CHAPTER 6

Rethinking the Classical Legacy

The Legacy of Classical Political Philosophy

Political theory today is still indebted to classical philosophy, Arendt argued: "The political philosophies of Plato and Aristotle have dominated all subsequent political thought."[1] Her argument was not that the theories of Plato and Aristotle have much influence today, but that the language of Plato and Aristotle set the terms of much later philosophy, and that assumptions implicit in these terms continue to guide or misguide the thinking of political theorists. It is commonly assumed that:

Politics is a universal and necessary sphere of human life. All human community is by nature political.

Politics is a means to higher ends. Political life aims at something beyond itself.

Politics is ultimately a matter of rule. In any political community some people must be entitled to command and others must be required to obey.

Rule is legitimate when it is governed by the right ideas or ends. The right to rule must be based on standards and aims that check and guide political power. Otherwise, rule is based simply on might and violence.

These ideas or ends must transcend politics. The ends and principles of government will never be secure if they can be altered or abolished by political means. They must not rest on the opinions of citizens but on absolute grounds, such as the nature of man, the idea of justice, the laws of nature and nature's God.

These ideas or ends can be discovered by philosophy. They cannot be reached through debate and persuasion; they have to be found and fixed by philosophical theory.

These assumptions underlie a number of traditional questions. The notion that politics is a matter of rule leads to the belief that the most

[1] BPF, 106.

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basic political question is: Who should rule whom? The notion that politics is a means to an end underlies the question: What is the proper end of government? The attempt to find extrapolitical ideas and ends leads to questions such as: What is the ideal political community? What is the *telos* of man? What basic rights can be deduced from human nature? How can laws be set above men? What transcendent principles can ground the authority of human laws? By what standards should we guide and judge action in the political realm? Arendt objected to these questions for two reasons: they create false problems; and they perpetuate the misleading assumptions they take for granted.

Arendt argued that these assumptions have led philosophers to systematically misconceive the nature of power, violence, authority, government, law, and freedom. These misconceptions have to be made explicit before we can begin to rethink them. For the sake of simplicity we can only touch on them here.

Politics has been seen as essentially a fight for power. In her essay *On Violence,* Arendt cited the dictum of C. Wright Mills: "all politics is a struggle for power."[2] But she could have cited many others. Emmanuel Lévinas wrote that "[Politics is] the art of foreseeing war and winning it by every means."[3] Carl Schmitt argued that "The specific political distinction to which political actions and motives can be reduced is that between friend and enemy."[4] Chantal Mouffe has argued that "Politics . . . is not an exchange of opinions but a contest for power."[5] And Michel Foucault said that "the set of relations of force in a given society constitutes the domain of the political, and . . . a politics is a more-or-less global strategy for coordinating and directing those relations."[6] Throughout the philosophical tradition – and across the political spectrum from left to right – politics has been commonly conceived as a struggle for power.

Political power in turn has been conceived as power over others. Arendt cited thinkers who conceived power in terms of rule. Voltaire wrote that, "Power consists in making others act as I choose." Bertrand de Jouvenel wrote, "To command and to be obeyed: without that, there is no Power – with it no other attribute is needed for it to be . . . The thing without

[2] OV, 35.
[3] Emmanuel Lévinas, *Totality and Infinity*, trans. Alphonso Lingis (Pittsburgh: Duquesne University Press, 1969), 21.
[4] Carl Schmitt, *The Concept of the Political*, trans. George Schwab (Chicago: University of Chicago Press, 1996), 26.
[5] Chantal Mouffe, *On the Political* (New York: Routledge, 2005), 51.
[6] Michel Foucault, *Power/Knowledge*, ed. Colin Gordon (New York: Pantheon, 1980), 189.

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which it cannot be: that essence is command."[7] But her critique also applies to theorists who no longer conceive power in terms of rule, but who still understand power as the ability to restrain and direct the actions of others. Foucault, for example, defined the exercise of power as "a way of acting upon an acting subject or acting subjects . . . a set of actions upon other actions."[8]

Violence has often been conceived as power in its purest form: "If the essence of power is the effectiveness of command, then there is no greater power than that which grows out of the barrel of a gun."[9] Violence and power were equated not just by Mao Zedong, Arendt noted, but also by American theorists such as C. Wright Mills ("the ultimate kind of power is violence").[10] This view of power prevails across the political spectrum: "there exists a consensus among political theorists from Left to Right to the effect that violence is nothing more than the most flagrant manifestation of power."[11]

Authority has been conceived as a way to command obedience, in Arendt's view, and so has been conceived as simply a different form of power. In everyday language, "power" and "authority" are often used as synonyms. Since authority is able to inspire a relatively free and voluntary obedience, rule by authority seems to be the only alternative to rule based on the threat of violence.

Government has been conceived as an instrument of rule. This conception underlies the traditional interpretation of different kinds of government as different forms of rule: monarchy is rule by one; oligarchy is rule by a few; plutocracy is rule by the rich; theocracy is rule by God; and democracy is supposedly the rule of the people.

Law too has been conceived in terms of rule. Arendt cited the claim of Passerin d'Entrèves that the essence of law lies in "the simple relation of command and obedience."[12] She could have also cited Hobbes: "A Law is the Command of him, or them that have the Sovereign Power, given to them that be his or their subjects."[13] This conception takes law as essentially the imperative of a sovereign power.

