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Durham University (UK)

Department of Politics

The Idea of Political Space

Thesis submitted for the Ph.D degree

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ABSTRACT

The present thesis attempts to address one of the fundamental questions of political philosophy—*what is the political?*—by theorising it in terms of a political space. It is assumed here that the political cannot first be determined in some substantial or normative way; the political, as distinguished from politics, constitutes the utmost ground of human living together. *Political space* refers precisely to this problematic field that determines human existence in its entirety. The introduction briefly sketches the initial conception of political space, understood as an inquiry into the conditions of possibility of political experience. The first part deals with Immanuel Kant's political thought, and tries to establish the concept of publicity (in its both affirmative and negative formulations) as a central political idea which integrates his doctrine of right (*Rechtslehre*) with his maxims of Enlightenment. After this initial outline, the main attention of the thesis focuses on two outstanding political thinkers of the last century: Carl Schmitt and Hannah Arendt. The second part argues, with respect to Schmitt, that his notorious friend-enemy distinction—which serves as the criterion of the political—presupposes the condition which has been left throughout in its German original: *Öffentlichkeit* (publicity, or public realm). It is argued, more generally, that the concept of the political has the structure of publicity. The subsequent inquiry into the concept of an *Öffentlichkeit* attempts to flesh out its nature, status, and political potential. The third part, dealing with Arendt's political thought, opens up anew the topic of an *Öffentlichkeit* by utilizing Arendtian conceptual tools in order to analyse and articulate further the exceptional and yet promising nature of this public realm. Finally, the conclusion recapitulates once again the basic motives and insights of this study, and briefly indicates certain parallel theoretical trends which testify to the importance and relevance of the subject matter which has been explored here.

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Introduction

Mit festen Schultern steht der *Raum* gestemmt
gegen das *Nichts*. Wo Raum ist, da ist *Sein*.

Nietzsche

The aim of the present thesis is to discuss one particular view of how to understand politics. This view is based on the idea of political space, which in turn represents an attempt to emphasise the unique spatial character of politics as well as to articulate the implications that such an emphasis on spatiality could have in thinking about politics. To consider political phenomena from the viewpoint of political space means, first and foremost, to reformulate the quest for the meaning of politics in terms of its spatial characteristics—it means, in other words, to ask what are the conditions that make politics as a distinctive human activity possible.

Before going further, it is important to note that the present inquiry has been much indebted to its Kantian inspiration. It is well-known that Kant regarded space and time as the transcendental and a priori forms of perception that along with the categories of understanding made it possible to arrange the manifold of sense-data into a coherent and meaningful (structured) experience. Thus, the world of phenomena (*mundus sensibilis*) could be experienced by human beings only as situated within the space-time framework (space being the external, and time the internal form of experience). The notion of political space should be taken in a similar vein: it designates a set of conditions that allows certain phenomena to be experienced as somehow politically significant, that is, as a political experience *tout court*.

Political space is what orders and enables us to speak about political phenomena in the first place.

Of course, one should not emphasize too much the analogy between the idea of political space, and Kant's own conception of space and time. Political space does not imply a similar universally valid and immutable transcendental structure of human cognition as presented in Kant's theory of pure reason. The former could rather be characterised as an historical a priori (the term employed by Michel Foucault, among others)—that is, as temporally variable and contingent, yet necessarily constitutive at any particular moment. On the other hand, the notion of political space is not merely metaphorical; in relation to the phenomenon of politics, spatiality does appear as something inherently characteristic to it. In order to articulate this link, we could start with the following consideration. Space, as Kant describes it at some point, is the formal condition of the possibility of being together. Naturally, there exists a whole spectrum of these possibilities, and their differences need to be taken into account if one wants to substantiate the spatial factor without simply leaving it as an empty, neutral and ineffective form (*wirkungslose Form*), or as some abstract epistemological category.

Every human activity and every physical movement requires some space where to realise itself. Playing chess, driving a car, participating in a demonstration, or going to vote—these are all activities that take place in a space, generally considered. Evidently, all these different spatial possibilities—i.e., all these various forms of human action and interaction—attract dissimilar cognitive interests, depending on how important the spatial context is reckoned to be for these activities. The “moves” people perform in playing chess, in conducting an economic exchange, in waging a military battle, or in having a political debate (over the issues of integration policies, or individual political rights and liberties, for instance) are all likewise spatially determined—in the sense that all of them can only be realised under some definite spatial conditions. Yet, the spatial significance that these activities suggest, in

order to be understood in their “movement”, varies considerably from one to the other. Playing chess seems in itself spatially rather insignificant; decisions concerning ethnic minorities in the context of some larger community, however, play quite a crucial role in ordering social formations in space. Thus, there exist many different types of interactions between individuals in a space, and as German sociologist Georg Simmel had argued in his *Sociology of Space*, “many of these are realised in such a way that the spatial form in which this happens, as it does for all of them, justifies special emphasis” (Simmel 1997, 138).

But why should the phenomenon of politics be counted among those in which space matters—in which spatial configurations play a crucial role? Why, and in what sense, is it justified to speak about political space? Here, again, the example of chess proves to be instructive: indeed, space appears in this instance as irrelevant, merely formal possibility for playing chess. One could argue, however, that a game of chess also displays its intrinsic spatiality, for the rules of the game together with the particular moves of the pieces are defined (both in themselves and vis-à-vis one another) spatially, so that chess itself appears to be inherently “spatial”—disregarding the fact whether it is played on some physical chessboard, or on the computer screen, or by correspondence, or even in a so-called “blind” way. In any case, one needs to visualise (to make present, so to say) the field where an action can take place; otherwise, how could one locate these “free” squares which enable the player to move and to situate one’s own chessmen? It is plausible to assume that space appears (together with the rules that regulate and order this space by determining the structural possibilities of its operation) as a formal and yet inherent constitutive condition for playing chess—indeed, for the very existence of this game. Its particular spatial arrangement or configuration needs to be understood (and agreed upon) for the game to have any meaning at all; outside or without this space there can be no game of chess as we know it.¹

¹ The example is meant to show how space can have a constitutive character for something—in this case, a game of chess—not in a trivial sense of two people sitting opposite each other and moving

In this thesis, political space refers precisely to these conditions that make politics as a specific worldly phenomenon possible. In whatever way we choose to define politics—whether as a particular human activity, or as a particular state of affairs, etc.—, political space is conceived here as something which allows us to perceive, and to theorise, whatever kind of experience as being a characteristically *political* experience. Such an approach has the advantage of dispensing with the need to define politics in some substantive or normative way. In other words, there is no necessity to provide the political with its own comprehensive definition; indeed, there are as many political spaces as there are understandings of what constitutes the political. Every substantial definition of the political is inevitably restrictive, for it excludes by itself certain areas of activity, certain spheres of interest, or certain states of affairs from explicitly political consideration: for example, all the individual life-plans, family relations, etc.—which comprise the so-called private sphere in general—are thus held to be either pre-political, a-political, or even, in certain circumstances, anti-political. And even if this accords well with certain basic intuitions, or with some specific philosophical or ideological understandings, it nevertheless disregards one equally important consideration: namely, that under certain conditions or within particular circumstances it is possible for anything to become political or to bear within itself political implications.²

Political space is meant to circumvent these various problematic definitions by concentrating, instead, on expressing and articulating these theoretically multifarious and

their chessmen in a physical space but, first of all, in a fundamental sense of making the game itself into a possible and meaningful activity. As long as one follows the intrinsic logic of the game—and this is generally the case with all human made environments—space indeed does not appear to pose any problems, just as going to a corner shop to buy food is not perceived as spatially problematic. Space may become a very real problem, however, when one has to do it under the gunfire, as was the case during the siege in Sarajevo, for example.

² This is not necessarily to say, as the well-known slogan goes, that everything is political; the point is, rather, to reflect on the circumstances where something (apparently) non-political can (and does)

historically variable conditions under which politics, in some form or another, can emerge as a phenomenon of both theoretical and practical significance.³ In what consists, then, this qualitative shift—this shift in perspective which ascribes to something the quality of the political? When we reflect on whatever human association or whatever living together of human beings, even apart from any strictly geographical connotations, we still necessarily think spatially. And if space indicates the possibility of being together, then the political itself, in its most general approximation, could refer to something that emerges or appears as a particular kind of human living together. But what kind, precisely—considering that not every coming together of human beings, that is, not every human association as such, realises itself in a political form? As a matter of fact, political space can be constructed to illustrate and elucidate any concrete human association; the question becomes, however, how much room some particular form of association allows for political phenomena to appear and for political activity to take place. To construct political space means to accomplish a certain exercise in political thought. Its role is to open up a conceptual space where it becomes possible to discuss advantages, disadvantages and deficiencies of specific forms, modes and modalities of human political existence. It would not be a matter of reconstructing, for instance, the political form of the ancient *polis* in its historical entirety, but rather of discussing its theoretical articulations by political thinkers who might be regarded as representing a certain kind of philosophically reflected political understandings. Following Max Weber, one could think of these political spaces as ideal types whose function is to “visualise” certain ways of thinking politically about politics: different spatial configurations constructed in this manner serve as analytical tools for assessing the possibilities of politics and evaluating their various (positive as well as negative) implications.

acquire a highly political significance. It is true, however, that it is possible to imagine a space of total politicization—it suffices here to witness the phenomenon of totalitarianism.

³ As a common ground for both theoretical reflection and practical activity, political space could also account for the manner in which these two might possibly be interrelated.

Together with new comprehensive definitions given to politics, new political spaces also emerge which not merely reflect these specific political understandings but also, to a certain extent, determine the possibilities and set the limits on conceivable movements, alterations and transgressions, as well as account for those inherent implications and more or less direct consequences which any particular way of thinking about politics invites or suggests. This means to discuss political ideas by reference not to their normative content but rather to their formal space (that is, not in their evaluative but in their spatial sense). However, the normative aspect is thereby not entirely disregarded. On the contrary, one of the aims of the following inquiry is precisely to articulate a certain idea of political space, based ultimately on the reconstruction of Kant's political thought, whose fundamental insight finds its expression in the specific notion of *publicity*.

Politics is often defined, in its most general terms, as a *res publica* or a "public thing". In other words, politics is seen as something that stands (or should stand) in close association with the matters presumably of public concern. This definition itself is hardly sufficient, for the very meaning of expressions such as "public concern" or "common interest" often appears rather ambiguous. Often these expressions merely echo some rhetorical aspect of the day-to-day political agenda, instead of reflecting any deeper considerations. In whatever way the concept of a "public thing" is defined, the very fact of its evocation implies its relevance for the understanding of politics. Here, one could agree with Kant's claim that every rightful political constitution, and every genuine politics must necessarily be a *republican* one—if not in its letter, then at least in its spirit. Since it is precisely *res publica* to which terms such as "commonwealth", "commonweal" or "public welfare" refer, the ancient saying *salus publica suprema lex est* should be taken as expressing a maxim which every politics, if it wants to accomplish its highest purpose, must unconditionally observe.

In relation to this “public thing”, one often employs terms such as *public realm* or *public sphere* (the German equivalent is here *Öffentlichkeit*—publicity or publicness). It would not, however, be entirely correct to speak of a public sphere in the sense of a particular location next to certain other fields of human activity (economic or cultural spheres, spheres of religion, science, etc.). There are indeed locations which belong to “public”—in the cases when one speaks of public libraries and other public buildings or institutions, of public events (meetings, demonstrations, shows) which usually take place in specifically designated areas. Yet even here the term *public* designates rather the fact that these places are common and open to everyone; it refers to a general accessibility which these places must provide for, at least in principle. *Publicity* thus implies a specific quality of things, their commonality—that in a certain sense they are “of common interest” or should be “of everyone’s concern”. This public quality does not arise by nature; on the contrary, it emerges in-between of human beings and shows itself as a consequence of their coming together. Hence it becomes important to investigate the (conceptual) relationship between *res publica* and the political.

The idea of political space serves as an analytical device not only for describing these particular conditions under which private experiences of individuals can be transformed or translated into intersubjective understanding, particular interests into common purposes (“private vices, public virtues”), personal issues and anxieties into problems of a more general nature. It also represents a conceptual construction for discussing these conditions which make transformations and shifts not only possible but meaningful as well. Thus, political space refers not so much to some physical location or geographically determined place of interaction as rather to the general conditions of possibility of human beings living together. The idea of political space thus expresses a particular understanding of the difference between politics and the political; it conceives the latter as a fundamental condition which gives rise to political phenomena and, consequently, makes it possible for political experiences to appear. This basic structure is what I propose to call an *Öffentlichkeit*; moreover, it will be

consequently argued that the notion of publicity represents the spatial character of politics in its most adequate way.

The first part of the following thesis deals with Immanuel Kant's political thought, and tries to establish the concept of publicity (in its both affirmative and negative formulations) as a central political idea which integrates his doctrine of right (*Rechtslehre*) with his maxims of Enlightenment. After this initial outline, the main attention of the thesis focuses on two outstanding political thinkers of the last century: Carl Schmitt and Hannah Arendt. The second part argues, with respect to Schmitt, that his notorious friend-enemy distinction—which serves as the criterion of the political—presupposes the condition which has been left throughout in its German original: *Öffentlichkeit* (publicity, or public realm). It is argued, more generally, that the concept of the political has the structure of publicity. The subsequent inquiry into the concept of an *Öffentlichkeit* attempts to flesh out its nature, status, and political potential. The third part, dealing with Arendt's political thought, opens up anew the topic of an *Öffentlichkeit* by utilizing Arendtian conceptual tools in order to analyse and articulate further the exceptional and yet promising nature of this public realm. Finally, the conclusion recapitulates once again the basic motives and insights of this study, and briefly indicates certain parallel theoretical trends which testify to the importance and relevance of the subject matter which has been explored here.

