound utopian. It is far from clear how a contentious issue could be settled, based on the way in which Sitton presents the relations between councils. What is missing is the frank admission that, for a system to continue working, persuasion must come to an end somewhere. The last sentence of the passage quoted obscures this; it leaves unsaid the coercive element—not necessarily that of sheer force—occasionally necessary. There is at least something in favour of the councils on this point: their constitution is such as to discourage this possibility; treating political business as, in all but the last instance, a matter of persuasive discourse, goes a long way to ensuring that coercion of any form is considered the last resort.

5.2.2 Equality

The election of deputies by their peers is also meant to impact on the functioning of equality in the council system. Because each deputy is selected by their peers, equality is preserved even as authority is generated (Arendt: 1990, p.278). This claim is peculiar in that by it Arendt means anything more substantial than a contrast in selection-method between council and party. This is certainly part of the description but it seems Arendt does have something more substantial in mind as well;

Once elected and sent in to the next higher council, the deputy found himself again among his peers, for the deputies on any given level in this system were those who received a special trust (Arendt: 1990, p.278).

It is hard to see this either as preserving equality as such or as reconciling authority and equality as Arendt claims (Arendt: 1990, p.278). In discussing the problems with this, we shall leave aside the membership criteria of the elementary councils as a problem which belongs in section 5.5. It is the peer-quality of the deputies which is most curious; in the council made up of them, it is their having been deputised which makes equals of them. Nothing substantial is said of the way in which

they come to differ from those who are not deputies. It is safe to assume that the deputy continues in some political relationship with their elementary council, else there would be no real link between levels. In that role, they must continue to regard themselves as equals to those who remain in that council. In this case, the deputy is equal to different sets of people at different times, groups which are not in effect equal to one another.

Quite how this functions is not entirely clear; at some layer 'n', each council-member will be amongst peers. Is she to regard herself as amongst peers also at n-1? This seems formally plausible if not psychologically convincing. It is clear the promoted come to exist in a different relationship to their n-1 level peers even as it is unclear quite how this difference may legitimately manifest.

Because of these difficulties, it is not easy to take seriously Arendt's claim to have found a system which reconciles equality and authority while, at the same time, treating the 'special trust' placed in the deputies as anything substantial. Perhaps the best interpretation is to take this trust as recognising some other equality than the treat-as-if-equals characteristic of politics. Instead, it is an equality of politically-relevant talents which is recognised, rather than some entitlement. This would retain the character of their promotion as reflecting elementary council-members confidence in them, as in Arendt's description (Arendt: 1990, p.278). For each deputy so elected, this also includes some faith in their own ability to elect wisely to any level more general than that which they now occupy.

Continued membership within one's subordinate councils will also cause an accumulated shortage of time for the delegate as promotions accumulate. No upper limit is proposed for the number of tiers of councils; in her anti-formulaic mode of thought, Arendt may simply demur on the point, leaving it to experience to determine the maximal practicable value of 'n'.

5.2.3 The Distribution of Initiative

In referring to 'initiative' here, we refer to the capacity to legitimately initiate some new political process or event, as that quality can be ascribed to parts of a political system.

Related to the practice of authority in Arendt's description is the way in which initiative is distributed between layers. Our search for this detail is, in part, hindered by the short lifespans of Arendt's examples and the absence of detail on inter-level relations. However, we are not completely without guide; in the description of Hungary 1956 and that of Russia 1917, the co-ordinating councils which develop do so after several councils have independently organised themselves (Arendt: 1990, p.266). These federating bodies organised themselves as "league and alliance among separate units... in such a way that [their] own central power did not deprive the constituent bodies of their original power to constitute" (Arendt: 1990, p.267). This form of federation, Arendt claims, derives from the "elementary conditions of action itself" (Arendt: 1990, p.267), such that no other system could be built which better matched those conditions.