[7] OV, 36–37.
[8] Michel Foucault, "The Subject and Power," in the Afterword of Hubert Dreyfus and Paul Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics* (Chicago: University of Chicago Press, 1983), 221.
[9] OV, 37. [10] OV, 35. [11] OV, 35. [12] OV, 39.
[13] Thomas Hobbes, *A Dialogue between a Philosopher and a Student of the Common Laws of England*, ed. Joseph Cropsey (Chicago: University of Chicago Press, 1997), 71. Hobbes says the same thing in *Leviathan*: "Law, properly is the word of him, that by right hath command over others." Hobbes, *Leviathan*, ed. Richard Tuck (Cambridge: Cambridge University Press, 1991), 111.

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Finally, *freedom* has been conceived in terms of sovereignty, according to Arendt. To be sovereign is to rule, and to rule is to have power over one's domain and to be able to do as one wills. Sovereignty means both to rule oneself and not to be ruled by others, to master oneself through willpower rather than to be subject to one's passions, and not to be subject to the will of a higher power. To be sovereign in this sense is to be free. If law is a kind of commandment given by the ruler to the ruled, then we are free to the extent that we give the law to ourselves, by making our own laws or making the law our own. We are unfree to the extent that we are subject to the laws of others.

Rethinking the Classical Legacy

Arendt argued these concepts fail to fully grasp the basic realities of politics, and this failure is evident in the confused way we use these words. She saw the source of this confusion in the assumption that politics is ultimately a matter of rule, and that the fundamental problem of political philosophy is the question: Who rules whom?

> It is, I think, a rather sad reflection on the present state of political science that our terminology does not distinguish among such key words as power, strength, force, authority, and, finally, violence – all of which refer to distinct, different phenomena and would hardly exist unless they did . . . To use them as synonyms not only indicates a certain deafness to linguistic meanings, which would be serious enough, but it has also resulted in a kind of blindness to the realities they correspond to. In such a situation it is always tempting to introduce new definitions, but–though I shall briefly yield to temptation–what is involved is not simply a matter of careless speech. Behind the apparent confusion is a firm conviction in whose light all distinctions would be, at best, of minor importance: the conviction that the most crucial political issue is, and always has been, the question of Who rules Whom? Power, strength, force, authority, violence – these are but words to indicate the means by which man rules over man; they are held to be synonyms because they have the same function. It is only after one ceases to reduce public affairs to the business of domination that the original data in the realm of human affairs will appear, or, rather, reappear, in their authentic diversity.[14]

Her project was to distill and clarify the sense of these key words. This distillation was not a matter of stipulating new definitions, but of explicating the authentic insights implicit in the original senses of words, drawing

[14] OV, 43–44.

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finer distinctions between phenomena, and refining our nontheoretical understanding of political phenomena in order to construct pure theoretical concepts.[15]

To rethink inherited concepts we first have to ask about their limits: What political phenomena elude or resist these concepts? What do they fail to comprehend? What experiences or events exceed their grasp?

Power

Arendt thought the limits of the common concept of power are exposed most clearly by the phenomenon of revolution.

> It is particularly tempting to think of power in terms of command and obedience, and hence to equate power with violence, in a discussion of what actually is only one of power's special cases – namely, the power of government. Since in foreign relations as well as domestic affairs violence appears as a last resort to keep the power structure intact against individual challengers – the foreign enemy, the native criminal – it looks indeed as though violence were the prerequisite of power and power nothing but a façade, the velvet glove which either conceals the iron hand or will turn out to belong to a paper tiger. On closer inspection, though, this notion loses much of its plausibility. For our purposes, the gap between theory and reality is perhaps best illustrated by the phenomenon of revolution.[16]

We can look to the history of revolutions to refine our understanding of political power.

If power were the ability to command obedience, she argued, and if obedience were best ensured through force, then revolutions would be won by whoever had superior instruments of coercion and violence. We would expect poorly armed revolutionaries to fail, and well-armed regimes to hold power. But the history of violent revolutions since 1776 tells a different story. For more than 200 years, poorly armed revolutionaries have managed to overthrow regimes with vastly superior firepower. How was that possible?

Even stranger is the history of nonviolent revolutions. Arendt pointed to the Hungarian Revolution of 1956, when soldiers sent to disperse

[15] A pure concept grasps what something is in its pure form. We rarely find the basic realities of politics in a pure form; most power relations are a mix of coercion, persuasion, personal authority, and official authority. It is precisely because these phenomena usually appear together that they are so easily confused: "These distinctions, though by no means arbitrary, hardly ever correspond to watertight compartments in the real world, from which they are nevertheless drawn" (OV, 46).

[16] OV, 47.

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anti-government demonstrators instead joined the demonstrations and helped to bring down the Communist regime. But her claims were most clearly confirmed by the nonviolent revolutions the took place after her death (Manila in 1986, Prague in 1989, Belgrade in 2000, etc.). When soldiers and police simply stopped obeying orders, some of the most ruthless dictatorships of the twentieth century collapsed in the face of massive nonviolent resistance. If power grows out of the barrel of a gun, nonviolent revolution would seem impossible. And yet the impossible has happened over and over again.

What then do revolutions show about the nature of power?

The example of violent revolution shows that power depends on something more basic than weapons or armies, according to Arendt: it depends on organization. It is possible for small but disciplined groups to dominate huge but disorganized masses: "A comparatively small but well-organized group of men can rule almost indefinitely over large and populous empires."[17] In the same way, it is possible for poorly armed but well-coordinated armies to defeat larger and stronger foes:

> Even the most despotic domination we know of, the rule of masters over slaves, did not rest on superior means of coercion as such, but on a superior organization of power – that is, on the organized solidarity of the masters. Single men without others to support them never have enough power to use violence successfully . . . And as for actual warfare, we have seen in Vietnam how an enormous superiority in the means of violence can become helpless if confronted with an ill-equipped but well-organized opponent.[18]

If power depends on organization, and if the hierarchical command structure itself is only one possible form of organization, then there should also be nonhierarchical forms of power, power that cannot be understood in terms of command and obedience.