Before making start, however, one should add some words concerning the choice of the main protagonists of this thesis. Indeed, if one is to name the two foremost thinkers of the political within the last hundred of years, perhaps the likeliest choice—like it or not—would be Hannah Arendt and Carl Schmitt. In this light, it is surprising how little attention the issue of identifying potential similarities and convergences between their political thought has received from the scholarly community. The efforts to engage Arendt and Schmitt in a productive exchange of ideas and insights concerning the nature of the political, for instance, let alone to stage some “dialogue *in absentia*” between these two thinkers, are virtually non-

existent in contemporary scholarship. It seems almost impossible to bring to mention their names together in one breath; and the mere attempt to integrate their views would most likely be dismissed as a mischievous faux pas at best, or simply condemned as an act of blasphemy at worst. One could thus safely declare that “to impute to Arendt any affinity with the thought of Schmitt ... is a travesty of her political philosophy, which stressed the principles of freedom, equality, plurality, and solidarity” (d’Entrèves 1994, 87). No wonder, then, that even those few who do have undertaken brief and cautious comparative studies somehow feel the need to concede that “it might seem mean-spirited to identify argumentative similarities between Schmitt and Arendt” (Scheuerman 1998, 252).

At first sight such a prevalent mood appears rather natural, if not altogether justified. Indeed, it is hard to imagine a more striking confrontation than that between these two thinkers—considering their personal destiny, their intellectual character and public predicament, as well as their political experience against a background of what was to become the worst events within the twentieth century. Philosophically and spiritually, *The Concept of the Political* (1932) and *The Human Condition* (1958)—to take these two exemplary books to stand for the political visions of Schmitt and Arendt, respectively—could hardly be more different. At the very moment we try to raise the question of how the basic structure of the political, as uncovered by Schmitt, could possibly advance our understanding of the *vita activa*, as analyzed by Arendt, we are apparently facing insurmountable difficulties, for their views truly seem to stand poles apart. To put it bluntly: how “knowing one’s enemy” could possibly impel us to “think what we are doing” (apart from asking the trivial question of what Schmitt himself thought he was doing), or how Schmitt’s notorious protection-obedience axiom could truly issue in the characteristically Arendtian claim that “there is no such thing as obedience in political and moral matters” (RJ, 48)? It seems, therefore, that despite their common orientation toward a “critique of liberalism”, broadly conceived, or their apt remarks concerning the rise of socio-cultural modernity, the contrasts Arendt and Schmitt display vis-

à-vis each other regarding the nature, purpose, and meaning of political life are so striking as to overshadow any possible (if also unexpected) areas/points of convergence that could appear between them on some closer examination.

That this examination should nevertheless be in order, is indicated by various incidental remarks. George Kateb, for example, admits that “Arendt’s project of conceptualizing the authentically political bears a superficial resemblance to the comparable efforts of two somewhat earlier German writers, Max Weber and Carl Schmitt. All three are devoted to the dignity of politics...” (Kateb 2000, 131). This topic is further elaborated, in a more positive mood, by Andreas Kalyvas: “Weber’s concept of charisma, Schmitt’s theory of the constituent power, and Arendt’s notion of new beginnings represent three distinct variations on a single theme, namely, the extraordinary dimension of the political as the original instituting moment of society.”⁴ Or again, as Dana Villa argues, there is no denying “that Arendt’s strenuous effort to distinguish political spaces and modes of action from social, economic, and other forms of activity broadly parallels the efforts of Carl Schmitt in his *The Concept of the Political*” (Villa 1999a, 79). The latter would have been an intriguing thread to follow, instead of concluding, as Villa does, with a rather stereotypical claim: “Arendt’s desire to view the political realm as relatively autonomous has nothing to do with establishing its hegemony as the field in which the life-and-death struggle between friends and enemies is played out, as in Schmitt’s Hobbesian existentialism” (*ibid.*, 81).

This is indicative with respect to the majority of Arendtian scholars. There is barely any mention of Schmitt’s name in the vast literature dealing with Arendt’s political thought. On the first sight this absence seems easily explicable, given the variety of worthy suitors competing for the role of a conversational partner beside Arendt. Thus we have Aristotle, Augustine, Kant, Nietzsche, Benjamin, Strauss, Habermas—to name just few of them. These

⁴ See the synopsis of his doctoral dissertation, “The Politics of the Extraordinary: Max Weber, Carl Schmitt, Hannah Arendt” (2001).

particular interchanges of ideas—be it the notion of praxis, the concepts of love and natality, the theory of judgment, agonism, the recovery of a lost tradition, the relationship between philosopher and citizen, or the communicative power of action—are well-known and should not surprise anybody. Much more significant, in this respect, is the occasional vehemence, bordering on intellectual exorcism, with which the traces of Schmitt’s absent presence are negatively commented upon by the Arendtian corps. Thus, for instance, argues Seyla Benhabib: “The sovereign is not the united body of citizens but the one who has the power to decide in an emergency situation. Carl Schmitt’s authoritarian, and ultimately fascist, theory of sovereignty dispensed with the public sphere altogether” (Benhabib 1996, 207).

These are but a few examples, and in all honesty it must be added that Schmitt himself has done enough to deserve such treatment fully. Nevertheless, I believe that there is much more to win from trying to retrieve what is worth preserving in Schmitt, than simply dismiss his thought en masse without further ado. The real challenge would consist here in identifying those crucial insights into the nature of the political which in Schmitt point “beyond Schmitt”, as it were—the insights, moreover, that could well be articulated, and further developed, within the context of Arendt’s political thought. Indeed, as we will see below, there are certain merits to be gained in surveying the extent to which it is possible to reconcile the theoretical projects of Schmitt and Arendt.

In these latter terms, unfortunately, the Schmittian camp does not fare any better. That the main advocates of Schmitt have no reason to evoke Arendt is quite understandable, even if short-sighted; that Schmitt’s more distant apologists actually follow this lead, however, should make one wonder. True, their task to restore Schmitt’s credentials as a serious political thinker is more formidable than almost anything else; hence their sympathies are often qualified by stressing the need to think “against Schmitt” as well as to part the company with Schmitt on certain (politically) critical junctures. Chantal Mouffe, for instance, who has remained perhaps one of the most consistent Schmittians within the relatively

mainstream body of political theory, has complained: “Many people will find it rather perverse if not outright outrageous. Yet, I believe that it is the intellectual force of theorists, not their moral qualities, that should be the decisive criteria in deciding whether we need to establish a dialogue with their work” (Mouffe 2005, 4).⁵ But her failure to enlist Arendt as a strategic partner in this dialogue becomes obvious once she declares: “Some theorists such as Hannah Arendt envisage the political as a space of freedom and public deliberation, while others see it as a space of power, conflict and antagonism. My understanding of ‘the political’ clearly belongs to the second perspective” (*ibid.*, 9).⁶

It appears that we are truly confronted here with the choice between two perspectives that are entirely heterogeneous. One either subscribes to the Arendtian position whence Schmitt’s thought is excluded almost by definition, or, one accepts the ineradicable dimensions of antagonism and exclusion which characterise any human society, in which case Arendt’s conception of politics appears as merely derivative—agonistic, perhaps, but certainly not antagonistic. And that is the real paradox: despite their equally radical political philosophies, despite their shared dislike of liberal individualism and joint critique of social modernity, and despite their common concern with the meaning of the political, among else, the visions of these two thinkers seem ultimately irreconcilable indeed. Regardless of their

⁵ Compare also her earlier assessment: “It is not necessary to endorse entirely Schmitt’s conception of the political in order to concede the strength of his point when he exposes the shortcomings of a view that presents politics as a neutral domain insulated from all the divisive issues that exist in the private realm” (Mouffe 1993, 140).

⁶ This denigration of Arendt is largely motivated, I believe, by Mouffe’s need to demarcate her own distinctive theoretical position among the other so-called “agonistic” theoreticians. The latter, according to Mouffe, “generally envisage the political as a space of freedom and deliberation, while for me it is a space of conflict and antagonism. This is what differentiates my agonistic perspective from the one defended by William Connolly, Bonnie Honig or James Tully” (Mouffe 2005, 131, n. 9). Or, put differently: “It seems to me that their conception leaves open the possibility that the political could under certain conditions be made absolutely congruent with the ethical, optimism which I do not share” (Mouffe 2000, 107, n. 31).

constant emphasis on conceiving the political as a field of relations, as an in-between space which simultaneously gathers human beings together and separates them apart, it looks as if all that Schmitt and Arendt have left for themselves, i.e., between themselves, is a pure gap—representing the clash of the two antagonistic forces (to recall Kafka’s parable from the preface to *Between Past and Future*). One of the aims of the present thesis consists, precisely, in the attempt to think this gap, this irreducible difference, through the notion of a political space.

I Immanuel Kant: The Two Principles of Publicity

Overshadowed up to the last couple of decades by his *magna opera*, the three *Critiques*, Kant's political writings have only recently (albeit in an increasing fashion) began to acquire the long overdue prominence they duly deserve. However, virtually no comprehensive treatise on this subject has yet emerged that would not merely attempt to map the various strands of Kant's political interventions, or to provide summaries of politically relevant aspects of Kantian philosophy, but would offer a plausible interpretative framework that could cogently account for a rich variety of ideas that characterise Kant's political thinking. Indeed, there have been efforts to "locate" areas in Kant's philosophical *oeuvre* where he, as it were, becomes political (or at least potentially so for his interpreters)—that is, efforts to (re)construct his political ideas and to discuss their place and significance in his overall philosophical system. Similarly, there exists an abundant literature that importantly deals with somewhat more specific topics under the general heading of Kant and politics—such as, for instance, the question of the Enlightenment, the problem concerning rebellion and revolution, the relationship between politics and morality, more recently also the issue of cosmopolitan right, etc.⁷ What seems to be lacking, though, is a more comprehensive insight that could serve as a plausible organizing principle for reading Kant's political works without

⁷ The space is limited here for undertaking a thorough review of all the relevant literature which is indeed quite considerable. For a critical review of some of the latest contributions on this subject, see Hans Reiss's article (Reiss 1999). The authors and their texts which I have singled out for the present purposes of my argument are the ones that more or less explicitly touch on the topic of publicity in Kant, which constitutes my main concern here. I am well aware that this sample is far from exhaustive; yet I believe them to be representative enough to help to emphasize my point.

instantly treating them, by and large, as derivatives of his moral doctrine. This is not to suggest any need for an all-explanatory singular account; the point is, rather, to realise that Kant's political writings (and by extension, his various political ideas) could be shown as displaying a much deeper and more convincing internal coherence and unity than was hitherto generally allowed.⁸

The aim of the present chapter is to discuss the status of one particular concept in Kant's political thought, namely that of *publicity*. It is argued here that "publicity" could be regarded as constituting the fundamental political idea for Kant that not only provides an insight into his entire political edifice (thus binding together various different strands of Kantian political reflection), but moreover, offers an essential cornerstone for a systematic exposition of Kant's political philosophy. Firstly, publicity is indeed, as Jürgen Habermas calls it, "the bridging principle between politics and morality"—to this extent one could even venture to regard the principle of publicity (in both its negative and positive formulation, as will be explained below) as a kind of down-to-earth, "political" categorical imperative. Secondly, publicity is considered here as articulating a kind of *Leitmotif* in Kant's political thinking, thus relating his early, pre-censorship political essays⁹—most notably, "What is

⁸ The recent study by Ciaran Cronin, for example, argues with respect to Kant's work: "His political thought is shown ... to be more consistent over time, though not necessarily ultimately more coherent" (Cronin 2003, 52-3, n. 7). Apart from this general trend, one should also mention some influential "strong interpretations" of Kantian political thought, most notably exemplified by Hannah Arendt who argues that "since Kant did not write his political philosophy, the best way to find out what he thought about this matter is to turn to his *Critique of Aesthetic Judgment*" (Arendt 1982, 61). Such instances are, of course, more numerous.

⁹ It is well-known that after long and frequent conflicts with the Prussian official censorship, Kant was finally (on the event of the publication of *Religion Within the Limits of Reason Alone* in 1793) made to promise—"as the most faithful subject of His Royal Majesty"—to refrain from any further public pronouncements on religion. This fact is ever more significant, since Kant regarded the matters of religion as the "focal point of enlightenment". For the discussion of this controversy between Kant and the Prussian authorities, see for example Arsenij Gulyga's *Immanuel Kant. His Life and Thought*

Enlightenment?” and “What is Orientation in Thinking?”—to his late legal doctrine (most clearly and systematically exposed in Kant’s last great ethical work, *The Metaphysics of Morals*): namely, the early radical appeal to the public use of reason, that allegedly disappears from his *Rechtslehre*¹⁰, becomes actually, *via* publicity-requirement as formulated in “Theory and Practice” and “Perpetual Peace”, inscribed into the very core of the transcendental idea of right. And last but not least: this discussion might also, albeit in a slightly more speculative manner, prompt us to reconsider, or at least to supplement, Kant’s acknowledged stance as an early classical representative of liberal political thought, inspiring us instead to regard him as endorsing a certain republican attitude which makes the ideal of political liberty dependent upon “man’s emergence from his self-incurred immaturity”—that is, upon the active citizenship of self-legislating individuals within the general frame of communicative publicity.

In what follows, I will first try to specify the central political problematic that Kant sought to formulate and attempted to solve. My suggestion is that the key for understanding his solution—as well as the way to unify his various political ideas into the coherent whole—lies in his discussion of the possibility of agreement between politics and morality (the synthesis of these two providing for an original type of “public morality” or “political ethos”). I will argue that the notion of publicity, as stipulated by Kant, constitutes the fundamental idea behind his concept of right, embodying a certain republican *spirit* that is required for a genuinely political society—even if the *letter* of the political system, the legal framework and the institutional structure of a society is considered (yet) to be deficient by the standards of representative democracy. Thereupon I will critically consider some of the arguments that have been put forward by other authors who have paid attention to this aspect of Kant’s

(Gulyga 1987, 199-217), and Allen Wood’s “General Introduction” in Kant’s *Religion and Rational Theology* (Wood 1996, xv-xxiv).

¹⁰ For a rather typical comment, that Kant “adopted an uncharacteristically self-deprecatory tone in his later political writings”, see for example (Sullivan 1994, 6).

political thought.¹¹ Finally, I will also try to spell out some general implications regarding Kantian appropriations in contemporary political philosophy.