Whilst this gives us reason to prefer federated councils over other means of organising politics, it does not necessarily lead us to prefer federating our councils instead of keeping them isolated. Arendt clearly regards the co-ordinating effort as more than a convenience, since she links the principle of federation to the "spirit of revolution" (Arendt: 1990, p.266) and regards federation as the logical outgrowth of the councils themselves, as linked to their attempt to attain an enduring character as spaces of freedom (Arendt: 1990, p.264).

This last claim makes federation sound more like a matter of convenience than it perhaps ought to. This does not settle exactly how the alliances expressed in federating-councils are to function. They might be less active than the elementary councils, which are themselves then left with a high degree of independence. Something like a minimal co-ordinating role is suggested by the context in which Arendt

mentions the council-system in Arendt (1972d). There, it is a discussion of international conflict and the need for an inter-national rather than super-national body to mediate which causes Arendt to mention councils (Arendt: 1972d, pp.229–230).

Jefferson has a clearer idea of this relation; he describes wards as “little republics, with a warden at the head of each” (Jefferson: 1813, p.189). The only detail provided of the wardens’ role with this introduction of them is that they are to enact a “general call [for the ward to meet to] produce the genuine sense of the people on any required point” (Jefferson: 1813, p.189). An equivalent office is suggested in a different letter, a “foreman” who functions for the ward as a sergeant does within an army, to whom “General orders are given out from the center” (Jefferson: 1810, p.183).

The two roles are essentially the same; consider the nature of the ‘general call’ enacted by the warden. It is to be held at the same time in each of the several wards within the same state (Jefferson: 1813, p.189), which suggests both that the capacity to initiate this sort of event lies with the higher-level body and that an office exists which confers the responsibility of facilitating it. This differentiates ‘warden’ and ‘deputy’ and suggests the former takes on a merely organisational function. There is nothing in this account to suggest this initiative belong entirely with that body, merely that the organisation of the wards in order to ascertain opinions lies without the wards as units. That such a body is open to petition from ward-members is clearly in keeping with Jefferson’s plan for the system.

Keeping the resolution of public business as local as possible will reduce the anonymity-generating tendency of large-scale organisations and allow more individual engagement in politics ‘proper’, another reason we might suppose the higher-level councils to be as minimally-active as possible. This, in turn, answers to Arendt’s desire to impede the growth of mass political movements. Because higher-level councils are themselves composed of acting individuals, however, we should not expect them to become cipher organisations for their related more-local

councils, which would convert them into representatives. Each would become a functionary of the council which had deputised them, rather than a political actor in their own right.

This last quality also works to protect the seriousness of the local-level councils' political engagement; it prevents that council degenerating into a steering committee to rule a particular individual deputy.

5.2.4 The Role of Deputies

What is it the deputies do, if not act as representatives? To determine this, we will begin by considering the rather clearer account of elections in the wards, which seem to function rather more like actually-existing representative governments than Arendt might have liked. The wards are intended to function as 'building blocks', confederating for any more general matters of business whilst each forms in itself a 'pure' republican system; 'republican' is taken by Jefferson to signify the involvement, of citizens "directly and personally" in the business of their government without delegation (Jefferson: 1816b, p.207).

For larger units and inter-ward matters, Jefferson recommends the election of representatives, albeit as a necessary evil rather than with any great enthusiasm (Jefferson: 1816b, p.207). These representatives are to be

either *pro hac vice* or for such short terms as should render secure the duty of expressing the will of the their constituents. This I should consider as the nearest approach to a pure republic, which is practicable on a large scale of country or population (Jefferson: 1816b, p.207).

Representatives of this sort are to be used for "affairs of the larger sections, of counties, of States and of the Union, not admitting personal transactions of the people. . ." (Jefferson: 1816d, p.219), whilst the wards reserve to themselves all those concerns which are intelligible locally.

Jefferson consistently aims at this maximisation of direct engagement, noting with equal consistency its practical limits (Jefferson: 1816d).