The example of nonviolent revolution shows that power depends on something more basic than organization, according to Arendt: it depends on support for the organization and for its leaders. A regime can maintain control as long as it has the support of its power base – not necessarily the support of the people, but the support of the army, police, and civilian collaborators.[19] Once a regime loses this base of support, it can be toppled by nonviolent means.

[17] HC, 200. [18] OV, 50–51.

[19] Arendt sometimes said that power resides in the people, but she knew it was naïve to think regimes collapse automatically when they no longer have any popular support. Regimes can usually maintain control as long as they can rely on the police, the army, and civilian collaborators:

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> In a contest of violence against violence the superiority of the government has always been absolute; but this superiority lasts only as long as the power structure of the government is intact – that is, as long as commands are obeyed and the army or police forces are prepared to use their weapons. When this is no longer the case, the situation changes abruptly. Not only is the rebellion not put down, but the arms themselves change hands–sometimes, as in the Hungarian revolution, within a few hours . . . Where commands are not obeyed, the means of violence are of no use; and the question of this obedience is not decided by the command-obedience relation but by opinion, and, of course, by the number of those who share it.[20]

The power of leaders depends on the support of their followers; when that support dissolves their power collapses.

What then is the essence of power? How is it different from strength, force, authority, and violence? How can we detach these concepts from the concept of rule?

In the most basic sense, Arendt thought, power is simply the ability to do. While power is commonly conceived as the ability of a leader to command the obedience of followers, that power of command depends on the support of the followers, and it vanishes once the leader no longer has their support. The power of leader and followers together – the group's concerted power – depends on something even more basic: the ability of the group to act together. The essence of power for Arendt is not the ability to command obedience but its underlying condition of possibility: the capacity for concerted action.[21]

> Power corresponds to the human ability not just to act but to act in concert. Power is never the property of an individual; it belongs to a group and remains in existence only so long as the group keeps together. When we say of somebody that he is "in power" we actually refer to his being empowered by a certain number of people to act in their name. The moment the group,

"Generally speaking, we may say that no revolution is even possible where the authority of the body politic is truly intact, and this means, under modern conditions, where the armed forces can be trusted to obey the civil authorities" (OR, 116). Mass protests against a regime can make manifest its lack of popular support, but such protests are effective only when they can persuade those who are propping up a regime to abandon their support.

[20] OV, 48–49.

[21] Jürgen Habermas does not quite do justice to Arendt on this point. In "Hannah Arendt: On the Concept of Power," he wrote that Arendt "understands power as the capacity to agree in uncoerced communication on some community action." Uncoerced agreement is not essential to power for Arendt. The power of a group is measured simply by the range of what it can do together; what matters is that members of a group can act in concert, not whether they have agreed without coercion to work toward some common end. See Jürgen Habermas, *Philosophical-Political Profiles*, trans. Frederick G. Lawrence (Cambridge, MA: MIT Press, 1983).

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> from which the power originated to begin with (*potestas in populo*, without a people or group there is no power), disappears, "his power" also vanishes.[22]

A leader's power to command obedience ultimately depends on her followers' capacity to act. If their ability to act in concert is diminished (whether through internal divisions, a collapse of discipline, or an incapacity to communicate) the leader's power is diminished as well.

In other words, Arendt distinguished two levels of power: *power-over-others* and *power-to-do*. We commonly think of political power as *power-over-others*, since political power has been generally used for domination and warfare, so that political institutions seem to be essentially instruments of rule and conquest, and it seems reasonable to conclude that government is essentially "the rule of men over men based on the means of legitimate, that is allegedly legitimate, violence."[23] But Arendt argued that power-over-others always depends on a more basic power-to-do. The power of a small ruling class over a large but atomized population depends on the power of the rulers to do things together – to defend themselves, to maintain order, to enforce their decrees – just as the powerlessness of the atomized population is based on their inability to act in concert. But the political power-to-do generated by group solidarity does not necessarily have to be used for domination and warfare, i.e. power-over others. Power-over-others is just one possible application of a group's power-to-do.

Arendt's distinction between two kinds of power is clearest in the case of tyranny. Of all political leaders, tyrants can have the greatest power-over others, in the sense that there is no limit to what they can decree, and nothing to check and restrain their rule. But tyrannical power can most easily be held over people deprived of their *power-to-act* together – people divided by mistrust, dominated by fear, and confined by mechanisms of surveillance and control. Tyrants hold power by making their people powerless. Hence the peculiar nature of tyranny: the stronger the tyrant, the weaker the country. The greater a tyrant's power to command, the less a people are able to act in their own interest or even in their own self-defense: "Tyranny prevents the development of power, not only in a particular segment of the public realm but in its entirety; it generates, in other words, impotence as naturally as other bodies politic generate power."[24] A classic example is Athens, which was relatively weak under the tyranny of Peisistratos, and became the most powerful polis in Greece under the democratic reforms of Cleisthenes. Traditional concepts of

[22] OV, 44. [23] OV, 35. [24] HC, 202.

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power would lead us to expect that countries are more powerful the greater the ruler's power of command. Arendt's distinction between two kinds of power (power-over-others and power-to-do) helps to clarify why countries with all-powerful rulers tend to be fragile and weak, while leaders with limited powers can preside over countries that are dynamic and even domineering.