I

In the fifth proposition of his *Idea for a Universal History with a Cosmopolitan Purpose* (1784), Kant had formulated the greatest, the most difficult, and the last (if ever) to be solved problem for human species, namely, “that of attaining a *civil society* which can administer justice universally” (KPW, 45). Such a *bürgerliche Gesellschaft*, he added, would not merely allow the maximum amount of freedom among its members, but would also entail the most precise specification and preservation of the limits of this freedom within the general condition of universal lawfulness. In other words, to attain this rightful condition means to establish a society in which freedom under external laws would be combined, as Kant especially emphasizes, “to the greatest possible extent” with the irresistible force (*Gewalt*). This task of achieving a peculiar balance between freedom and coercion constitutes for Kant the fundamental (and foundational) political problem:

But the general problem of civil union is this: To unite freedom with coercion that is yet consistent with universal freedom and its preservation. In this manner there arises a state of external justice (*status iustitiae externae*) whereby that which was only an

¹¹ Unfortunately, this has been a rather uncommon topic in the vast literature on Kant. John Christian Laursen, for one, perceptibly remarks on this general neglect of publicity-issue by Kantian scholars, saying that “a surprising number of studies of Kant’s political and legal philosophy make virtually no mention at all of what Kant called the ‘transcendental principle of public law’” (Laursen 1989, 440, n. 1).

Idea in the state of nature (namely, the notion of law [*Recht*] as the mere power [*Befugnis*] to compel) is *actualized*.¹²

There is no need to stress as to why precisely Kant regarded this task to be the gravest for humankind to accomplish (and which, moreover, will most likely deny any perfect solution). His famous statement in this respect is well-known: “Nothing straight can be constructed from such warped wood as that which man is made of” (KPW, 46). In civil-political terms, this human predicament is summarized by Kant in a rather peculiar Aristotelian paraphrase: “Man is an animal who ... needs a master”. In other words, human beings turn out to be political animals not because of some noble purpose but out of sheer necessity—the necessity for a coercive political power to regulate their interactions which could otherwise end up in some state of anarchy. The paradoxical twist of this situation, moreover, is provided by the crucial qualification: this master—i.e., the highest political authority—has to be just *in itself* and yet also a *man*. Indeed, one seems to be facing here the basic foundational paradox: considering the fact that justice is not natural to man, Kant writes in his late reflections, “the difficulty is how a creature who needs to be forced into justice can itself bring this state of justice into being” (no. 7714). This could be regarded as articulating the political condition *par excellence*: namely, the apparently insoluble problem of political authority—the question of its legitimate foundation and moral justification—in the situation where the principles of legitimacy need to be established to begin with, and the standards for evaluating the legislative activity are not particularly obvious either. The fundamental question, then, is the following: how this state of justice, this political union, is to be brought about? In other words, what guarantees that man’s “unsocial sociability” (in Kant’s memorable phrase) will eventually result in a genuinely civil state?

¹² Kant’s letter dated on April 7, 1789 (Kant 1986, 290-1).

As to the possible ways to confront this challenge, one could indicate two (complementary) solutions that Kantian political theory seems to provide. On the one hand, the possibility (and moreover, the necessity) of the actualization of the idea of a perfectly just civil constitution (*gerechte bürgerliche Verfassung*) forms the core of Kant's philosophical approach to history. Here, the transition from the "state of wild freedom" to the particular state of coercion is dictated by the inevitable natural progress and shows no less than the "realization of a hidden plan of nature".¹³ However, all this cannot justify apathy nor sanction licence in human conduct, as Kant often emphasises: "Rather must man proceed as though everything depended upon him; only on this condition dare he hope that higher wisdom will grant the completion of his well-intentioned endeavours" (Kant 1960, 92). It is therefore the highest task for mankind, and the one ultimately prescribed to it by nature itself—or, as Kant sometimes calls it, providence. But the question still remains, how exactly this condition should be brought about—if one cannot rest content with the mere idea, however encouraging and compelling, of natural progress? Before proceeding to suggest another, more plausible solution, however, I would like to establish the terms of this problematic by reference to Jürgen Habermas's early influential study, *The Structural Transformation of Public Sphere* (1962).

In the Chapter 13 of his book, entitled "Publicity as the Bridging Principle between Politics and Morality", Habermas similarly identifies two versions in Kant's political

¹³ The civil union appears here as precisely the condition that will channel man's essential unsociability into the driving force propelling the development of all natural capacities and endowments of man toward their ultimate perfection. It will, in other words, turn private vices of individuals into public virtues, and egoistic causes into beneficial effects. From the Arendtian perspective, "The ultimate guarantee that all is well, at least for the spectator, is, as you know from *Perpetual Peace*, nature herself, which can also be called providence or destiny" (Arendt 1982, 51). But one cannot rest assured with that, and Kant certainly does not—that would mean to give oneself to fatalism, or at least, to rest content with some sort of teleological hope (which is a rather weak consolation).

philosophy or philosophy of history (regarding these two as more or less coextensive). He argues that in the so-called official version, the natural basis for a juridical condition (*Rechtszustand*) is presupposed by Kant as already existing; the natural necessity (“the hidden plan of nature”) was meant to actualize this specific state of public right solely and exclusively by itself. And indeed, in a state of affairs which already exhibits the characteristic features of the rightful condition, moral politics amounts to nothing more than the legal conduct out of duty under existing positive laws (Habermas 1989, 115). Given this, the welfare of the state could (and moreover, had to) be separated from the welfare of its citizens—just as morality is separated from legality.

Yet according to Habermas, in another version of Kant’s philosophy of history, a rightful condition itself needed first to be brought about politically, “politics had first to push for the actualisation of a juridical condition” (*ibid.*)—the proper goal of politics was to *make* the laws positive. Having to exercise this positive influence, and having at the same time to employ its means not by force but in agreement with morality, politics needed, consequently, to be oriented toward the universal end of the public—its welfare (*ibid.*, 112, 115). While it is correct to say that here, “progress in legality was directly dependent upon a progress in morality”, Habermas proceeds to specify that in this second, “unofficial” version by Kant, “the laws of reason were congruent with the requirements of welfare”—this congruence being subsequently recognized (and denounced) as public opinion. In this case, the principle of *publicity* was supposed to reconcile politics with morality in a rather specific sense: being instituted as a public sphere, it “was the place where an intelligible unity of the empirical ends of everyone was to be brought about” (*ibid.*, 116). As a matter of fact, Habermas claims here that publicity, in its positive formulation (see below), refers essentially to a liberal public sphere of private people, where consensus (public opinion) is to be reached out of the individual-welfarist concerns—as *if* by the invisible hand operating within the economic

sphere.¹⁴ One need not to disqualify this consideration altogether; nevertheless, to interpret the principle of publicity as providing for the people's welfare is to misrecognize Kant's fundamental idea behind it.¹⁵ Namely, the requirement of publicity must be regarded as constituting an essential (the necessary *and* the sufficient) condition for the genuinely republican constitution to prevail in a society—that is, the constitution that accords with the transcendental idea of right *in its spirit*, if not yet in its letter (for the latter requires a prolonged and, indeed, an open-ended process). To put it in John Rawls's terminology, publicity is what provides for the condition in which people, in their capacity as citizens, can (as they must) discuss, and improve on, the basic structure of a society.¹⁶

¹⁴ Indeed, Kant admits that a problem of this kind must be soluble: “the constitution must be so designed that, although the citizens are opposed to one another in their private attitudes, these opposing views may inhibit one another in such a way that the public conduct of the citizens will be the same as if they did not have such evil attitudes” (PP, 113). However, he adds that such a task does not involve the moral improvement of man. We are still within “that mechanism of nature by which selfish inclinations are naturally opposed to one another in their external relations can be used by reason to facilitate the attainment of its own end, the reign of established right” (PP, 113). Thus, according to Kant (and contrary to Habermas), this consideration still remains essentially within the first paradigm of Kant's philosophy of history.

¹⁵ I will discuss some of these “welfarist” misreadings in a more detail further below.

¹⁶ I would suggest that there are important differences between the projects of Rawls and Kant, respectively. Unlike the early Rawls, Kant does not come up with the definite principles according to which the basic structure of society should be erected (recall Rawls's conception of justice as fairness); and unlike the late Rawls, who ties his idea of “public reason” to a community of citizens who share a common political identity, and who are therefore committed to the liberal-democratic creed, Kant's requirement of publicity (in its both formulations) is the sole prerequisite, as well as the guarantee, for the public deliberation between citizens in an essentially open, and open-ended, civil society.

II

The idea of publicity is formulated by Kant most clearly in the appendix to his philosophical sketch on *Perpetual Peace* (1795) where he discusses the relationship between morality and politics in the context of the theory of right. Having reached the conclusion that in *objective* or theoretical terms there can be no conflict whatsoever between these two—between morality as a theoretical branch of right, and politics as an applied branch of right, i.e., between theory and practice—Kant goes on to argue that in a *subjective* sense and from the anthropological point of view (that is, taking account of man’s selfish disposition) “this conflict will and ought to remain active, since it serves as a whetstone of virtue” (PP, 124). This understanding reflects well what Kant had said about the “unsocial sociability” of human beings a decade earlier in his abovementioned *Idea*. At this point, however, and instead of proceeding to disclose the “hidden plan of nature” (or having a recourse to some providential teleology), Kant turns to the analysis of the transcendental concept of public right in order to indicate another, alternative possibility to come to terms with the problem of providing moral assurance, or guaranteeing moral efficacy, to an essentially human, all-too-human society.

He claims, precisely, that after we abstract from everything empirical that can possibly be contained in public right—from all its *material* aspects, among them the necessity of coercion due to an empirical character of human nature—we are left with the *a priori* form of publicity. In other words, publicity or *Publicität* appears here as the immediate implication of the pure concept of public right. This capacity for publicity, says Kant, must necessarily accompany every claim to a right, since “without it, there can be no justice (which can only be conceived of as *publicly knowable*) and therefore no right, since right can only come from justice” (PP, 125).¹⁷ The transcendental formula of public right, consequently, comes down

¹⁷ “... weil ohne jene es keine Gerechtigkeit (die nur als *öffentlich kundbar* gedacht werden kann), mithin auch kein Recht, das nur von ihr ertheilt wird, geben würde.”

to the following: “All actions affecting the rights of other human beings are wrong if their maxim is not compatible with their being made public” (PP, 126).¹⁸ This principle, Kant adds, should be regarded not only as *ethical* (that is, pertaining to the theory of virtue) but also *juridical* (that is, affecting the rights of man)—rights are moral claims with legal consequences, since they entail the possibility of certain actions which always take place within a legal framework. If agent’s maxims (the principles of action) cannot be publicly acknowledged without defeating their own purpose, they cannot be considered as being consistent with principles of right either. At the same time, it is a purely *negative* principle which “serves only as a means of detecting what is *not* right in relation to others” (PP, 126). Thus, for example, it can say that subjects can have no right of rebellion, since to declare it openly in public would be necessarily self-defeating.

This *negative* implication of the pure principle of right is emphasized, for example, both by Ciaran Cronin and Onora O’Neill—and both find it ultimately insufficient. Cronin argues that this conception denies citizens any positive role in influencing or shaping legislation: citizens have no *active* say in government, and although their freedom to express opinions has an obvious symbolic value, this indirect political function “may merely serve as ideological window-dressing for a regime bent on maintaining its monopoly of power”. In the final analysis, since everything depends on the good will of the sovereign (to promote reform), “the principle of publicity does not overcome the dilemma posed by Kant’s moralized republicanism” (Cronin 2003, 77). In a similar manner, O’Neill claims that “Kantian justification demands only that we reject principles on which no convergence of wills is possible”; in other words, it does not guarantee that the actual or even hypothetical convergence of wills, provided it is possible at all, would amount to any sort of justification—what is worse, it could even allow that a consensus can be iniquitous (O’Neill 1997, 427-8).

¹⁸ “Alle auf das Recht anderer Menschen bezogene Handlungen, deren Maxime sich nicht mit der Publicität verträgt, sind unrecht.”

Moreover, the negative principle might prove insufficient to counter the possibility that some public statement (backed up by overwhelming force, as it were, especially on the part of the ruler) would nevertheless turn out to be unjust, while this principle is after all an abstraction from all material considerations, the existing power-relations and coercive forces included.

In this connection, I would suggest that Kant's positive or affirmative (*bejahende*) principle of public right is meant precisely to counter these objections: "All maxims which *require* publicity if they are not to fail in their purpose can be reconciled both with right and with politics" (PP, 130).¹⁹ In other words, while the negative principle stipulates that what cannot be made public (if it wants to succeed in its purpose) is necessarily unjust, the positive principle declares, in its turn, that what cannot be kept secret (i.e., what needs publicity if it wants to succeed) is in accordance with the pure concept of right. Put differently, the positive condition does not require that on what people *can* agree, they necessarily *will* agree (for this depends on empirical considerations); but rather, that this something on what they will agree must remain open for public criticism. In fact, the only way to find out whether something is in agreement with moral action, one needs to make its underlying maxim public, that is, disclosed for a critical review. I would also suggest that when the first, i.e. negative, principle provides the test for the ruler to eliminate—"as if by an experiment of pure reason"—everything which cannot be reconciled with the idea of right; then the second, i.e. positive, principle actually indicates the way how not only to make this experiment feasible, but also how to ultimately arrive at the legislation which would accord with morality. All that the ruler has to do, namely, is to put legislative measures and proposals into public and ensure the conditions for its public examination and discussion. The right of subjects to the freedom of expression, on the other side, implies and is necessarily connected with the duty to actively

¹⁹ "Alle Maximen, die der Publicität *bedürfen* (um ihren Zweck nicht zu verfehlen), stimmen mit Recht und Politik vereinigt zusammen."

participate in this legislative process by thinking for themselves, by finding the ground for agreement (or disagreement, for that matter) by way of using their own reason.