In relation to elected officials, the wards do have a role to play: their existence as “regularly organised power” is to make the ejection of bad elected agents easier to achieve without recourse to full insurrection (Jefferson: 1816d, p.219).¹² Jefferson’s instruction is that “the people [retain] organised means of acting on their agents” (Jefferson: 1816d, p.219) by means of the wards. Although this is a recurrent feature of the wards, it is not one Arendt mentions.

There is a significant difference between Arendt and Jefferson concerning who plays the active role within the localised body of governance; Jefferson has all called together by the warden or foreman, whilst no mention is made of such a figure in Arendt’s councils.

Arendt’s description of the deputies is fleeting and focuses on the means of their promotion. Of their subsequent relationship with the council of which they are the deputy, Arendt claims that, in a manner similar to elementary council-members, “they were not subject to any pressure either from above or from below” (Arendt: 1990, p.278). This particular description is connected to the problematic discussion of deputies as equals. However, it is also found alongside a description of the councils to which deputies are sent as “higher councils” (Arendt: 1990, p.278), so it is clearly the pyramid structure which is meant here. The ‘pressure’ in question may thus be taken to refer to Arendt’s attempt to distinguish the councils from any sort of command-system operating in either direction. This seems to preclude any sort of recall or expulsion method for deputies and also suggests again our claim that the election of them is a matter of recognising some elevated quality in them. Whilst this last claim is not incompatible with Jefferson, what

¹²The relationship between this element of Jefferson’s work and Arendt’s opposition to ‘rule’ is complex; the two do not fit comfortably together. The ‘ejection’ mechanism belongs to the idea that ‘the people’ rule but delegate functions to their representatives; as they remain the participant in command, they retain the right to do away with the services of negligent employees. But the relationship, in this one case, between ease of ejection and avoiding the need for insurrection brings to mind Arendt’s avoidance of sovereignty. What Jefferson captures in this comment is that, once a relationship of sovereignty is established, the only way to do without it is some form of outright opposition.

immediately precedes it is. His representatives, the people he has the wards send up to more general units, remain strictly the agents of their electors, whereas the deputies of the councils are not.

This would leave the deputy a reasonably free hand, able to act, as suggested above. Quite what he does, then, will be broadly similar to the description of political engagement formed in our chapters on action and judgment. Whilst the function of the former is clear enough, the function of the latter requires some additional explanation. The deputy's role is, in part, a conduit between council levels for the opinions and acts of other members. In this manner, he integrates the *sensus communis* of the lower-order council with a wider audience, permitting a form of access to wider ranges of opinion and engagement than individual councils otherwise could manage, without overloading the imagination to the point of losing awareness of individuals. In this manner, the system will prevent parochialism without losing the individuated character of politics. Sitton suggests that the councils, or small groups in general, do not "necessarily encourage the multiplicity of opinions" which Arendt desires of them (Sitton: 1994, p.312). He would be correct were it not for the deputies acting as links between councils.

This results in a structure fundamentally rather similar to a recognisable federal system, albeit with both a different emphasis and significantly smaller base units.

5.3 What Councils Are For

There are, broadly speaking, two sets of purposes which Jefferson details for wards. We shall begin with the set neglected by Arendt by consequence of her own theoretical commitments: the actual substance of public business.

Some sense of the difference between the two theorists may be garnered by considering the very smallest unit Jefferson lists in the

subdivision of his idealised republic; “the administration of each man’s farm by himself” (Jefferson: 1816c, p.205). Administration of this kind, which is purely private, is not mentioned as part of public business by Arendt. The closest analogue is the ‘fixed property’ element of stable private property which tethers the Athenian political actor to some definite place in the world (Arendt: 1998, p.61). The differentiation, for Jefferson, is largely a matter of degree, rather than of kind. The degree to which some item constitutes public business is the degree to which it impinges upon others, becoming general business of interest to many.