The key point for Arendt is that power exists only among human beings in the plural. The individual as such is powerless. The traditional concept of power, which focuses on a leader's power to command while overlooking its roots in her followers' power to act, leads us to think of power as something that could be possessed by one person alone. The basic error is to think of power on the model of strength.

Strength

Arendt argued that strength, in contrast to power, is a property of individuals. A person's strengths are those abilities that are entirely her own.

> Strength unequivocally designates something in the singular, an individual entity; it is the property inherent in an object or person and belongs to its character, which may prove itself in relation to other things or persons, but is essentially independent of them.[25]

Strength belongs to each person in the singular, while power exists only among people in the plural. And individual strength is usually no match for the power of a group: "The strength of even the strongest individual can always be overpowered by the many, who often will combine for no other purpose than to ruin strength precisely because of its peculiar independence."[26] It is this dissymmetry between strength and power that makes possible the peculiar tyranny of the weak over the strong.

Force

Force, in contrast to both strength and power, is something impersonal, according to Arendt. In her view, "force" strictly speaking refers to the pressure of impersonal objects or the dynamism of impersonal movements.

> Force . . . should be reserved, in terminological language, for the "forces of nature" or the "force of circumstances" (*la force des choses*), that is, to indicate the energy released by physical or social movements.[27]

[25] OV, 44. [26] OV, 44. [27] OV, 44–45.

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This kernel of sense is implicit in our everyday language when we speak of the "force of gravity," the "force of impact," the "force of compulsion," "market forces," or the "forces of production."

Authority

Authority is "the most elusive" of political phenomena, for Arendt, and also the most often misunderstood.[28] It is not a matter of coercion, since coercion is unnecessary as long as authority is recognized; people in positions of power tend to fall back on coercion or violence only when their authority begins to collapse. And authority is not a matter of persuasion, since persuasion can occur between equals, while authority always implies a hierarchy between those with authority and those without.

> If authority is to be defined at all, then, it must be in contradistinction to both coercion by force and persuasion through arguments. (The authoritarian relation 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 both recognize and where both have their predetermined stable place).[29]

The distinctive character of authority is evident in the free obedience it inspires: "Its hallmark is unquestioning recognition by those who are asked to obey; neither coercion nor persuasion is required."[30] This free obedience is ultimately grounded in a respect for some kind of recognized superiority. Authority can be conferred by superior insight; we see others as "authorities" when we recognize they really know what they are talking about. It can also be conferred by superior character; we recognize the "moral authority" of people who have led exemplary lives. Arendt also noted this superiority can be either personal or official: "Authority . . . can be vested in persons – as, for instance, in the relation between parent and child, between teacher and pupil – or it can be vested in offices, as, for instance, in the Roman senate (*auctoritas in senatu*) or in the hierarchical offices of the church."[31] While official authorities may have the right to give orders, the phenomenon of personal authority shows that authority in itself does not necessarily confer the ability to command obedience; we can follow the advice of a doctor or scholarly authority without granting her the right to tell us what to do. Authority is not the ability to command

[28] OV, 45. [29] BPF, 93. [30] OV, 45. [31] OV, 45.

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obedience but the ability to inspire respect. Since it depends on respect, it lasts only as long as respect is intact; when this respect dissolves, authority collapses. The speech proper to authority is not command, threat, or persuasion, but a kind of advice whose weight and force cannot safely be ignored: "The authoritative character of the 'augmentation' of the [Roman] elders lies in its being a mere advice, needing neither the form of command nor external coercion to make itself heard."[32] Authority may confer a kind of power, such as the ability to sway public opinion, but this power is a matter of influence rather than rule.

Violence

Violence, for Arendt, is essentially a means to an end: "Violence is by nature instrumental; like all means, it always stands in need of guidance and justification through the end it pursues."[33] So violence is not essentially irrational: "Violence, being instrumental by nature, is rational to the extent that it is effective in reaching the end that must justify it."[34] But while violence may be justified as a means to just ends, violence is always illegitimate within the sphere of politics. "Violence can be justifiable, but it will never be legitimate."[35] Since violence is not simply a matter of compulsion but of injury or violation, it is by definition extrapolitical. "To be political, to live in a polis, meant that everything was decided through words and persuasion and not through force and violence."[36] The various forms of violence (war, domination, terrorism, etc.) are matters of political concern, but they are not themselves political phenomena. Political life begins to break down precisely when public life starts to be ruled by intimidation and violence. Totalitarianism is anti-political in part because it sanctions violence and intimidation in public life. Politics is defined by the exclusion of violence.

Power and violence are essentially different, according to Arendt. While violence is a means to an end, power precedes the distinction between ends and means.

> This, of course is not to deny that governments pursue policies and employ their power to achieve prescribed goals. But the power structure itself precedes and outlasts all aims, so that power, far from being the means to an end, is actually the very condition enabling a group of people to think and act in terms of the means-end category.[37]

[32] BPF, 123. [33] OV, 51. [34] OV, 79. [35] OV, 52. [36] HC, 26. [37] OV, 51.

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While groups use power to achieve goals, the power of a group is independent of any specific goal for which power is used. It is true that most political groups crystallize around a specific aim, and they tend to dissolve when that aim is achieved, so it seems that the aim is primary and the power of a group depends on a common aim. But in principle it is always possible for a group to outlast the aim for which it formed and to pursue other aims, and this shows that the power of a group does not depend on any common aim. Power in this sense is the condition of possibility of effective action. The ability of a group to act in concert first makes it possible for the group to set goals and work towards them. Political power is not a means to an end; it is "an end in itself."[38]

Government

For Arendt the essence of government is simply power: "Power is indeed the essence of all government, but violence is not."[39] Governments are essentially organizations through which groups generate, regulate, and direct their power-to-act. It is futile to try to define government in terms of a purpose or end, for Arendt. If the essence of government is power, and if power precedes the distinction between means and ends, then it makes no sense to ask about the proper end of government.