III

The abovementioned problem of political authority is not confined to the act of foundation only, for the ruler does not become neither an “artificial man” nor a “mortal god” but himself remains a human being, exposed to all its empirical flaws. In *Perpetual Peace* Kant explains: “For we cannot assume that the moral attitude of the legislator will be such that, after the disorderly mass has been united into a people, he will leave them to create a lawful constitution by their own common will” (PP, 117). It is only too natural—too human—to assume that once a person has the power in his own hands, he will not let the people prescribe laws for him. Moreover, if the latter would be the case—if the subjects would have the right for coercive legislation against the legislator himself, be it a moral or a physical person—the whole idea of the lawgiving would become self-contradictory in its principle (one cannot issue commands to the one who is entitled to command), and would therefore defeat its own purpose. The point is, however, that while the legislator has indeed the legitimate right to demand obedience to the law, and to use coercive power for its enforcement, he is not himself the author of the law (as it is necessarily derived from the pure concept of right). He is merely *authorised* for its administration, and can thus be regarded as an author only in his capacity to enforce the law:

One who commands (*imperans*) through a law is the lawgiver (*legislator*). He is the author (*autor*) of the obligation in accordance with the law, but not always the author

of the law. In the latter case the law would be a positive (contingent) and chosen (*willkürlich*) law (PP, 100).

Thus, positive right—i.e. what is laid down as a law in the actually existing constitutions—does not constitute the right as such, but is in theory subordinate to the idea of right and is rightful only to the extent to which it harmonizes with the latter: “When people are under a civil constitution, the statutory laws obtaining in this condition cannot infringe upon *natural Right* (i.e., that Right which can be derived from a priori principles for a civil constitution) (MM, 77-8). Kant maintains, namely, that people too have inalienable rights (*unverlierbare Rechte*) against the head of state (though these cannot be based on coercion).

In accordance with this significant qualification in the meaning of the concept of human legislator derives a very important distinction Kant subsequently makes in his discussion of the different forms of regimes. This distinction can be regarded as a crucial modification of the question which has informed political thought ever since Plato and Aristotle—the question of the best regime. Namely, in addition and parallel to the common taxonomy with respect of the form of sovereignty (*forma imperii*), Kant introduces another (and for him ultimately decisive) criteria of classification: the distinction according to the mode of government (*forma regiminis*), that is, the way in which the nation is governed. The former concerns the letter of the constitution (i.e., “the way in which the state ... makes use of its plenary power”), and the latter, so to say, its spirit. This is a fundamental and, indeed, critical distinction which throws light on the entire Kantian approach to the political relationship between the ruler and the ruled in relation to the question of legislation.

The different forms of state— and Kant follows here the classical division of the form of sovereignty into autocracy, aristocracy and democracy (see PP, 100; MM, 161)—are merely “the *letter (littera)* of the original constitution or contract within civil society” (MM, 163), which can therefore remain a part of the constitution (without the least harm to the

latter) as long as people, due to old and established custom or tradition, for example, see it fit (as is the case, for example, with British monarchy). The *spirit (anima)* of the original contact, on the other hand, is concerned with the mode or form of government—which can be either republican or despotic—and contains an obligation on the part of the constitutive power “to alter the mode of government by a gradual and continuous process (if it cannot be done at once) until it accords *in its effects* with the only rightful constitution, that of a pure republic” (MM, 163).²⁰ To put it differently: “Of every action that conforms to the law but is not done for the sake of the law, one can say that it is morally good only in accordance with the *letter* but not the *spirit* (the disposition)” of the law (Kant 1996, 198, note). This is the least to be required and the most to be expected, and establishes the sufficient criteria for a good citizen.²¹ When Kant says that “in spirit, the moral law ordains the disposition, in its letter the action” (Kant 2001, 91), then in a similar manner one could argue that the (republican) constitution, in its letter, demands obedience to the law (lawfulness), in its spirit, freedom toward the law (autonomy): “In every commonwealth, there must be *obedience* to generally valid coercive laws within the mechanism of the political constitution. There must also be a *spirit of freedom*, for in all matters concerning universal human duties, each individual requires to be convinced by reason that the coercion which prevails is lawful, otherwise he would be in contradiction with himself” (TP, 85).

²⁰ With respect to autocracy and aristocracy Kant says that “it is at least possible that they will be associated with a form of government which accords with the *spirit* of a representative system”, i.e. with the true republic. Democracy in its literal sense, however, “is necessarily a *despotism*”, and in the absence of any representation (i.e., the body of citizens is at the same time the legislator and the executor of its own will), “it is essentially an *anomaly*” (PP, 101).

²¹ The idea can be explained by the reference to Aristotle’s definition of good citizens who “have as their function the safety of their association, which is their government” (*Politics*, 1276 b). Hence, the virtue of citizen must be referred to the form of regime of which he is a part; and the virtue of good citizen and the virtue of good man is the same only in the case of a “statesman and one who has or can have authority, whether alone or with others, to take good care of the public interest” (*ibid.*, 1278 b).

All this essentially suggests the duty of monarchs, or of any other ruling authority, to govern in a *republican* manner (*republicanisch zu regieren*), even though due to expediency or constraints of times (but never permanently!), they may rule *autocratically* (*autokratisch herrschen*).²² It means that “they should treat the people in accordance with principles akin in spirit to the laws of freedom which a people of mature rational powers would prescribe for itself, even if the people is not literally asked for its consent” (KPW, 187). And since the people is not, as a rule, asked for advice or confirmation, Kant suggests a negative test whether people may judge something as being not decreed in good will by the legislative authority: “To test whether any particular measure can be agreed upon as a law for a people, we need only ask whether a people could well impose such a law upon itself” (WIE, 57). Later on he formulates it in the general principle of rightfulness: “Whatever a people cannot impose upon itself cannot be imposed upon it by the legislator either” (TP, 85)—for “if the law is such that a whole people could not *possibly* agree to it ... it is unjust” (TP, 79). On the other hand, if it is at least *possible* that a people could agree to it, it is the duty of subjects to consider this law as just—even in case, as Kant underlines, where “the people is at present in such a position or attitude of mind that it would probably refuse its consent if it were consulted” (TP, 79). This test is simply an operationalization of the idea of the *original contract* which describes the act of the general, united will of the people by which it constitutes a state for itself. More precisely, it is merely an *idea* of such an act, an idea of reason, “which nonetheless has undoubted practical reality” (TP, 79)—because it imposes on every legislator an obligation to frame his laws in such a way *as if* they were put forward by the *volonté générale* of a people. This idea of the original contract, Kant says, is the test of the rightfulness of every public law. As such, it is precisely the negative publicity test which we have discussed earlier.

²² Put differently: “A state may well *govern* itself in a republican way, even if its existing constitution provides for a despotic *ruling power*” (PP, 118).

With regard to this positive principle of publicity—the principle which demands from political authority to publicise their legislative intentions, and which imposes on subjects the duty to critically evaluate these proposals in view of their improvement—then considering its crucial character it is quite surprising that to the extent it gets mentioned in literature at all, is more often than not misunderstood. True, the elaboration Kant provides for this principle is rather brief but nevertheless, as it seems, quite explicit:

For if they can attain their end only through publicity, they must conform to the universal end of the public (happiness), and to be in accord with this (to make the public satisfied with its condition) is the proper task of politics. But if this end is to be attainable *only* through publicity, that is, by the removal of all distrust toward the maxims of politics, such maxims must also be in accord with the right of the public, since only in this is the union of the ends of all possible (PP, 130; translation modified).²³

This is often taken simply to imply a duty of benevolence on the part of a ruler toward his subjects. Since this is quite characteristic, I will consider two examples of this reading, *Kant's Theory of Justice* by Allen Rosen and *Kant's Political Philosophy* by Howard Williams. Rosen mentions this principle in the context of social welfare question (see Rosen 1993, esp. ch. 5)—in discussing whether Kant's "welfare legislation" can be argued to provide for more than its "minimalist" interpretation seems to allow. This minimalist interpretation regards Kant as supporting the "night watchman" conception of a state, permitting the considerations of welfare to intervene only on purely instrumental grounds,

²³ "Wenn aber dieser Zweck *nur* durch die Publicität, d.i. durch die Entfernung alles Misstrauens gegen die Maximen derselben, erreichbar sein soll, so müssen diese auch mit dem Recht des Publicums in Eintract stehen; denn in diesem allein ist die Vereinigung der Zwecke Aller möglich."

that is, only in order to ensure strength, stability and continuity of a commonwealth. Thus, the laws directed towards prosperity and happiness of the state and its population “cannot be regarded as the end for which a civil constitution was established, but only as a means of *securing the rightful state*, especially against enemies of the people” (*ibid.*, 80). As against this view, the positive principle of publicity is understood as the articulation of that criterion by which the duty of benevolence (which is an ethical duty) can correctly be generalised into the laws aiming at “public happiness”—all of which amounts in the end to saying that this requirement of publicity expresses Kant’s claim that governments have a non-instrumental duty to provide for the welfare of their subjects. Indeed, Rosen admits that as it stands (i.e. without much further elaboration by Kant), “this principle would be difficult to apply” and that, similarly to many of Kant’s moral precepts, “it errs on the side of abstractness” (*ibid.*, 182). Nevertheless, he maintains that the positive principle of publicity is designed by Kant “to serve as a test that rulers may use to determine which policies and laws best fulfil their obligations to promote public happiness” (*ibid.*, 184). Rosen draws partly on that “scarce and rather unclear explanation” which Kant does offer for his principle—namely, that if maxims can attain their end only through publicity, they must conform to the universal end of the public (happiness), and to make the public satisfied with its condition²⁴ is precisely what constitutes the proper task of politics.²⁵ He takes this to be the sufficient evidence to assume that state (as a moral person) acquires the general duty of benevolence towards its subjects (this duty being the modification of the general will’s duty for self-preservation what the latter confers to the former through the civil contract), and that this duty of benevolence is exactly what underlies Kant’s positive principle of publicity, a litmus-test for determining which policies and laws best provide for the well-being of subjects. Therefore, Rosen concludes, the

²⁴ And not so much “to promote public happiness”, as Rosen seems to imply (Rosen 1993, 192).

²⁵ “Denn wenn sie nur durch die Publicität ihren Zweck erreichen können, so müssen sie dem allgemeinen zweck des Publicums (der Glückseligkeit) gemäss sein, womit zusammen zu stimmen (es mit seinem Zustande zufrieden zu machen) die eigentliche Aufgabe der Politik ist.”

principle in question imposes on the head of state “a general duty to promote the happiness of citizens instead of a limited duty to see only to their most basic needs” (*ibid.*).

Williams, although in a more passing manner, makes the similar comment. He argues that what Kant is suggesting, is that the just policies should involve not only passive acceptance by the people but also have to be actively desired. Again, it is the public happiness what the ruler has a duty to promote: “The ruler has not only to show that the people acquiesce in his policies but also has to establish that they are policies for which they call” (Williams, 152). And again, in view of the problem whether this test can be taken as a true reflection of the citizens’ views, there exist a considerable obscurity as to how this principle should be applied in practice: “Kant does not suggest how we are to test whether the citizens actively agree with a policy” (*ibid.*, 159, n. 75).

IV

As a matter of fact, Kant does suggest how this principle can, and indeed, ought to be implemented. And to be sure, this has not much to do with the promotion of public welfare—as long as the latter is understood in the sense of promoting the happiness of subjects by way of improving their material well-being. Which is perfectly reasonable, since due to its heteronomous character, “no generally valid principle of legislation cannot be based on happiness” (TP, 80). It is by no means to deny the importance of public welfare altogether. But when Kant repeats that the doctrine *salus publica suprema civitatis lex est* (the public welfare is the supreme law of the state) fully retains its value and authority, he means actually that “the public welfare which demands *first* consideration lies precisely in that legal constitution which guarantees everyone his freedom within the law” (TP, 80). And when Kant reiterates this saying—*salus reipublicae suprema lex est* (the welfare of the republic is

the supreme law)—in the *Metaphysic of Morals*, he means to say that what constitutes the *welfare* of the state is precisely the union of these three powers in the state:

But this welfare must not be understood as synonymous with the *well-being* and *happiness* of the citizens, for it may well be possible to attain these in a more convenient way within a state of nature (as Rousseau declares), or even under a despotic regime. On the contrary, the welfare of the state should be seen as that condition in which the constitution most closely approximates to the principles of right; and reason, by a categorical imperative, obliges us to strive for its realisation (MM, 142-3).

Now, what this positive publicity, “the removal of all distrust toward the maxims of politics”, actually says or implies? Part of the answer is provided in the second part of Kant’s essay “Theory and Practice”, dedicated to the discussion of the relationship of theory to practice, and bearing the significant subtitle “Against Hobbes”. There he maintains that “the people too have inalienable rights against the head of state, even if these cannot be rights of coercion” (TP, 84). Hobbes had famously argued for the sovereign who stands outside the law, have no contractual obligations toward the subjects and, moreover, can act toward them as he pleases. Kant finds this proposition in general “quite terrifying”; not, however, because it is false but because of the attitude it expresses. “The non-resisting subject must be able to assume that his ruler has no *wish* to do him injustice” (TP, 84). Kant will recall later that “Frederick II at least *said* that he was merely the highest servant of the state” (PP, 101)—an attitude well in accord with the republican spirit; as he had praised him earlier: “Only one ruler in the world says: *Argue* as much as you like and about whatever you like, *but obey!*” (WIE, 55). Obedience should thus be predicated on the spirit of freedom, “for in all matters concerning universal human duties, each individual requires to be convinced by reason that

the coercion which prevails is lawful, otherwise he would be in contradiction with himself” (TP, 85). Similarly, when coming to discuss the positive principle of publicity toward the end of his *Perpetual Peace*, Kant again twice repeats the expression of “the right of men” (*das Recht der Menschen*), implying that the respect for this right constitutes the absolutely commanding *unconditional* duty for politics. It is true, as Kant says, that politics prefers “to deny that the theory of right has any reality and to reduce all duties to mere acts of goodwill” (PP, 130). Nevertheless, there is a firm conviction that to secure the right for subjects “is the highest principle from which all maxims relating to the commonwealth must begin, and which cannot be qualified by any other principle” (TP, 80).²⁶

I am not going to reiterate here Kant’s famous answer to the question of Enlightenment; his views on this topic are well-known and often repeated anyway. I would like to underline one issue, however, which concerns the division Kant makes between public and private uses of reason. In his abovementioned article, Ciaran Cronin rightly emphasizes Kant’s idiosyncratic understanding of the use of reason in exercising a civil or public office as “private”, that is, as being subject to the will of a higher authority: “A private sphere on this interpretation is one in which the will of a legislating authority must be obeyed without question” (Cronin 2003, 59).²⁷ In this respect, I would disagree with Onora O’Neill, who advances the argument that Kant “calls thinking and acting whose underlying patterns and principles cannot be made public ‘private uses of reason’, meaning that these are (at least to

²⁶ Thus, if we exclude all empirical considerations of public prosperity, if we leave aside the doctrine of happiness (*die Glückseligkeitslehre*) with its accompanying duty of benevolence—by no means irrelevant, but still only conditional duty which Kant also characterises as “the sweet feeling of beneficence” (*das süß Gefühl des Wohlthuns*), or philanthropy—we indeed arrive at the transcendental formula of publicity that is related exclusively to the form of universal lawfulness (*die Form der allgemeinen Gesetzmässigkeit*).