Arendt’s attention regarding the object of wards’ business could charitably be described as ‘fleeting’; she refers to Jefferson’s claim that one ought to “Begin [wards] only for a single purpose; they will soon show for what others they are the best instruments” (Arendt (1990, p.279), original in Jefferson (1816c, p.206)). She does not mention, however, that list of purposes which Jefferson has in mind.

These purposes are all local ones, forming a reasonably stable set of concerns whenever given by Jefferson. The following is a representative example of such a list;

impart to these wards those portions of self-government for which they are best qualified, by confiding to them the care of their poor, their roads, police, elections, the nomination of jurors, administration of justice in small cases, elementary exercises of militia. . . all those concerns which, being under the eye, they would better manage than the larger republics of county or state (Jefferson: 1813, p.189).

A substantially similar list is found in Jefferson (1824b, p.385), showing the consistency of Jefferson’s thought on this point. This includes the criterion by which duties are allocated: those given to the wards are, fundamentally, local matters.

Arendt’s specification of business matters for the councils is largely negative. The exclusion is consistent with her earlier distinctions between action on the one hand and labour and work on the other. With

councils, she replicates a difference of phenomena in institutional form by treating councils as wholly unsuited for 'social issues' such as the management of factories (Arendt: 1990, p.274). When Arendt does admit that some councils did take part in factory-management, she treats it as them as having failed in their self-understanding; in the case of the factories it is the 'workers' councils' that are at fault (Arendt: 1990, p.274), trading public happiness for control of production. The 'revolutionary councils' remain unsullied, concentrating as they do on purely political matters.

The councils' dalliance with factory-management is the result not only of them 'misunderstanding' themselves but also that they "were incapable of understanding to what enormous extent the government machinery in modern societies must indeed perform the function of administration" (Arendt: 1990, p.273).

There is some question as to how seriously we ought to take Arendt's claim that the councils' involvement in means of production represent an aberration of their proper course. Hobsbawm's review of *On Revolution* contains the claim that social matters were dealt with by the councils from the very start of each instance (Hobsbawm: 2007, p.275) and, indeed, that they did not really distinguish between social and political issues (Hobsbawm: 2007, p.274). Medearis makes a similar claim (Medearis: 2004, p.471) and, further, claims that Arendt's ability to understand the councils was foiled by her division of social from political matters (Medearis: 2004, p.469).

This kind of exclusion does point to a difficulty: all of the council-like organisations Arendt describes fail to outlive the crises in which they are born, so there is no real indication of what business they would engage in 'normally'. Evidently, this is not a problem for the historical councils; immediately after a revolution, there is more than enough political organisation to occupy everyone. Hobsbawm complains that "Arendt is misled by the fact that at the peak of revolutionary crisis all organizations discuss politics much of the time" (Hobsbawm: 2007, p.274, fn.8). Once the sheer urgency of this scenario has passed, because

enough political decisions have accumulated to form a power structure, the number of people that need directly engage in political issues will presumably rapidly diminish.

Whether we can impute this view to Arendt is much less clear. Many of her examples of politics are short-term, either because they take place against a short-term backdrop of disorder or because they centre on particular attempts to alter who or what is included in politics (e.g. the civil rights movements). Given the character of contingency that Arendt emphasises for action, it will always require some effort and luck for the actual practice of politics to continue. It can never become the automatic repetition of the already-given; nor can it ever turn away from the same.

5.4 The Ends of the Councils

Arendt provides a reason for the demise of the councils which is extrinsic to them: competition with party systems willing to resort to violence (Arendt: 1990, pp.262–263). This conflict arises not just because the councils are spaces of freedom but because they are rival centres of power;

The councils, moreover, were always as much organs of order as much as organs of action, and it was indeed their aspiration to lay down the new order that brought them into conflict with the groups of professional revolutionaries who wished to degrade them to mere executive organs of revolutionary activity (Arendt: 1990, p.263).