> Since government is essentially organized and institutionalized power, the current question What is the end of government? does not make much sense either. The question will be either question-begging–to enable men to live together – or dangerously utopian – to promote happiness or to realize a classless society or some other nonpolitical ideal, which if tried out in earnest cannot but end in some kind of tyranny.[40]

It is a mistake to define government as essentially an instrument, whether as a means to rule and conquest, or as a means to security and self-preservation. Such definitions confuse the usual ends of government with its essence. Governments have no proper function or natural end, and it is precisely this lack of function or end that makes political institutions possible. Since government is a power structure that precedes the schema of means and ends, the absence of a naturally given end makes possible a form of community open to endless debate over questions of ends: How best to live together?

[38] OV, 51. [39] OV, 51. [40] OV, 51–52.

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Contracts

If power is the essence of government, for Arendt, contracts are a means by which power is generated and sustained.

> In distinction to strength, which is the gift and possession of every man in his isolation against all other men, power comes into being only if and when men join themselves together for the purpose of action, and it will disappear when, for whatever reason, they disperse and desert one another. Hence, binding and promising, combining and covenanting are the means by which power is kept in existence; where and when men succeed in keeping intact the power which sprang up between them during the course of any particular act or deed, they are already in the process of foundation, of constituting a stable worldly structure to house, as it were, their combined power of action.[41]

Power is generated when people unite for the sake of action, and it exists only as long as the group stays united. The power of a group depends on the solidarity of its members, and this solidarity may be secured through oaths of allegiance or mutual promises.

Arendt distinguished two kinds of contract. A contract may be horizontal in the sense that it presupposes equality among those who enter into it. A group may come into being when a number of people pledge their commitment to one another. Such a group may choose a leader, but the allegiance of each member to the leader is secondary to the members' allegiance to each other. The act of coming together generates a collective power-to-do, and each member has a share of this power insofar as he or she has a part in its government.

> The mutual contract by which people bind themselves together in order to form a community is based on reciprocity and presupposes equality; its actual content is a promise, and its result is indeed a "society" or "cosociation" in the old Roman sense of *societas*, which means alliance. Such an alliance gathers together the isolated strength of the allied partners and binds them into a new power structure by virtue of 'free and sincere promises.'[42]

The crucial point, for Arendt, is that this form of government is especially conducive to the debate and deliberation essential to politics.

On the other hand, a contract may be vertical in the sense that it creates a hierarchy among those who enter into it. A group may come into being

[41] OR, 175. [42] OR, 170.

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when a number of individuals each pledge their obedience to a single leader. The group is constituted by the allegiance of each member to the leader, and such groups can be extremely powerful as long as their leaders command the obedience of their followers. This kind of vertical contract is the basis of governments in which subjects consent to be ruled by a sovereign in exchange for the sovereign's protection.

> In the so-called social contract between a given society and its ruler, on the other hand, we deal with a fictitious, aboriginal act on the side of each member, by virtue of which he gives up his isolated strength and power to constitute a government; far from gaining new power, and possibly more than he had before, he resigns his power such as it is, and far from binding himself through promises, he merely expresses his "consent" to be ruled by the government, whose power consists of the sum total of forces which all individualized persons have channeled into it and which are monopolized by the government for the alleged benefit of all subjects.[43]

The crucial point, for Arendt, is that this form of government can dispense with politics altogether. All decisions can be made by a single leader, and the government can dispense with public debate or common deliberation.

The difference between these two kinds of contract is clear in the case of oligarchy. A few people may bind themselves together through a horizontal contract that prohibits relations of violence or hierarchy among members, and this contract can guarantee each member a say in deliberations over how their concerted power should be used. These few may then enter into a vertical contract with an atomized population, who consent to be ruled by the few in exchange for the protection of their safety and happiness. This vertical contract would institute an oligarchy – the rule of a few over many. But the horizontal contract among the oligarchs would allow the few to govern themselves without any form of hierarchy or rule.

Arendt argued these two kinds of contract, and the forms of government based on them, are essentially different.

> The [horizontal] mutual contract where power is constituted by means of promise contains *in nuce* both the republican principle, according to which power resides in the people ... and the federal principle ... according to which constituted political bodies can combine and enter into lasting alliances without losing their identity. It is equally obvious that

[43] OR, 170.

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> the [vertical] social contract which demands the resignation of power to the government and the consent to its rule contains *in nuce* both the principle of absolute rulership . . . and the national principle according to which there must be one representative of the nation as a whole, and where the government is understood to incorporate the will of all nationals.[44]

The horizontal contract among equals makes possible a form of government without rulership. The vertical contract among sovereign and subjects implicitly equates government with rule.

The equation of government with rule led modern political theorists to confuse these two kinds of contract, according to Arendt. Thinkers from Hobbes to Rousseau clearly recognized the difference between the two: the horizontal contract among individuals was supposed to constitute society, and the vertical contract between a society and its ruler was supposed to constitute the government. But the notion of rule led them to see these two kinds of contract as simply two sides of a single contract necessary for any political community.

> The decisive differences between these two kinds [of contract] (which hardly have more in common than a commonly shared and misleading name) were early neglected because the theorists themselves were primarily interested in finding a universal theory covering all forms of public relationships, social as well as political, and all kinds of obligations; hence, the two possible alternatives of "social contract", which, as we shall see, actually are mutually exclusive, were seen, with more or less conceptual clarity, as aspects of a single twofold contract.[45]

The American revolutionaries inherited this confusion from British political theory.