²⁷ More specifically, Cronin remarks on the incongruity of asserting that individuals in their capacity as *public* servants make a *private* use of their reason (Cronin 2003, 55). But is it really as incongruous as it seems?

some extent) deficient, incomplete uses of reason” (O’Neill 1997, 424). This point seems to be somewhat badly taken, for even granting that private use of reason might be called incomplete (as, indeed, everything short of the ideal is incomplete)—as a matter of fact, Kant himself designates this type of reason *passive*—, nevertheless, to argue that their underlying principles “cannot be made public” is not entirely correct. This is not only because, in fact, they often are, and for the simple reason that the head of state does not need to conceal his intentions: “For if he is aware that he possesses *irresistible* supreme power ... he does not have to worry that his own aims might be frustrated if his maxim becomes generally known” (PP, 127). But more importantly still, these guidelines for the private use of reason could well be in accordance with the principles of right, “since it is not in fact wholly impossible that they may contain truth” (WIE, 56). In any case, as Kant emphasizes, “the *private use* of reason may quite often be very narrowly restricted, however, without undue hindrance to the progress of enlightenment” (WIE, 55).

The point is not so much that private use relies at a certain point on mere authority rather than reason (which is indeed true); neither is it the case, as O’Neill seems to imply, that “such ‘private’ reasoning is suited, indeed adapted, only to a restricted audience, and so incompletely reasoned” (O’Neill 1997, 425). As a matter of fact, one of the examples Kant gives in his essay “What is Enlightenment?” is of a citizen who is obliged to pay taxes—“the citizen cannot refuse to pay the taxes imposed upon him; presumptuous criticisms of such taxes, where someone is called upon to pay them, may be punished as an outrage which could lead to general insubordination” (WIE, 56); and obviously this applies to the entire audience of citizens who constitute a given political community. The point is, rather, that the public and the private are simply two different modalities of thinking²⁸, and ultimately, of living

²⁸ To a certain extent it would be justified, I believe, to designate the private use of reason as *instrumental*—as securing the proper functioning of an already established state of affairs.

together in a civil society. Both of them are required for the successful functioning of the latter.

It was emphasized at the beginning of the present chapter that the general condition of universal lawfulness consists for Kant in combination of freedom with force. Indeed, in a rightful civil society, obedience is no less imperative. However, “obedience without the spirit of freedom is the effective cause of all secret societies” (TP, 85). To politically paraphrase Kant’s famous dictum from his theoretical philosophy: obedience without freedom is blind, freedom without obedience is empty. Therefore, *freedom of the pen*, as Kant characterizes it, does not by any means imply the right to publicize whatever somebody pleases or happens to think, even when one accepts the qualification that the right of public criticism should be restricted by “respect and devotion towards the existing constitution”. Hans Reiss, for example, regards this proviso as implicitly establishing the principle of the limits of tolerance, meaning rather obviously that “only those views ought to be tolerated which do not advocate the overthrow of the constitution established according to the principles of right” (see KPW, 32). He adds that, unfortunately, Kant does not lay down the exact limits beyond which it is not legitimate to criticise a constitution publicly. Leaving the question of tolerance aside for a moment, it is important to stress that the freedom of expression is first and foremost the matter of self-discipline; it is not so much to say (everything) what one thinks, as rather to think what one says.²⁹ This relates to the thing Kant characterises as a “lawless use

²⁹ As Kant had famously confessed in a letter to Moses Mendelssohn (in 1766): “It is indeed true that I think many things with the clearest conviction and to my great satisfaction which I never have the courage to say; but I never say anything which I do not think.” For Kant, there is even no duty to utter all truth publicly, and “if new laws command what is not contrary to my principles, I will conform to them immediately; that will happen even if they should merely forbid that my principles be made public” (in a letter to von Biester, 1794). Regarding his controversy with the official censorship, concerning the publication of *Religion within the Limits of Reason Alone*, Kant remarked in his notes: “Recantation and denial of one’s inner convictions is base, but silence in a case like the present is a subject’s duty”.

of reason”, the matter most clearly discussed in his essay “What is Orientation in Thinking?” Kant’s views of what it means to think in public are therefore a crucial next step in understanding his conception of public justice within the framework of public authority. This inquiry, however, is not possible to undertake here, and should be left for another occasion.

V

My primary aim has been to establish the concept of publicity as the central structuring principle of Kantian political thought, rather than to deal with another crucial issue, deriving from the latter, of how this publicity is to be employed and implemented (in order to produce effective consequences, and not to remain just an empty formality which merely pays a lip-service to the demands of justice). Therefore, I will end by reviewing some alternative arguments dealing specifically with the question of publicity (and public use of reason) in Kant. I have singled out two scholars for special consideration, Onora O’Neill and John Christian Laursen.³⁰ As the title of Laursen’s essay suggests, “The Subversive Kant: the Vocabulary of ‘Public’ and ‘Publicity’”, he is explicitly concerned with these two important notions,

³⁰ John Rawls recognises probably the most clearly the implications that Kantian notion of publicity could have for considerations of justice. In his *Theory of Justice*, publicity is listed among the formal conditions of a conception of right (see § 23): “The point of the publicity condition is to have the parties evaluate conceptions of justice as publicly acknowledged and fully effective moral constitutions of social life” (Rawls 1973, 133). Rawls, similarly, expresses the Kantian hope that the persistence of the rightful condition by itself generates and reinforces the moral behaviour of the individuals involved: “When the basic structure of society is publicly known to satisfy its principles for an extended period of time, those subject to these arrangements tend to develop a desire to act in accordance with these principles and to do their part in institutions which exemplify them” (*ibid.*, 177). However, Rawls himself describes Kant as holding a “comprehensive moral doctrine” which is ultimately incompatible with the modern liberal pluralism (cf. Rawls’s *Justice as Fairness: A Restatement*).

attempting to map down the range of meanings of this “complex of terms associated with ‘public’ political life” (Laursen 1986, 586). This vocabulary, it is claimed, is an important part of Kant’s political rhetoric, acting as a weapon for essentially subversive purposes. Not only that his usage of the term ‘public’ amounts to a clear rejection of its association with prince and princely government (an association particularly commonly made by lawyers of that time); Kant can also be seen as upholding (and contributing to) the wider meaning of ‘public’ which in general usage denoted *eigentlich eine an einem öffentlichen Ort versammelte Menge Menschen*—basically, a multitude of people gathered at some public location.

Laursen makes an interesting survey into the background linguistic context of that time. He emphasises (quite rightly) the importance of freedom of the press as a manifestation of the emerging public sphere—where public [*das Publicum*], however, was largely relegated to the receptive side as “the general reading public”. But when he argues, correctly, that “Kant staked a great deal on the power of a free press to bring about enlightenment”, he passes without noticing another, and I would argue, much more crucial aspect in Kant’s notion of enlightenment—namely, his appeal to *Selbstdenken*, to thinking for oneself (with its accompanying difficulties and duties). In discussing another term which is closely associated with ‘public’—that is, publicity [*Publicität*]—, Laursen claims that what it generally meant was the “process of communication with the literate public”, and being a function of freedom of the press, it took the form of the medium of political journalism (*ibid.*, 594). Kant, again, went further than that, supplying this conception with a “philosophical dimension”. Laursen argues very truly that by using the notion of ‘publicity’, Kant actually intends to signify that “virtually by definition any purposes or actions which can be carried out only with full disclosure and public support are going to be legitimate” (*ibid.*, 596). Unfortunately, Laursen leaves this statement as it stands, and does not elaborate on its implications for politics—which is precisely what I have tried to emphasise here. Instead, he goes on to examine the well-known cases (like the right to rebellion) which the principle of publicity effectively rules out if

applied.³¹ All this is insufficient to explain how exactly this principle is meant to fulfil its task. What is argued, instead, is that ‘publicity’ is explicitly tied in with Kant’s theory of the special role of philosophers so that once philosophers are granted freedom of the press, political freedom will follow almost automatically (*ibid.*, 599).

Another contribution by Laursen, “Scepticism and Intellectual Freedom: The Philosophical Foundations of Kant’s Politics of Publicity”, reiterates the same expressions ‘public use of reason’ and ‘publicity’, uniting them together under the general form of intellectual freedom. This time, however, he tries to provide them with some philosophical backing, taking his route by arguing that “the driving philosophical force behind Kant’s interest in publicity ... was the sceptical tradition” (Laursen 1989, 440). Acknowledging the textual evidence for the justified claim that Kant’s politics of publicity is rooted indirectly (via his theory of right) in his ethical theory, Laursen still maintains (in contrast to my argument above) that to limit oneself to this claim means not to add much to its understanding. By situating Kant in the tradition of scepticism, or even more, seeing him as “justifying a new, limited, but revitalised form of scepticism” (*ibid.*, 448), Laursen argues that all this enabled Kant to expand on the importance of publicity. He goes even further: “Without scepticism and censorship, it seems unlikely that he would have given publicity such a major role in his politics” (*ibid.*, 454). Thus, Kantian political theory cannot be regarded as uniquely derived from his concepts of autonomy and categorical imperative, and Laursen’s interpretation is indeed meant to cut “against the prevailing notion that the sublime politics of the categorical imperative are the only truly Kantian politics” (*ibid.*, 455).

This latter, however, is precisely the idea behind O’Neill’s general argument in her less historical and more philosophical treatment of Kantian critical enterprise in the collection of

³¹ There seems to be a slight confusion here that needs to be corrected. The definition Laursen provides with respect to publicity is essentially a positive one (see above), the example he offers (of rebellion), however, is ruled out already by the principle in its negative formulation—as a device to detect what is not right (in relation to others).

essays, *Constructions of Reason*. For her, categorical imperative as the supreme principle of practical reason “must be central not just to his ethics but to his whole philosophy” (O’Neill 1989, ix). Thus, O’Neill indeed employs the term ‘publicity’, yet she does that not in reference to an essential feature of the rightful human condition but in an entirely different sense of a *means* of communication (see esp. ch. 2, “The Public Use of Reason”). The term, consequently, denotes “the material and social requirements for exercising intellectual freedom under various historical conditions” (*ibid.*, 33). Hence she can indeed argue that “for Kant publicizability is more fundamental than publicity” (*ibid.*, 34), where ‘publicizability’ is equated with “being interpretable by others” (which implies certain standards as rationality, unrestricted audience, etc.). But as I have tried to show, publicity in Kant is meant to imply much more than merely a formal network of communication (press, periodicals, educated audience, general literacy, etc.), or even a public forum for individual self-expression. Publicity, according to this latter reading of Kant, is the sole principle of justice: the latter can only be conceived as being *publicly known*. Therefore, publicity constitutes the essence of political morality.³² Moreover, once the categorical imperative itself (“act in such a way that the maxim of your action can become universal law”) is to be understood politically—that is, from the civil-political or legislative point of view—it should be given the following reformulation: “In order to ascertain whether your maxim can become a universal law, make it public.”³³ This is the necessary and, indeed, the sufficient condition for moral-political progress in human affairs.

³² The end of political morality is to ensure the *moral* legality of human interactions; of course, one cannot legislate morality, but what one can do, and indeed, should do, is to legislate morally (again, one might detect here the difference that operates between the *letter*, and the *spirit* of laws).

³³ A head of state “realises that there is no danger even to his *legislation* if he allows his subjects to make *public* use of their own reason and to put before the public their thoughts on better ways of drawing up laws, even if this entails forthright criticism of the current legislation” (WIE, 59).

This is so because, to repeat, Kant's goal is not so much to design some normatively binding universal (and pure) theory of justice, without paying any regard to actual political context (compare the early attempt by Rawls), but to establish the conditions under which political obligation is justifiable—conditions, that is, under which an (already) existing political authority can rightfully (and without threatening its own dissolution) demand unconditional obedience from its citizens. Freedom as the highest political good retains its dignity and value undiminished, but the emphasis is put on the possibility of reconciling, and guaranteeing, freedom of each individual within the political space of their living-together—the condition they “cannot *bear* yet cannot *bear to leave*”. Thus, the only condition for political obedience, is freedom of thought, and *vice versa*, this freedom can develop and expand to its full extent only “within this hard shell” of this constitutional authority.

VI

I have here attempted to relate Kant's early journal writings on the use of freedom (WIE, WOT) to his late doctrine of right (via his directly political essays, especially TP and PP), inscribing their appeal to the public use of reason within the very idea of right itself. Appeal to the public use of reason is an attempt at rationalizing political authority through the practice of a certain way of thinking, which is the matter of a personal attitude. It is not an exercise of critique carried on from some privileged (or disengaged) point of view; this is a genuine education in citizenship. What might be the implications of the present reconsideration of Kant's fundamental political ideas?

Firstly, it shows the crucial role Kant's two principles of publicity play within the general structure of political relationships subjected to the norms of civil society. More importantly, however, it tries to establish the concept of publicity as the central notion of

Kant's political thought—as the concept which not only gives coherence to his doctrine of right (by way of harmonizing politics with morality) but is inscribed into the very form of republican (civil) constitution as the only possible safeguard of citizens' rights *vis-à-vis* the legitimate authority of state power. It is true that Kant does not make a case for a civil disobedience (passive resistance), but he does make civil obedience dependent on the spirit of freedom—alike for both parties, of the ruler as well as of his “most faithful subjects”. This is perhaps the furthest he could go, given the narrow path of his historical situation.