This link between action and order informs the conflict; it also shows Arendt's consistency regarding the possibility of combining the two. The rebellious independence of the councils from party programmes shows, if nothing else, a plausible example of stability without rule. It is also a case in which political engagement is about—more so than it is about anything else—political action itself. With this in mind, it

seems possible to imagine a council movement which, without the opposition of the parties merely organised themselves on a short-term basis without any mind to the future or the possibility of new political foundations. This would only be possible so long as the councils were under no external pressure whatsoever, with only a dim sense of what was different about the way in which they were conducting politics.

Being spaces of freedom, then, is the end of the councils in the sense of both goal and their termination. There is nothing to suggest either that Arendt holds this conflict to be inevitable, or inevitably lost. Nor, if the councils are to stand as historical examples of an 'ideal type', is their destruction a necessary element of their charm.

Against this claim, we can find Tassin (2007), in which it is claimed that the doom of the councils was a necessary part of their symbolic value. Tassin's reading does not claim that Arendt was attracted to the councils because of a romantics' attachment to failed causes but is a more subtle work. His claim is, instead, that "[f]or revolution, to succeed was to fail" (Tassin: 2007, p.1123). This is to say that the abrupt end of the public freedom which accompanies a failed revolution in some sense protects it from the disappointing lapse into 'mere' limited government and party politics which would otherwise follow (Tassin: 2007, p.1123).

However, the 'gradual failure' which might have come about had the councils been allowed to thrive as a state model would still have provided the same example as a contrasting picture of the possibilities of politics. It would also provide a more directly accessible tradition from which future actors could draw exemplars. Something like this is present in Arendt's work: Jefferson's ward system is a response to the concentration of powers and responsibilities with American federal government and the subsequent loss of opportunities for public engagement (Jefferson: 1816c, pp.204–205).

5.5 Prerequisites of Membership

One element of the councils as an historical phenomenon remains to be discussed: the membership of councils, which was deferred above when discussing the nature of promotion 'within' the system of councils. The issue which remains is how one might be inducted into the system to begin with. Arendt's account of this is that participation is in principle open to all; the councils are made up of 'the people' themselves, or rather an elite proportion of them of whom "one is almost tempted to say they selected themselves" (Arendt: 1990, p.278). In the historical examples, those who participated are, as point of fact, those with some hand in establishing them (Arendt: 1990, p.278). The full meaning of this 'in principle' openness of participation is best illustrated by one last turn to Arendt's appropriations from—and alterations of—Jefferson's theorisation of the ward-system.

There is an optimism in Jefferson's account which is immediately apparent; he genuinely seems to think that the people as a whole will generally do well when permitted a full share in government of their own concerns. This rests, though, on the supposition that the ward system be adopted alongside a system of general education; the former routinely occurs in his work alongside the creation of free schools and, on two occasions, the wards are centred on their schools (Jefferson: 1810, p.183)(Jefferson: 1813, p.189).

This particular optimism is not necessarily so easy to see in Arendt's work; the short lives of the councils, if taken to be a necessary element of their constitution, would serve as evidence of pessimism on her part regarding the potential for 'non-elite' governance.

The contest over the composition of those able to engage in public business relates to the discussion, above, of the end of the councils and does so because taking a pessimistic view of the distribution of political talent contributes to a similar view of the hopes of councils to be effective units of governance. What is at stake is the degree to which 'elites' must take control of the councils, a view which is not straight-forwardly Arendt's;

[witnesses to the council movements] looked upon the councils as though they were a romantic dream, some sort of fantastic utopia come true for a fleeting moment to show, as it were, the hopelessly romantic yearnings of the people, who apparently did not yet know the true facts of life (Arendt: 1990, p.263).

This pessimism is reported not in Arendt's own voice but as the view taken by contemporary witnesses who stood outside of the council movements. The figure of 'the people', as it features in this reported view, can function here only on the presupposition that some special knowledge or talent is a necessary precondition for effective involvement, a view Arendt does not hold; this much is obvious from her avoidance of Jefferson's link between engagement and education.