The confusion of these two kinds of contract has obscured the nature of law, according to Arendt. Law has been traditionally conceived in terms of the vertical relation between ruler and subjects. In this view, a law is essentially the command of a sovereign. But – Arendt pointed out – this vertical relation is only one kind of power structure. Power may also be generated by a horizontal contract among equals, and this horizontal structure makes possible forms of government that exclude relations of rule among citizens. If the essence of government is not rule but power, not power-over others but the power-to-do, what then is the essence of law?

[44] OR, 171. [45] OR, 169–170.

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Law

Arendt argued that laws are in essence not imperatives but "directives" – not commandments but rules. The laws of a polity regulate how we live together, just as the rules of a game regulate how we play. We follow the laws of a community because we wish to live in it, just as we follow the rules of a game because we wish to play.

> The point of these rules is not that I submit to them voluntarily or recognize theoretically their validity, but that in practice I cannot enter the game unless I conform; my motive for acceptance is my wish to play, and since men exist only in the plural, my wish to play is identical with my wish to live. Every man is born into a community with preexisting laws which he "obeys" first of all because there is no other way for him to enter the great game of the world. I may wish to change the rules of the game, as the revolutionary does, or to make an exception for myself, as the criminal does; but to deny them on principle means no mere "disobedience," but the refusal to enter the human community . . . All laws are "'directives' rather than 'imperatives.'" They direct human intercourse as rules direct a game.[46]

One might object that this argument is absurd. Some laws may best be seen as directives, but others are obviously imperatives rather than directives. Think of monarchies where a sovereign's word is law. Such laws seem to be essentially a kind of command.

Arendt's argument aimed at a deeper level of law. Laws that take the form of commands presuppose a hierarchical power structure, and this hierarchy itself rests on the basic rules that govern the vertical relation between sovereign and subject. Sovereignty is made possible by rules that are not themselves laid down by the sovereign; commands always depend on rules that are not themselves commands. Sometimes these rules are explicit; an army may have rules that govern when soldiers should obey or disobey commands. Sometimes these rules are implicit; a culture may have a code of honor that governs who must obey whom. These basic rules do not command specific actions, but direct the interactions between those who command and those who obey. They are directives rather than imperatives. Law as imperative is made possible by law as directive.

How then are laws like the rules of a game?

For Arendt, humans can live together only by consenting to follow the basic laws of a community. Community is possible on the ground of this basic consent, just as games are possible on the basis of a shared consent to

[46] OV, 97.

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the rules of the game. We follow basic laws because we want to live, just as we follow rules because we want to play.

The analogy between communities and games breaks down at one point: we choose the games we play, but for the most part we don't choose the communities in which we live. Initially we are simply born into communities we have not chosen, and we willingly or unwillingly consent to their laws. The fact that we must abide by laws in general does not mean that we have to accept the particular laws of our community. We can always try "to change the rules of the game, as the revolutionary does."[47]

The concept of directive clarifies the nature of law. It brackets certain traits that are implicit in the imperative conception of law, but that are inessential to law as such. It detaches the concept of law from notions of rule, will, and sovereignty. It frees questions of legitimacy from the quest for absolute, transcendent standards of right. And it dissolves the pseudo-problems inherent in common concepts of law. In particular, Arendt argued, the concept of law as directive dissolves the problem of the absolute:

> The common dilemma – either the law is absolutely valid and therefore needs for its legitimacy an immortal, divine legislator, or the law is simply a command with nothing behind it but the state's monopoly of violence – is a delusion.[48]

The problem of the absolute arises only if we conceive of law as a kind of commandment, according to Arendt: "Only to the extent that we understand by law a commandment to which men owe obedience regardless of their consent and mutual agreements, does the law require a transcendent source of authority for its validity, that is, an origin which must be beyond human power."[49] The concept of law as an imperative lends itself to philosophies that are anti-political, in that they aim to replace the deliberations of citizens with the commands of rulers who derive their authority either from the rational truth of philosophy or from the revealed truth of religion. By contrast, the concept of law as directive lets us grasp the nature of laws in polities that are not structured by vertical power relations between those who rule and those who are ruled.

Freedom

Arendt was highly critical of inherited concepts of freedom. Freedom cannot be conceived as liberation from subjection, she argued, because

[47] OV, 97. [48] OV, 97. [49] OR, 189.

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while freedom requires liberation, liberation in itself is not freedom. Nor can freedom be conceived simply as freedom of choice or freedom from sin, since these concepts reduce freedom to a purely inner and unworldly condition. Nor can freedom be conceived as the negative liberty of individuals free of the constraints of government, or the positive liberty of people who rule themselves. Nor can freedom be conceived as the autonomy of a rational being who gives laws to herself. In each case freedom is conceived in terms of sovereignty and will, whether it is the inner sovereignty of the will (Epictetus), deliverance from sin through submission to the will of the Lord (Paul), the personal sovereignty of the individual who can do as she wills (Mill), the popular sovereignty of a group that is ruled by the general will (Rousseau), or the rational will of the autonomous individual (Kant).

These concepts of freedom contain two basic errors, for Arendt. The first is to conceive of freedom in terms of an individual will. This error has led philosophers to think of freedom starting from "Man" in the singular rather than humans in the plural. The second error is to conceive of freedom in terms of sovereignty: "their basic error seems to lie in that identification of sovereignty with freedom which has always been taken for granted by political as well as philosophic thought."[50] The identification of freedom with sovereignty is an error, for Arendt, because the ideal of absolute sovereignty is an illusion. To aspire to absolute sovereignty is to deny the plurality constitutive of human existence – the fact that being human means being with others.