Secondly, it might give us a reason to reconsider the prevailing view of Kant as a classical exponent of liberal thought whose basic concern in political matters was to defend the freedom of private individuals, and to confine the state to the task of securing the lawful framework which would enable citizens to pursue their happiness in whatever way they choose—something along the lines of a widespread conception of the liberal public sphere of private people. The public use of reason appears here as a domain of individual freedom; and by (presenting Kant as) defining the scope of this freedom in a purely negative way, it indeed takes on the appearance of an individual right, and issues finally in a controversial claim: “What is at stake in the political domain is the freedom to pursue one's ends without undue interference from others” (Cronin 2003, 69). Recalling, as against this mainstream conception, the complex notion of publicity in Kant, will perhaps make us more attentive to the emphasis Kant himself places on the “spirit of republicanism” that should prevail in any rightful political community, and will (perhaps) situate his appeal to *Selbstdenken* in the vicinity of the republican ideal of political liberty—the ideal which once carried, according to Quentin Skinner, a warning “that unless we place our duties before our rights, we must expect to find our rights themselves undermined” (Skinner 1991, 205). This time, perhaps, it will not be a question of defending the priority of duties over rights (or *vice versa*, for that matter), but rather of recognizing that our rights *are* our duties, and that the conditions of constitutive freedom are something that need to be continuously regenerated.

II Carl Schmitt: The Concept of an *Öffentlichkeit*

The following exposition of Carl Schmitt's political thought is an attempt to emphasise the importance of the public realm in his conception, that is, to reconstruct the so-called "political space" beyond his concept of the political. The subsequent aim would be to discuss the implications and insights which this particular view might offer with respect to the general idea of politics considered as a space, and for the understanding of political experience as such. I would like to argue that certain writings and remarks by Schmitt indicate the possibility for a productive reworking of his central claims concerning the nature and the scope of the political, which in the end allows us to retain some profound observations that Schmitt has undoubtedly contributed towards our understanding of political phenomena without, at the same time, having to defend his notorious thesis about the decisive (and divisive) role played by the figures of the friend and the enemy in politics.

With respect to Schmitt's work, it is possible to discern the three quite different and separate phases of development, marked by rather drastic political contexts in which Schmitt's intellectual efforts took place and tried to cope with. These phases could roughly be designated in the following way: firstly, the Weimar period (starting from Schmitt's early writings and culminating in the publication of *The Concept of the Political* in 1932); secondly, the era of the Third Reich (that is, Schmitt's abrupt conversion to the national socialism in 1933³⁴); and thirdly, the post-war period of partly imposed, partly self-imposed

³⁴ Recall Schmitt's notorious article "Führer stützt das Recht", and symbolically at least as significant thematical shift in the 1933 edition of *The Concept of the Political*—which omits the famous opening sentence, "The concept of the state presupposes the concept of the political", and proclaims directly its main thesis: "The genuinely *political* distinction is the distinction between the *friend* and the *enemy*."

inner emigration. For the reasons mostly associated with my central concern, but also due to the limitations of space, I need to refrain from the systematic discussion of Schmitt's writings dating from his late period, most notably his extensive treatise *Nomos of the Earth* (1950), but also those collected under the title *Staat, Grossraum, Nomos* (1995). This does not mean, however, that these texts are unimportant or even less, irrelevant, with respect to the recurrent motive of the present thesis, which is the spatiality of the political. Quite the contrary: as Schmitt's employment of the Greek word *nomos* makes clear, he becomes essentially preoccupied with the issues concerning the fundamental (elemental) connection between the land and the law, or between the earth and the right—all this seem to imply a particular understanding of political space as a mystical ordering and arrangement of a certain space (*nomos* being a concrete unity of order and space). Keeping this in mind, Schmitt's later texts deserve their own specific and careful study, which was not possible to undertake in the present thesis. Nevertheless, I am aware of their importance; and indeed, I will make occasional use of them as I proceed.

It should be emphasised that Carl Schmitt was first and foremost a legal thinker, the celebrated theorist of constitutional and international law—despite all his political-theoretical achievements and insights. One need only to refer to the titles of some of his most well known works, in order for this fact to become apparent; among these are *The Constitutional Theory* (1928), *The Defender of the Constitution* (1931), *Legality and Legitimacy* (1932), as well as *Völkerrechtliche Grossraumordnung* (1941) and *Der Nomos der Erde* (1950). Not to mention all those numerous articles, essays, lectures and speeches that are gathered together in *Positionen und Begriffe* (1940).³⁵ Therefore, the fact that Schmitt's political thought is

³⁵ Together with its subtitle, *In Struggle with Weimar – Geneva – Versailles, 1923-1939*, this is a highly characteristic and symbolic articulation of Schmitt's endeavour: Weimar refers here to the constitutional problematics of a conflict-ridden, liberal political entity; Geneva stands for the dubious and ultimately failed attempt to create an international political unity; and Versailles recalls the question of a legal intervention vis-à-vis the right to the independent political existence. All this

ultimately informed by jurisprudential considerations should come as no surprise. Indeed, in the preface to the *Positionen und Begriffe*, Schmitt himself discloses what can be seen as the general underlying purpose of his writings: “They outline the field of interrogation and serve to clarify, in the welter of clichés, the right question. It is truly a commonplace that every answer depends on how the question is formulated, and yet one practically overlooks this vis-à-vis many important questions of the constitutional and international law” (PB, 7). The emphasis on the importance of the “rightfulness” of the question is thus fully justified. However, keeping in mind the controversy surrounding Schmitt’s teachings, one should carefully consider the possibility of a subtle reversal of this question-and-answer relationship in Schmitt, and inquire whether the questions he actually asks (in the name of the scientific truth) do not themselves depend on the answers he is in fact prepared to acknowledge. His continuous orientation toward the particular nature of every concrete situation at the expense of universality renders this consideration ever more pertinent.

On the other hand, it is also important to observe that for Schmitt, these two basic jurisprudential disciplines—constitutional theory and international law—are, in the last instance, inextricably linked. They are in an ultimate sense complementary, for their nature can only be grasped from the basis of the political condition. This fundamental political condition, bearing certain similarities with the Hobbesian *status naturalis* between human individuals, is the state of nature between people. Unlike in Hobbes, however, this state of nature cannot be politically neutralised, since its neutralisation would signify the end of the political as such, but instead, will continue to provide the ultimate referential frame for human existence as long as the political itself is still present. This frame is also what informs Schmitt’s own political thought and serves as the basis for his reflections on the nature and

comes down to clarifying conceptual contents, and assuming (as well as defending) positions in polemical confrontations around the hegemonic appropriations.

meaning of political and juridical concepts. And as his own self-understanding makes clear³⁶, Schmitt tries to go beyond the jurisprudence as a normative discipline in the attempt to furnish it with some theological-metaphysical idea of transcendence—for instance, in the form of a political idea.

In what follows I will try to discuss Schmitt's concept of the political, and to show how the basic structure of the political, based on the antithesis between friend and enemy, could be grasped as having inherently the quality of an *Öffentlichkeit*. Thereupon I will concentrate on the phenomenological analysis of this space of publicity, and will explicate the status and function of the central political subject within this realm which Schmitt generally designates as a people (*Volk*). Finally, I will end up by emphasising the importance of Schmitt's fundamental insight into the political, and by stressing the need to open up and complement his analysis by engaging it in a productive manner with Hannah Arendt's exercises in the political thoughts.

1. *Raum* and Human Being

Carl Schmitt is undoubtedly one of the most eminent political thinkers in whose writings the notion of space, together with its associated concepts, ideas, images and elements, has a special and crucial significance. A passage from his *Land and Sea*, originally the story Schmitt told to his daughter, would suffice to establish this relationship as a way of introduction to the topic:

³⁶ Recall his claim that "I am a theologian of the jurisprudence"; as a matter of fact, Schmitt himself considers this position between theologians and jurists as a "wholly unhappy imperfection" (G, 23).

Every basic order is a spatial order. To talk of the constitution of a country or a continent is to talk of its fundamental order, of its *nomos*. The true, the authentic, rests essentially upon distinct, spatial delimitations. It presupposes clear dimensions, a precise division of the planet. The beginning of every great era coincides with an extensive territorial appropriation. Every important change in the image of Earth is inseparable from a political transformation, and so, from a new repartition of the planet, a new territorial appropriation (Schmitt 1997, 37-8).

In a short essay on the phonetical peculiarities of the German word *Raum*, entitled rather significantly *Raum und Rom—Zur Phonetik des Wortes Raum* (1951), Schmitt seems to articulate what appears to be the fundamental relation that inscribes space into the general frame of human condition as the ultimate purpose of all human endeavours. Apart from suggesting—and Schmitt expresses his firm belief in this connection, namely, that *Raum* and *Rom* is the same word—he also makes an allusion to this mystical “numinous power of the German primal word”. Referring to the theological conception about the corporal presence of incarnated God in the figure of Christ, Schmitt announces the idea that by virtue of becoming a man, a physical being of flesh and blood, God was no more or less than “taking and giving space”. This sense is still vigorously present in Martin Luther’s *Abendmahlschrift* that embraces and articulates the entire mystery of God’s real presence (*Realpräsenz*) in the shape of bread and wine at the Holy Communion. Indeed, at this very moment of incarnation, the whole condition of earthly human life seems to find its ultimate and symbolic consummation: “*He took and gave space*. Ultimately, this is all one can say of someone’s earthly life and their deeds” (SGN, 491). This is significant observation, and the aim of the present thesis is precisely to suggest the following argument: to realise this fundamental human predicament—symbolically expressed through this utterance, *Raum nehmen und geben*—is to understand the radical condition of human life, the overall configuration (*Gesamtzustand*) of human beings

living together. This radical, basic condition of human existence is nothing else than precisely *the political*. Indeed, since the fact of incarnation—the fact of God becoming a human being (and that means, making or creating oneself a space on the Earth, among and beside other human beings)—represents a fundamental theological idea, and thus belongs to a certain religious understanding of the world; therefore, any consistent “political theology” cannot possibly withhold its political implications. Namely, to exist politically (i.e., to be political) implies, essentially, to have a space of one’s own. In other words, the worldly phenomenon of being-political reveals and manifests itself through the creation or constitution of its own *political space*.³⁷ In this preliminary formulation, however, this is just the beginning of the problem. The problem itself concerns the idea of political form.

It is tempting to disregard the theological element in Schmitt’s teaching, or misrepresent it as a confusing supplement to his juridical thinking, but to do so would be a mistake. It is not only because of Schmitt’s “political theology”, the term he coined in order to suggest the idea about the structural identity of the concepts within the theological and juridical knowledge and argumentation. As his own self-proclaimed status as a political theologian already makes clear, Schmitt tries to go beyond the jurisprudence as a normative (formalistic) discipline, and establish certain substantial link between the theological-metaphysical understanding of the world, and the specific political form (arrangement, order) that certain epoch considers as normal, typical, or indeed self-evident. But already in his rather early treatise, *Roman Catholicism and Political Form* (1923), Schmitt goes much further than merely suggesting a similarity or affinity between the Church and specific forms of political unity such as, for example, monarchy or democracy. In Schmitt’s words—and this is also what makes his consideration an important issue for our inquiry—, his treatise “defends the unique political form of the Roman Church as a world-historically visible

³⁷ “God is space”, argues Schmitt, and therefore, “God is dead means: the space is dead, the corporeality is dead” (G, 187). *Raum* appears here as a genuinely political space—*der Raum ist das*

representation of Christ's becoming man in the historical reality, which manifests its publicity [*Öffentlichkeit*] in three forms" (RC, 23, n. 4). Besides making itself manifest and visible in the aesthetic form of art, and in the juridical form of (canonical) law, Schmitt argues, the institution of the Roman Church assumes and represents in and by itself (*an sich und von selbst*) the glorious (*ruhm- und glanzvolle*) world-historical form of power (RC, 21).

Before proceeding further, we should note yet another important aspect that Schmitt points out with respect to the above-mentioned corporal presence of divinity on the Earth. It occurs in one of his very early essays from 1917, *The Visibility of the Church: A Scholastic Consideration*, where Schmitt considers, from a different perspective, the significance of the fact that God has become man in historical reality—that Christ was born in the world as a human being. The event of incarnation, he argues there, makes visible and symbolically meaningful the tenet that man is not alone in the world. It is not only for the fact that God stands by and supports human beings, thus preventing the world “falling over” them; rather, “man is not alone in the world also in the original sense, that is, he is in the company of other men. Thus he remains in his relation to God in the community and its mediation” (RC, 51). To be in the world means to be with others (implication: only with others and through community can one have a relation to some kind of higher existence, be it God or idea); to be with others means to be sharing (*teilen*), partaking (*teilnehmen*) in the world—it constitutes a sort of communion or togetherness. It thus implies the existence of a certain *relation* (which is also a narration, a story, maybe even a fiction), of a certain *mediation*, which also signifies that one can have relation to oneself only through the others: the person's “relation *ad se ipsum* is not possible without a relation *ad alterum*” (RC, 51). Indeed, what is considered and perceived as human personality—what makes the uniqueness of a human being—can exist only in the realm of mediation between God and the mundane world (we could also add,

eigentlich Politische.

between transcendency and immediacy of existence).³⁸ Thus, what emerges here is the complementary side of fundamentally the same phenomenon: *Raum* is likewise a relational field (*Beziehungsfeld*), a medium or mediation (also: settlement, regulation, etc); it is something that is situated, posited, located somewhere *in-between* human beings living-together. (Both these relationships, to God and to oneself, as long as they are of human kind, are therefore made possible only through the mediation of an *Öffentlichkeit*.)