It may be that Arendt and Jefferson have different expectations of attendance underlying the differences in their descriptions of public participants. Jefferson certainly expects the involvement of all who are not infants, female or enslaved (Jefferson: 1816d, p.220), whilst Arendt's councils are made only of and for those with a particular enthusiasm. They may actually be describing the same set, the set of people interested in public business. Jefferson expects this to be a populous set, whilst the sad history between them informs Arendt's description of self-selected elites and disengaged others. This is the real peculiarity of her account; she must hold that anyone is capable of political engagement, including some quite serious contributions, though seldom actually do. It seems this optimism, as it stands in Arendt, is free-floating. In Jefferson, there is a link between a greater degree of involvement and the need for general education; no such link is posited by Arendt.

The nature of the 'elite' which Arendt believes would emerge to do public business in a council-like system is, to say the least, curious; the only thing which makes someone a member of it is that they choose to be so (Arendt: 1990, p.280). The sense in which it constitutes an 'elite', then, is this: its members are those who have made the effort,

an effort which is far from automatic or easy. Not even education is a necessary qualification for membership; to stipulate that would come too close to claiming that knowledge of a particular sort, or a particular outlook on the world, was necessary, which would already be to decide in favour of some outcomes and against others, by limiting the kinds of person one could encounter in public. If particular items of knowledge become prerequisite, then it would be on the basis that politics required a certain kind of expertise, would approximate to craftsmanship; if one had to see the world in a particular way, then this would act as a forceful constraint on the kinds of viewpoints could gain a public hearing.

This element of Arendt's work suggests a theorist comfortable with mass participation, with public engagement as a common possibility. Canovan detects another strain in Arendt's work, which conflicts with this: "she can also be read as an elitist of almost Nietzschean intensity" (Canovan: 1978, p.6). Canovan's paper includes the (older) reading of the Athenian *polis* which treats it as an ideal form of politics for Arendt, with the slaves guaranteeing the possibility of freedom for their masters. Though this has already been set aside, Canovan's paper does not rely exclusively on it; instead the weight of demonstrating an elitist tendency in Arendt must be borne by the other works which Canovan draws from: *Origins of Totalitarianism* and *On Revolution*.

The 'democratic' strain of Arendt's work is represented in Canovan's paper by, as well as other sources, the final chapter of *On Revolution* (1978, pp.15–17) from which the account above was generated. Canovan claims that, for Arendt, the virtue of the council system is 'that it would extend to the many—indeed to anyone who chose to take part in it—the inestimable blessing of political action' (Canovan: 1978, p.16).

Canovan presents, as evidence of the elitist tendency in Arendt, a selection of ideas from *On Revolution*; the first of these is Canovan's summary of the difference between the French and the American revolutions, to account for their early divergence;

The French Revolution was, according to [Arendt's] account,

similarly concerned with public freedom in its early stages, but was rapidly deflected by the irruption into politics of the social question, the problem of the hopeless misery of the Parisian masses, and the compassion for their misery which led the Jacobins to justify tyranny in the interests of social betterment. The foundation of freedom in America was possible not only because... the pressure of misery was not inescapable, as it was in Europe, but also because the Founding Fathers' enthusiasm for liberty was not diluted by irrelevant compassion for the poor (Canovan: 1978, p.14).

This is not an unfair characterisation either of Arendt's account of the French Revolution or of the Americans' differing fortunes. This is not to say that Canovan has established Arendt holds personal want to render them unsuitable for public life, only that the difficulties of poverty are difficulties which make other concerns, such as the establishment of stable government, say, impossible to attend to.

Canovan gives two short quotations from *On Revolution*.¹³ Arendt claims in the first that, once "the poor became wealthy", they succumb to boredom rather than take up opportunities for action. In the second, Arendt characterises the poor thus: "abundance and endless consumption are the ideals of the poor" (Canovan: 1978, both p.15). Canovan combines these quotes with Arendt's claim that 'elites' have always needed to "protect themselves from the many" in order to enjoy their freedom to read Arendt as giving the impression of a "kind of inherited distinction between the noble and the base" (Canovan: 1978, pp.14-15). The inheritance-effect is so strong, Canovan thinks Arendt thinks, that it conditions descendants of those used to poverty even once they are prosperous.¹⁴

¹³She takes these from the 1963 edition of the book; the first quote is from p.64 of that edition, the second from p.135; p.70 and p.139 respectively in Arendt (1990).