> If it were true that sovereignty and freedom are the same, then indeed no man could be free, because sovereignty, the ideal of uncompromising self-sufficiency and mastership, is contradictory to the very condition of plurality. No man can be sovereign because not one man, but men, inhabit the earth.[51]

The illusion of sovereignty can be sustained in two ways: either through domination of one's self and of others; or through a retreat from the world into a realm of pure inwardness. In either case, Arendt thought, we are not really free.

The question is whether nonsovereign freedom is possible. Is there a way to be free that exceeds traditional concepts of freedom? Is true freedom possible under the human condition of plurality?

[50] HC, 234. [51] HC, 234.

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> The question which then arises is whether our notion that freedom and non-sovereignty are mutually exclusive is not defeated by reality, or to put it another way, whether the capacity for action does not harbor within itself certain potentialities which enable it to survive the disabilities of non-sovereignty.[52]

If absolute sovereignty is an illusion, what then is freedom?

Freedom in Arendt's view is primarily not a matter of thought or will but of action. We experience freedom not in choosing or willing but in doing. This experience is implicit in the classical interpretation of the Greek word for freedom.

> According to Greek etymology, that is, according to Greek self-interpretation, the root of the word for freedom, *eleutheria*, is *eleuthein hopos ero*, to go as I wish, and there is no doubt that the basic freedom was understood as freedom of movement. A person was free who could move as he wished; the I-can, not the I-will, was the criterion.[53]

The experience of freedom in worldly action is primary, Arendt claimed, while the experience of inner freedom is derivative: "The experiences of inner freedom are derivative in that they always presuppose a retreat from the world, where freedom was denied, into an inwardness to which no other has access."[54] The unworldly experience of inner freedom is possible only on the basis of our worldly existence. To be free of the world is still a way of being in the world.[55]

Essential to genuine freedom is the power to do. "For the ancients it was obvious that an agent could no longer be called free when he lacked the capacity to do – whereby it is irrelevant whether this failure is caused by exterior or by interior circumstances."[56] Negative liberty, autonomy, and freedom of choice are meaningless unless we have the power to do as we choose. Actual freedom is measured not by the absence of constraints, or by the capacity for self-rule, or by the ability to choose among alternatives. The measure of freedom is the range of what we can actually do.

The greater our power, the broader the range of what we can do. To increase our power-to-do is to increase our freedom. Hence, the most important instruments of freedom are the forms of mutual promises through which power is generated and sustained. Since the power generated by promises is possible only among human beings in the plural, the freedom opened up by such power is a nonsovereign freedom that accords with the human condition of plurality.

[52] HC, 235–236. [53] LMW, 19. [54] BPF, 146. [55] HC, 76. [56] BPF, 161.

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> The faculty of promising is . . . the only alternative to a mastery which relies on domination of one's self and rule over others; it corresponds exactly to the existence of a freedom which was given under the condition of non-sovereignty.[57]

The freedom of people bound together by mutual promises is superior to the freedom of individual sovereignty for two reasons. First, any person or nation that isolates itself from others in order to preserve its sovereignty thereby reduces its power-to-do and so diminishes its real freedom; it is only through association with others that people increase their power-to-do and so expand the space of possibilities open to them. Second, any person or nation that avoids long-term commitments in order to preserve its future autonomy thereby reduces the temporal scope in which its power is effective and so again diminishes its real freedom. (It was this concern to preserve the will's autonomy that led Rousseau to conclude that "it is absurd for the will to bind itself for the future."[58]) By entering into long-term commitments, humans gain a measure of control over the future, and this control enormously increases their power-to-do and so increases their freedom. Arendt argued that it is only by renouncing the ideal of self-sufficiency and mastery, and by entering into contracts with others, that people together achieve real freedom. This freedom alone gives us a certain limited sovereignty.

> Sovereignty, which is always spurious if claimed by an isolated single entity, be it the individual entity of the person or the collective entity of a nation, assumes, in the case of many men mutually bound by promises, a certain limited reality. The sovereignty resides in the resulting, limited independence from the incalculability of the future, and its limits are the same as those inherent in the faculty itself of making and keeping promises. The sovereignty of a body of people bound and kept together, not by an identical will which somehow magically inspires them all, but by an agreed purpose for which alone the promises are valid and binding, shows itself quite clearly in its unquestioned superiority over those who are completely free, unbound by any promises and unkept by any purpose. This superiority derives from the capacity to dispose of the future as though it were the present, that is, the enormous and truly miraculous enlargement of the very dimension in which power can be effective.[59]

True freedom depends on power, and power is generated when people come together and act in concert. Freedom belongs not to sovereign monads but to humans in the plural. This insight throws new light on

[57] HC, 244. [58] BPF, 164. [59] HC, 245.

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the relation between freedom and the mutual promises that constitute political communities. Such contracts are not just restrictions on individual liberty; they are the means by which freedom is increased and sustained.

True freedom is paradoxical, Arendt argued. Actions are free only if they are not determined by what came before: "An act can only be called free if it is not affected or caused by anything preceding it."[60] Freedom interrupts the chain of causes and effects and disrupts the quasi-automatic process of ruled-governed behavior. Free action does not simply follow from preexisting motives and move toward preestablished aims; it breaks with things as they are and brings something new into the world.