Being-in-the-world is essentially (and constitutively) a spatial phenomenon: it literally “takes place”, that is—it appears, becomes visible, acquires tangible presence; and it also situates itself, “makes itself a home” (inhabits, occupies, colonises, settles down, etc). To be (in the world) means to have a spatial presence; “make a space for yourself”, the visitors are kindly told by their hosts; “the new life steps into the world”, as one says about the newborns, etc. Moreover, “the essence of being is spatial being, location, space and power; it is not a temporal succession—it is presence, that is, space” (G, 187).³⁹ But let us return (indeed, literally) to Schmitt’s theologico-political reflection (speculation), and let us consider the

³⁸ How this man’s position “in-between” (not only as in-between other human beings but also as in-between, so to say, God and the beast; recall Schmitt’s saying *homo homini homo*) relates to the theological-political problem, is explained by Schmitt by reference to the “great Thomas-Hobbes-question”, *Quis iudicabit? Quis interpretabitur?* The following passage is taken from *Politische Theologie II*: “Who decides *in concreto* for a man acting in its natural independence the question as to what is spiritual and what is secular, as well as how the matter stands with that *res mixtae* which in the interim between the First and the Second Coming of the Lord constitute the entire earthly existence of this sacred-secular, spiritual-temporal double-creature called *man*?” (PT II, 84).

³⁹ As Schmitt argues, the German word *Raum* still carries in itself this originary reference to a clearing (*Lichtung*, *Räumung*) that indicates the site of human habitat; “*Raum* is ... an originary expression that names the realm of human existence, obtained through the cultivation of wilderness” (SGN, 491). Thus, *ausräumen* means to clear out, to open up a space: “The outstubbled clearing in a primal forest, inhabited and moulded by men ... is called *Raum*” (SGN, 493). The surrounding wilderness (primeval forest, *Urwald*) corresponds here to a boundless (unpredictable, incalculable) and formless matter or element, comparable to an immense ocean that washes round the earth inhabited by human beings.

following passage from *Politische Theologie II* (1970) where Schmitt says with respect to the Roman Church:

The Christ's Church is admittedly not *from* this world and its history, yet it is *in* this world. That means: it takes and gives space, and space implies here: impermeability, visibility, and publicity [*Öffentlichkeit*] (PT II, 41).

We already observed this distinctive feature of impermeability or materiality—that is, body (*Körperschaft*) and resistancy (*Widerstand*)—that the idea of incarnation, the notion of a corporal (human) presence characteristically implies. In relation to the worldly, transitory, and historical sphere of human existence, this *Raum*—i.e., corporality (also *Gemeinschaftlichkeit*, community), spatial presence—belongs to a being or an entity that is essentially transcendent and whose spatial presence, therefore, is in its essence a representation (making present and preserving something that is absent). Its presence, manifestation, visibility (*Sichtbarkeit*) is therefore a worldly phenomenon, but as an abstract idea it is itself absent, otherworldly (it is invisible, since the body is lacking—for an idea to become visible, it needs to be embodied, incarnated, materialised. Otherwise it would not be real, concrete; it would be idealistic, illusory and indeed, spectral—*gespenstisch*). As Schmitt argues:

The visibility of the Church is based on something invisible. The concept of the visible Church is itself something invisible. Like all reality, it loses its actuality in relation to God because God is the only true reality. ... Thus the Church can be *in* but not *of* this world (RC, 51-52).

Our exemplary reference to religious community is not accidental. It reveals for us an important (constitutive) relationship in Schmitt's theory between the notion of *Raum*, and the concept of an *Öffentlichkeit*, that is, between political space on the one hand, and publicity or public life on the other. The political meaning of these prior observations becomes more apparent, once Schmitt recalls the biblical passage where one people say to the other: "Der Raum ist mir zu eng; rücke hin, dass ich bei dir wohnen möge" (SGN, 491).⁴⁰ This claim seems to usher in, metaphorically at least, the radical challenge that reaches out to the root of the fundamental political condition. Its articulation may sound archaic, but its resonance is by no means anachronistic; it alludes to pressing problems of self-determination (autonomy, independence, sovereignty), of recognition (inclusion-exclusion), of legitimacy (right-wrong), and so on; as well as to various problems surrounding the growth of the world population and the scarcity of resources. More importantly, however, it alludes above and beyond everything else to the real possibility of violent conflict, struggle, and war. How one is supposed to confront this natural and simple, indeed, elemental and elementary claim—the claim, moreover, that makes reference to some sort of right—for a space of one's own, in order to exist in one's own right? Needless to emphasise, this challenge corresponds by no means to the typical or normal course of events; indeed, it can only be considered as an ultimate possibility, an *ultima ratio*. What is likewise clear, however, is its utmost actuality: this possibility itself cannot be excluded, it cannot be eradicated, uprooted—its negation does not annihilate it; at best it can only be neutralised, deferred or arrested, that is, limited and kept within certain boundaries (it needs to be given some space in any event, if only in some form of confinement, prison, or isolation).

This situation lays bare the ultimate, fundamental, radical condition of political existence—the original, natural condition between people (*Naturzustand zwischen den*

⁴⁰ Schmitt probably alludes to the following passage in the Bible: "The place is too narrow for me; make room for me to dwell in" (Isa. 49: 20).

Völkern) that will continue to provide the ultimate reference point for the entirety of human existence (*Dasein*) as long as the political itself is still there (*da*). Such is the situation, as Schmitt understands it, the point of departure for any serious confrontation with the concept of the political:

Here, any nation gets mercilessly destroyed, who fails to stay at par with its concrete situation and even for one moment lets itself be talked into forgetting its most natural, obvious and primary right—namely, the right to a free, independent, unitary and undivided existence (PB, 123).⁴¹

The subsequent discussion of Carl Schmitt's political thought attempts to put forward the following argument. Namely, it argues that the concept of the political, as advanced by Schmitt in his writings, ultimately and essentially presupposes the existence (presence) of something that could, at least provisionally, be rendered in English as a *public sphere* or *publicity*. In other words, the basic conceptual structure of the political can be shown as inherently having the quality of an *Öffentlichkeit*. This is significant to the extent that it will not appear as entirely improper to paraphrase Schmitt's famous dictum (concerning the relationship between the concepts of the state and the political) into the following formula: *Der Begriff des Politischen setzt den Begriff der Öffentlichkeit voraus* (the concept of the political presupposes the concept of the publicity). Indeed, despite the rather scattered and vague references, there is enough evidence in Schmitt's texts to enable us to circumnavigate past Scylla and Charybdis of his friend-enemy antithesis, and to uncover beyond it (and maybe even beyond Schmitt himself) the all-important insight into the (radical) nature of the

⁴¹ This is the closing sentence of Schmitt's article "Völkerrechtliche Probleme im Rheingebiet" (1928); by voicing both a lament and an evocation, it recalls Machiavelli's attitude toward his own fatherland and its political predicament in *Il Principe*.

political—namely, that *Öffentlichkeit* is somehow constitutive of the latter, that it truly constitutes the horizon and space for the emergence of political phenomena.

On this basis it becomes possible to imagine and visualise a certain understanding of the political space. We need to argue the connection between *Raum* and *Öffentlichkeit* on the one hand, and between *Öffentlichkeit* and the political on the other. The presence of an *Öffentlichkeit* is what creates the historico-existential condition for the constitution of a specific *Raum*. And *Raum* is a status-concept (standing, position, but also state); indeed, it is a status par excellence—*Status schlechthin*. Therefore, we need to begin our inquiry by considering the present standing (condition) of the long-dominating concept within the field of the political—namely, the concept of the modern state.

2. Public Enemy and the Sphere of the Political

“Der Begriff des Staates setzt den Begriff des Politischen voraus” (BP, 20)—“The concept of the state presupposes the concept of the political”. So runs the opening sentence from the 1932 edition of Schmitt’s most famous, if also infamous, investigation into the nature, scope, and meaning of political phenomena, *Der Begriff des Politischen*. Written virtually during the final years of the Weimar Republic, it could be seen as representing the last conscious, yet already resigned, attempt on Schmitt’s part to rescue the German state from its imminent disintegration. But at the same time it also reflects the more general concern with specific, long-term “structural” transformations within the (conceptual) field of the political—the developments that have become manifested in the characteristic (and inherently interrelated) double movement: the rise of the modern mass-democracy, and the decline of the classical European sovereign state.

Schmitt acknowledges the “end-of-the-state” thesis only gradually and perhaps somewhat reluctantly. In his 1927 article, this idea is expressed only indirectly, by reference to the French syndicalists from whose quarters “some have somewhat hastily proclaimed the death and the end of the state” (CP, 39). Yet the idea gains quickly currency with the rise and consolidation of the Third Reich, and in Schmitt’s 1963 *Preface*, it already sounds like a common wisdom: “The epoch of the statehood approaches its end. There is no need to spend any words on it anymore” (BP, 10). The classical profile of the state has collapsed (or rather, as Marx once predicted, though for different reasons, “the state has withered away”) because it has forfeited its claim to the exclusive monopoly of power. Consequently, power has become an “empty place”; the political struggles that are conducted around it are currently dominated by variety of different forces and subject-groups.⁴² Moreover (on the conceptual level), together with this classical notion of the state, the whole set of the hitherto effective jurisprudential concepts such as state and sovereignty, constitution and law, legality and legitimacy—in sum, all these classical concepts of *jus publicum Europaeum*—have become obsolete and have ceased to reflect the newly emerging political reality in any adequate way. However, one needs to become aware of this remarkable (revolutionary) fervour with which the newly emerging subjects of the political take up or continue to employ (rhetorically, strategically, instrumentally—that is, for their own specific aims and purposes) these antiquated “classical” concepts.⁴³ This phenomenon should, if anything, only remind us, and thereby confirm, Schmitt’s earlier observation that “all political concepts, images, and terms

⁴² Thus Schmitt in the 1971 *Preface* to the Italian edition of his book, *Le categorie del politico*: “The classical profile of the state broke into pieces as its political monopoly vanished. New, differently constituted subjects of political struggle asserted themselves in spite of the state and without being conditioned by it” (CO, 271).

⁴³ The portrayal of these politico-juridical concepts as ‘classical’ involves, however, a certain ironic twist; “with such concepts”, says Schmitt, evoking Nietzsche’s statement from his own discipline, “the things are different, namely classical” (BP, 10).

have a *polemical* meaning. They are focused on a specific conflict and are bound to a concrete situation” (CP, 30).⁴⁴

Such is indeed the concrete situation—the end of a great political epoch—that presents itself as *Herausforderung*, as the challenge and provocation of an interim period (with no proper conceptual framework to rely on—and one needs to clearly understand what is happening, what is going on). The process three hundred years old has “reached its end”; as Leo Strauss indicates in his “Notes on Carl Schmitt” (1932), what has reached its end is “the age of neutralizations and depoliticizations”, that is, the fact that liberalism, essentially characterised by the *negation* of the political, has failed (see Strauss 1996). Schmitt, to be sure, goes further than that; he traces the development, the fate of the state-sovereignty from the absolute state of the eighteenth century via the neutral state of the nineteenth century to the total state of the twentieth century (CP, 22-3). It is not the crisis of liberalism, of the liberal state (neutral, non-interventionist state of the nineteenth century), its negation of the political, that brings the whole process of this evolution to its ultimate end. The equation between state and politics (or rather, *Staatlich* = *Politisch*) is understandable, plausible, even justifiable “as long as the state possesses the monopoly on politics” (CP, 22). But this equation becomes erroneous and deceptive precisely at the moment when state and society begin to penetrate each other, that is, when the historical development toward the *democratic* identity of state and society sets in: “In such a state, therefore, everything is at least potentially political, and in referring to the state it is no longer possible to assert for it a specifically political characteristic” (CP, 22). This is the moment of the total state (that is, the polemical negation of the neutral state) “which potentially embraces every domain” (the

⁴⁴ Thus, on the one hand, *The Concept of the Political* “responds to the challenge of the interim period ... namely the confused interim between the classical and the revolutionary juridical concepts” (BP, 13-15). On the other hand (1963 *Preface*), however: “The contradiction between the official usage of classical concepts, and the effective reality of world-revolutionary aims and methods has only become ever more intense” (BP, 17).

affairs of the state thereby become social matters, and vice versa—this is what should necessarily occur in the democratically organised unit). Because, as Schmitt already indicates in 1926, the crisis of the modern state is essentially based on the situation, actually a paradox, “that a mass and mankind democracy makes it impossible to realize any state form, and also any democratic state” (P, 22). The question of democracy—still more precisely, the rise of modern mass-democracy—should constitute the ultimate starting point for every critical and radical political reflection, at least for Schmitt, since indeed, “everything depends upon the concrete situation”. Thus, even the critical diagnosis of liberal parliamentarianism receives its explanation (at least partially and symptomatically) from the above-mentioned democratic predicament: “The situation with parliamentarianism is so critical today because the development of modern mass democracy has turned the argumentative public discussion into an empty formality” (P, 10).

One need not to emphasise here, for Schmitt himself openly acknowledges the polemical and provocative intent of his own verdict. Not only does it imply the need to re-examine the conceptual relationship between ‘the state’ and ‘the political’⁴⁵; moreover, it provides the context and indeed the opportunity—it is a challenge—for the radical re-thinking of the political in its own generic terms, together with the prospect of fashioning a totally new outlook for the entire conceptual field that is meant to shed light, and come to terms with, political phenomena. For that purpose, one needs to go beyond the state; one needs to recognise clearly the radical core, the very possibility of any political being—not so much the nature of man as a political animal (although the correct understanding of the human

⁴⁵ One of the representative targets here is Georg Jellinek’s opus magnum *Allgemeine Staatslehre* (1900), with its line of reasoning (rather common at that time) that defines the political precisely by reference to the state: “Political means ‘of state’ [*Politisch heisst staatlich*]; by the concept of the political one has already thought the concept of the state”. Indeed, as Schmitt himself admits, “There really was a time where it was meaningful to identify the concepts of the state and the political”;

anthropological predicament should inform any genuine political reflection⁴⁶), but rather the existential precondition of every political community, of every political living-together. And nothing brings it out more significantly, more forcefully, polemically—in its affirmation as well as in its negation, that marks the historical rupture in the political life of a German people—than the introductory sentence from the following year, from the second edition of the very same treatise: “Die eigentlich *politische* Unterscheidung ist die Unterscheidung von *Freund* und *Feind*”.