¹⁴In the case of "overly wealthy communities", Arendt holds, the risk is "apathy and disappearance of initiative" (Arendt: 1998, pp.70-71). This supports the contention that it is not the socio-economic status which causes problems but the manner in which the agent regards their want (or, in this case, luxury).

Does this really make Arendt an 'elitist' in the pejorative sense which would (occasionally) oppose her to her own inclusionist, democratic tendencies? There is no reason to believe this; for one thing, there is no explanation of the mechanism by which the 'unsuitable' ideals of the poor outlive actual poverty and, thus, no indication of fatalism in this regard on Arendt's part. The problem is the persistence of certain attitudes; there is nothing to suggest that they are ingrained in a manner which makes them inescapable. In fact, the continuance of values antithetical to public engagement fits rather well with Arendt's account of a 'self-chosen elite' populating the councils; the sole determinant of participation is, nominally, the desire to do so.

It would be obviously false to think that Arendt holds there to be no correlation between an actor and their background, given the relationships between action and context, but quite another thing to claim that she thinks socio-economic background *determines* suitability for public life; the occupations of those who feature in the historical councils themselves go some way to suppose that politics requires no specific training. This, combined with the particular bar—essentially, willingness—Arendt sets for involvement in councils suggests an optimism which could be characterised either as anti-elitism or as the belief that a genuine elite, something like the 'natural aristocracy' of Jefferson's letters, is open to almost anyone. What this perhaps leaves out of the picture is the possibility of ideological indoctrination, of exclusion from public life based on persuasion rather than any form of force.

5.6 Conclusion

What does Arendt's work on the councils reveal about her concept of politics? As organisations, they match or enable several of the characteristics of action and a review of them in that light will reveal the links.

Most obviously, the councils are organisations in which the ability to involve oneself in public business is maximised; the councils and, by dint of their internal organisation, their members, retain a great deal of free initiative. The differences which Arendt describes between council- and party-systems of government all rest on this distinction: where the council is organised from the ground up, the party imposes order from without; where the discussion of council members is free, the party system relies on ideological conflict. The opposition to ideology is also seen through the difference between the model of action and the figure of the professional revolutionary: action is backwards-looking and founded in responsiveness to events; the professional revolutionary has his ideas ready to hand and is merely looking for an opportunity to deploy them.

The professional revolutionary also points towards the question of the *function* of the councils within Arendt's work. Though there is an elegiac quality to the end of *On Revolution*, this does not show Arendt's aim to be merely funerary description of an inevitably-doomed effort. This can be seen in two elements of her description: first, that Arendt presents the cessation of councils as the result of extrinsic events; second, that she unites the short-lived historical examples to Jefferson's ward system. The latter is forward-looking, in the sense that it treats a council-like federated system as a distinct possibility, an alternative to the centralising tendency of American federation.

But, even as an 'ideal type', the council-system cannot be intended to serve as a blueprint for future constitutions; instead, the councils and the wards together constitute an exemplar, a means of distilling certain features of distinct political events into an *ad hoc* tradition from which future actors may inspiration but not instruction.

*If men wish to be free, it is precisely
sovereignty they must renounce*

(Arendt: 1993f, p.165).

6

Conclusion

Taken together, the above chapters show Arendt's work to be a consistent response to the distortion of politics understood as a kind of work, or the identification of freedom with free will. Each aspect of Arendt's work discussed here has formed part of an extended answer on her part to this particular conception of politics;

[The] identification of freedom with sovereignty . . . leads either to a denial of human freedom. . . or to the insight that the freedom of one man, or a group, or a body politic can be purchased only at the price of the freedom, i.e., the sovereignty, of all others. Within the conceptual framework of traditional philosophy, it is indeed very difficult to understand how freedom and non-sovereignty can exist together or, to put it another way, how freedom could have been given to men under the condition of non-sovereignty. . . . freedom and sovereignty are so little identical that they cannot even exist simultaneously (Arendt: 1993f, p.164).