> Freedom as related to politics is ... the freedom to call something into being which did not exist before, which was not given, not even as an object of cognition or imagination, and which therefore, strictly speaking, could not be known. Action, to be free, must be free from motive on one side, and from its intended goal as a predictable effect on the other. This is not to say that motives and aims are not important factors in every single act, but they are its determining factors, and action is free to the extent that it can transcend them.[61]

This sounds strange because freedom eludes our usual ways of thinking. The idea of free action as an absolute beginning seems unthinkable. But it does not just *seem* unthinkable, Arendt argued, it *is* unthinkable in terms of traditional concepts of causality and continuity. The metaphysics we have inherited from Aristotle not only "denies the future as an authentic tense," but also obscures "the abyss of nothingness that opens up before any deed that cannot be accounted for by a reliable chain of cause and effect and is inexplicable in Aristotelean categories of potentiality and actuality."[62] Yet the unthinkable happens. Every free action "looks like a miracle."[63] People who take action confront "the abyss of freedom."[64] "This sounds stranger than it actually is. It is in the very nature of every new beginning that it breaks into the world as an 'infinite improbability,' and yet it is precisely this infinitely improbable which actually constitutes the very texture of everything we call real."[65]

Freedom in this sense is grounded in the human condition of *natality* – in the fact that each human being is born into the world as someone singular and new, with the capacity to bring something new into the world through free action. "Action has the closest connection with the human

[60] LMW, 210. [61] BPF, 151. [62] LMW, 15 and 207. [63] HC, 246.
[64] LMW, 195–217. [65] BPF, 169.

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condition of natality; the new beginning inherent in birth can make itself felt in the world only because the newcomer possesses the capacity of beginning something new, that is, of acting."[66] Since free action is the *raison d'être* of political life, the basic trait of humans as political animals is not mortality but natality.

If free action is not determined by motives and goals, it would seem to be arbitrary. But arbitrariness is not freedom. To be free, actions must have something that guides them without simply determining them. How can action not be arbitrary, and at the same time not determined by some anterior ground?

Arendt answered this question by rethinking the concept of *principle.* To act freely, in her view, is to act on principle. Principles do not *determine* actions in the way that goals and motives do – they are too broad to set specific aims or to dictate particular courses of action. But principles "inspire" actions, in the sense that they are the animating spirit in which actions are performed.

> Action insofar as it is free is neither under the guidance of intellect nor under the dictate of the will – although it needs both for the execution of any particular goal – but springs from something altogether different which (following Montesquieu's famous analysis of forms of government) I shall call a principle. Principles do not operate from within the self as motives do . . . but inspire, as it were, from without; and they are much too general to prescribe particular goals, although every particular aim can be judged in the light of its principle once the act has been started.[67]

How does this view of principle differ from traditional concepts of *arche* or *principium*? A principle in this sense is not a self-evident proposition. Like Aristotle, Arendt conceived of each practical principle as an origin of action that governs the action throughout its performance. Unlike Aristotle, she did not understand the governing power of a principle in terms of movement towards a *telos* (neither a *telos* outside the activity, as in the case of production, nor a *telos* achieved in the action itself). Arendt was closer to Montesquieu's concept of principle as that which "sets in motion and guides actions" in the public sphere.[68] But her concept of principle is more specific and precise than Montesquieu's. To see this, we have to look at her use of the word "principle" in her discussion of the act of foundation.

[66] HC, 9. [67] BPF, 152. [68] EU, 331.

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Think of the founding of Rome. Arendt noted that, in *The Aeneid*, Rome was founded not just through military victory but through the mutual promises that made allies of the Latins and Trojans, and this act of foundation established the principle of alliance that governed Roman politics. "The genius of Roman politics – not only according to Virgil but, generally, according to Roman self-interpretation – lay in the very *principles* which attend the legendary foundation of the city."[69] These principles were not as general as the virtue (the love of equality) that Montesquieu identified as the principle of the Roman Republic, but not as specific as the particular motives and aims of the action. They were specific enough to govern the act of foundation, but general enough that they could continue to inspire and guide the actions of later generations.

This link between freedom and principled action was key to her interpretation of the American Revolution, the Declaration of Independence, and the founding of the United States, as we will see in Chapter 7.

In short, Arendt distinguished several senses of freedom. In the most basic sense, freedom is grounded in the human condition of being with others in a common world; we are free insofar as we share with others a horizon of possibilities within which we can act. On a less basic level, freedom is the expanded space of possibilities open to people who form groups through mutual promises that generate the power to act in concert. On a more derivative level, political freedom is the ability of citizens in a polity to have a share in its power and a voice in decisions about what to do and how to live together; it consists of "the citizen's right of access to the public realm, in his share in public power – to be 'a participator in the government of affairs' in Jefferson's telling phrase."[70] In this sense, people are not politically free when their concerted power to act is controlled from above by a despot, or an oligarchy, or a faceless bureaucracy; a polity is free to the extent that citizens have the right and ability to govern themselves. And on the most derivative level, "political freedoms" mean simply the rights and liberties that make politics possible: freedom of assembly; freedom of speech; the right to dissent; and the right to vote.

For the sake of clarity, I have divided Arendt's work into two parts: her rethinking of the legacy of classical political philosophy (this chapter); and her history of the American Revolution (Chapter 7). But her thought was

[69] OR, 210 (italics added). [70] OR, 127.

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not so neatly divided. She did not interpret the Revolution by simply imposing her concepts on historical events – her conceptual work depended as much on her interpretation of history as her interpretation of history was informed by her theoretical concepts. The task of the thinker and the task of the historian are complementary: the study of actual events can help attune thinkers to what eludes traditional concepts; and the attempt to question and refine traditional concepts can help historians see the past in a new light.

How then did Arendt interpret the American Revolution?

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