The alternative to this is exactly that politics which can be described on the basis of the concepts by which Arendt redescribes politics; this alternative takes in, as well as the conceptual base Arendt deploys, the results of it: the relationship between the citizen political system, expressed both in the description Arendt gives of political foundations and the qualities of the councils.

Totalitarianism, the phenomenon Canovan persuasively demonstrates is at the root of Arendt's interest in political theory (1995, p.2), is a specific case of this general phenomenon. It is not the only example we have encountered in Arendt's work of something outside of politics taken as the appropriate base for politics on the model of an assigned *telos*; the same structural relationship recurs for anything which is taken to be the determining base for politics, whether that is a philosophy of history, a theory of rights or sovereignty, wherever located. Whilst Arendt was led to her understanding of politics and to the problematic interpretation of it which her work undermines by her analysis of totalitarian regimes, the same also led her to the more general problem of a sovereign grounding for politics external to politics.

Action as a first step in the response to this problem, to this conception of politics as if it were either work or 'about' the laws of history, is perhaps an obvious step (in hindsight). Arendt began at the level of the basic elements, offering a reminder of the differing characteristics of human experience, emphasising those set to one side by the conception of politics on the model of work. The most basic element of this is the return to the phenomenon of politics, in an attempt to see it almost as if with new eyes undistorted by political philosophy.

Perhaps it is less clear how judgment relates to concerns of this kind. Its relevance lies in the features of it which match the 'refounding' element of the act of foundation, features which oppose it to the role that a sovereign (as either sovereign body or as *telos*) would assume. What judgment does, in taking the differences of perspective seriously, is to force the interpretation of events and the generation of opinion both to remain open, revisable by future citizens. Habermas' reading

of Arendt undoes this and, in effect makes the aim of a consensus into a (weak) pseudo-sovereign by prioritising consensus over dissent. Judgment, or rather a commitment to it as manifestation of plurality, leaves an open space, refusing a 'final answer' of the kind that could be provided either by a plan or by a sovereign acting as, in effect, the highest judge.

Within Arendt's work, the focus is on the given at the expense of the end point; the way in which she structures action and judgment leads ultimately to the conclusion that there can be no end point, no final judgment, so long as humans exist in the form in which we would recognise them. The commonality of judgment which features in her work as an element of politics, a *sensus communis*, is the commonality of common assumptions and subjects rather than of submission to a common verdict.

There remains the question of Arendt's position in relation to both theory and politics, which is at the same time the question of what she expects to be done with theory in general and her theory in particular. We are already familiar with her claim not to be offering a plan, yet it is clear that the councils do function as an 'ideal type' of political organisation. But to call them this is to stray too close to the conception of them as if they are a kind of blueprint; they are, in fact, exemplars of political organisation and of engagement. Exemplars feature as resources for the political actor to draw on, as Jefferson does in his use of American colonial history; Arendt shades from theorist to actor in her presentation of the councils and, for that matter, in her presentation of Jefferson. Arendt assumes a strange hybrid position, discussing politics in the mode of a theorist whilst explicitly refusing to give directions from 'without' politics.

What, ultimately, Arendt's work reveals—even if she cannot insist on it as a model—is that a post-sovereign politics is a distinct possibility, an attractive one which does not suffer for its lack of ultimate arbiter; it is possible, on this basis, to combine the existence of distinct selves, including their distinct projects, with the stability which inheres in the

orderly public realm.

To remain consistent with her own commitments, Arendt cannot insist on this model of politics so much as offer it as an attractive alternative; she can only, in the manner of the Kantian judge, woo the assent of others.

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