Excursus into Political Stasiology: Politics vs. the Political

The political, as Schmitt explains, “does not describe its own substance [*Sachgebiet*], but only the intensity [*Intensitätsgrad*] of an association and dissociation of human beings” (CP, 38). Since the political lacks its own subject-area above or next to various other spheres of human thought and activity, the motives that ultimately lead to unities and separations which determine themselves according to the friend-enemy distinction can be of any kind—religious, national, scientific, moral, aesthetical, and so forth. Nevertheless, as soon as the decisive friend-enemy groupings are produced, the former, unpolitical oppositions lose their “purely” religious, “purely” economic, “purely” cultural, etc. motives, and become subjected to completely new conditions, demands and requirements—they start to follow the so-called logic of the political. This however raises a question which is not easy to answer, but which, once uncovered, will reveal something significant with respect to the political. It would be

however, “the epoch of the system [i.e., the great epoch of *jus publicum Europaeum*] is over” (BP, 10, 17).

⁴⁶ The only anthropological remark Schmitt makes about the human nature is to say that it still remains a highly significant and for many a no less disturbing fact that “all genuine political theories presuppose man to be evil, i.e., by no means an unproblematic but a dangerous and dynamic being” (CP, 61).

plausible to imagine the emergence of the political through the intensification of certain contested issue (be it an economic question, or religious difference, or confrontation on moral grounds) to such a degree that the antagonism between the parties involved becomes the “question of life and death”—it reaches the “point of no return” so that the origin of the conflict loses its importance and becomes irrelevant. But on the other hand, no conflict can justify as such, by itself, the grouping into friend and enemy with the possible consummation of this grouping into the condition of war. The war reveals (*offenbart*) the possibility of the distinction between friend and enemy as the basis of every political vision (*Vorstellung*), and is therefore meaningful only to the extent that “this distinction in mankind is actually present [*real vorhanden*] or at least potentially possible [*real möglich*]”. Schmitt adds: “On the other hand, it would be senseless to wage war for purely religious, purely moral, purely juristic, or purely economic motives. The friend-and-enemy grouping and therefore also war cannot be derived from these specific antitheses of human endeavour” (CP, 36).

How can then the non-political motives cause the political grouping according to the friend-enemy criterion? It seems that there has to occur a certain “qualitative” change. This change, one could argue, is due to the specific structure of the political in which the antithesis between friend and enemy is, to be sure, implied (after all, this is what defines political phenomena in the first place), but as a criterion it can only indicate the political, not explain its origin or existence. It does not answer the question *Why is there the political?* just as the criterion of productivity and unproductivity for the economic sphere does not explain why there is economic activity to begin with. Schmitt does say that the *ultima ratio* behind any friend-enemy grouping is the real possibility of war, that is, the real possibility of physical killing: “The friend, enemy, and combat concepts receive their real meaning precisely because they refer to the real possibility of physical killing” (CP, 33). But that seems to be either circular or simply begging the question.

As Schmitt implies about the concepts of friend and enemy, they should be taken “in their concrete, existential sense, not as metaphors or symbols”. We are dealing here not with fictions or normativities, “but with inherent reality and the real possibility of such a distinction” (CP, 28). Since they are not to be taken as universal notions, there has to be a specific circumstance form which they receive their concrete meaning. It is denied by Schmitt that enemy can be a competitor (business rival), a discussion opponent (in completely moralised sense), a rival or even an adversary in general or in some agonistic sense. In connection with the latter, moreover, one could remark that Schmitt in fact distinguishes between the two fundamentally different “attitudes” toward war—he separates “political opposition”, the genuine opposition between friend and enemy, from “agonal opposition”, that is, the unpolitical or agonal contest: “The opponent, the ‘antagonist’ in the bloody contest of the ‘agon’, is also not the enemy” (Meier 1996, 63). With respect to the political unity itself (that is, “*within* the state as an organised political unity”), Schmitt argues that the political opposition does not disappear: “Notwithstanding, the state encompasses and relativizes all these antitheses. However an antithesis and antagonism remain here within the state’s domain which have relevance for the concept of the political” (CP, 30). To which Schmitt adds in the 1933 edition of his treatise: “But it remains open whether in such oppositions a merely ‘agonal’ competition that *affirms the common unity* is present, or whether the beginnings of a genuine friend-enemy opposition that *negates political unity*, that is, a latent civil war, is already at hand” (quoted in Meier 1996, 64, n. 68; emphasis added).

What is, consequently, the condition of the possibility of a friend-enemy grouping? When, or under what circumstances, can the employment of these notions, of this distinction, be justified or even make sense? The clue for the possible resolution of the problem is given by Schmitt’s contention that enemy can only be conceived as a ‘public’ enemy. This is already indicative of an answer. The definition of an enemy, given by Schmitt in *The Concept of the Political*, is the following: “He is also not the private adversary whom one

hates. An enemy exists only when, at least potentially, one *fighting* collectivity of people confronts a similar collectivity. The enemy is solely the *public* enemy, because everything that has a relationship to such a collectivity of men, particularly to a whole nation, becomes *public* by virtue of such a relationship” (CP, 28). This is the definition of the *political* enemy, as opposed to the abovementioned private or agonistic enemy. That such difference has also been preserved in many languages, signifies in itself a perception of an important conceptual (and thus also an actual) distinction.⁴⁷

This implies neither a normative-evaluative nor a morally-prescriptive sense; it is only meant to be a statement of fact: “But, rationally speaking, it cannot be denied that nations continue to group themselves according to the friend and enemy antithesis, that the distinction still remains actual today, and that this is an ever present possibility for every people existing in the political sphere” (CP, 28). Thus, political unity (be it a state, *Volk*, class, etc.) is defined as the decisive entity that is able and willing to decide who constitutes a threat to its form of existence, and is therefore its enemy. The enemy, on the other hand, is defined as something which can only be related to such politically existent *Gesamtheiten von Menschen* as a whole. It seems that we are caught here in a circular argument where political unity and its enemy are defined in terms of each other. The solution of this circularity, however, is enclosed precisely in the reference to the ‘public’ quality of an enemy. Both, political unity

⁴⁷ The so-called “public enemy” appears, on the closer inspection, a rather ambivalent notion, as emphasized in George Schwab’s essay “Enemy or Foe: A Conflict of Modern Politics”, who argues that the conceptual distinction between enemy and foe “conceals a difference essential for a meaningful understanding of modern politics”, and consequently, “has definite political implications” (Schwab 1987, 194). Historically, the European sovereign states succeeded in humanizing war by subjecting it to certain “rules of the game” through accepting and treating each other as equals. This recognition made it possible to view one’s relation to the “enemy” as an essentially agonistic (*hostis*) rather than antagonistic (*inimicus*): “As a result of this transformation of the public *foe* into the public *enemy*, wars, diabolical as it may sound, became, so to speak, clean” (*ibid.*, 199). Schwab argues further that with the decline of the epoch of the European sovereign state, the conceptual meaning of the *enemy* has begun to fade, and with the return of the *foe*, it may well become rhetorical.

(as a specific human association) and the concept of the enemy turn out to be essentially interrelated through the substantive quality that could be characterised as an *Öffentlichkeit*. This is, finally, the more or less tacit assumption: the radical, dichotomic and antithetical structure of the political, the whole “Beziehungs- und Spannungsfeld des Politischen” has ultimately the quality of an *Öffentlichkeit*. Hence the first and immediate meaning of the public enemy: “A commonwealth exists as *res publica*, as a public sphere, and is challenged any time a non-public space [*ein Raum der Nicht-Öffentlichkeit*] develops within it, and effectively disrupts this public sphere” (TP, 62). The existence and integrity of the *Öffentlichkeit* needs to be defended and preserved.

An interesting discussion that draws on Schmitt’s distinction between the private and the public can be found in an article by Andrew Norris, “Carl Schmitt on Friends, Enemies and the Political”. Though his argument is structured around the notions such as friendship, solidarity, and commitment—admittedly a rather uncommon combination in Schmitt’s case—Norris nevertheless comes, implicitly, quite close to uncovering the specific quality of an *Öffentlichkeit* that lies at the basis of Schmitt’s concept of the political. To start with, Norris argues that Schmitt’s theoretical position requires a prior substantive commitment to relations of ‘friendship’ and social solidarity. This is so because Schmitt’s understanding of the enemy as a public enemy “cannot be conceived apart from a notion of friendship in which people are brought into ‘collectivities’” (Norris 1998, 73). Norris rejects the possibility that the public character of an enemy simply indicates the state of affairs where, as he says, “political matters are by definition public matters that involve groups of people” (*ibid.*); that would merely re-define the political according to the new criterion of public and private, or else provide the political with its own particular field of reference (*Sachgebiet*)—namely, public affairs, and that means, by implication, the state. (Here, we are rightly reminded that Schmitt’s intention is to explain the state in terms of the political, and not vice versa.) Thus, the friend-enemy criterion—in view of the distinction that Schmitt draws between the public and the private—

defines a particular form of life, one in which group identity is valued above physical existence.

At this point Norris formulates a decisive question: if individuals merely enter into a polity to protect their lives, how can that polity ever demand that they risk or sacrifice their lives? Whence the political unity derives the right to demand from its members the readiness to die, as Schmitt explicitly states? Here we are dealing indeed with the great Hobbesian question—the question, however, that bedevils not so much Hobbes himself (as Norris correctly notes, Hobbes does admit the individual right to value and protect one's life at all cost) as it worries Schmitt. Far from “never acknowledging this as his own”, Schmitt, on the contrary, can be seen as taking it very seriously indeed. But before going into details, let us pursue the final part of Norris's argument.

With the reference to Schmitt's contention that the political resides in the mode of behaviour which is determined by the possibility of war, it is concluded that “that mode of behaviour is a solidarity that makes possible both self-sacrifice and political authority” (*ibid.*, 77). But on what, precisely, is the solidarity of the group based? What is it that they have in common? Norris's answer is: a shared identity, the homogeneity of the group. However, emptied of any content and thus entirely formalized, this shared identity appears to be “nothing more than a fact”—even less, it is “nothing more than a shared commitment” (*ibid.*, 83-84). It is a commitment to one's way of life, over and above one's own life, as Norris puts it that bestows life its genuinely political character. And it is this recognition *itself*—for whatever reasons and regardless of its particular content—that makes the group political. With respect of the friend-enemy distinction it is concluded that the political consists not merely in the threatening presence of the enemy; “the enemy must threaten relations and forms of life that are sufficiently cherished by those who partake them. It is such commitments and such solidarity that are the destiny of human beings” (*ibid.*, 81).

Now, it is not entirely clear whether the words such as ‘commitment’ and ‘solidarity’ are the best terms to express the kind of bonds that tie particular set of human beings together into a concrete group with its own specific characteristics. When such commitments are not specified with respect to their content, nor based on any specific assumptions (apart from the recognition of the primacy of one’s way of life), it becomes difficult to explain why they time and again, at certain decisive moments, fail to keep a community together, be it against some external threat or, more crucially, due to the internal opposition (that apparently has acquired its own ‘solidarity’ based on different commitments). Actually, Schmitt does acknowledge a specific motivation that can be seen as forming the basis for every political relationship. The assumption behind it is of course the famous affirmation of man’s evil nature and his inherently dangerous character. “Every genuine political theory is based on the recognition of man’s evil nature”. Why is this recognition important? Because only from the point of view of this insight it is possible to explain and affirm the concept of the political that is based on the distinction between the friend and the enemy. Hobbes had based his theory of the state on this insight, arguing that in the state of nature *homo homini lupus est*. But his aim was precisely to overcome this state of affairs—to neutralize the political, as Schmitt would say—and within the framework of his Leviathan it was, indeed, envisaged that men will become like gods to each other (*homo homini deus*). Schmitt, on the contrary, does not regard this assumption as the key to the possible solution (or dissolution) of the political.⁴⁸ Instead, he

⁴⁸ Schmitt does recognize, and adopt for his own purposes, Hobbes’s foundation-stone of every genuinely political community—the fundamental relationship between protection and obedience. This is precisely the source whence the commitment to a concrete political way of life derives its force and authority. Schmitt clearly sees, however, that Hobbes’s device for constructing his Leviathan, the so-called covenant of individual human beings, is of essentially private nature. And Schmitt’s manifest contention is that no genuinely political unity can be established on the basis of an individualistic philosophy. The latter is equally not able to claim the right for self-sacrifice on individual’s part in the name of some more comprehensive totality. Schmitt says: “Such a demand is in no way justifiable by the individualism of liberal thought” (CPD, 38). The political cannot be based on the private, and to

argues that “Der Mensch ist dem Menschen ein Mensch” (*homo homini homo*) and indicates—critically, but absolutely in the affirmative—that this is no solution but just the beginning of the whole problem-complex—that is, we could add, the political.

Before proceeding with the analysis of the notion of an *Öffentlichkeit*, it would be helpful to indicate the specific (dialectical) relationship between the activity of ‘politics’ and the so-called aggregate condition of ‘the political’ in Schmitt. The need to think anew the concept of the political derives, according to Schmitt, from the transformative period that has dislocated the former co-ordinates that had so far informed political thought: “Hence derived another level of reflection for the theoretical thinking. Now one distinguished ‘politics’ from ‘the political’”. The question concerning new carriers and new subjects of the political becomes the central question of the entire problem-area called ‘political’” (CO, 271). These observations are important: politics is now distinguished—indeed, it is conceptually different—from the political; and the decline of the sovereign state (that once enjoyed the exclusive monopoly of political power and authority; inaugurated somewhere between the sixteenth and the seventeenth centuries, “the classical European state became the sole subject of politics” (CO, 271)) raises the question concerning the new subjects of politics, or new carriers of political power. We could find some hints with respect to the last question from the article *Politik* (1936) where Schmitt writes: “Today, nation [*Volk*] is the standard concept of political unity. Therefore, all the decisive political concepts derive their determination from it. Political is everything that touches upon the vital questions of a nation as a unified entity” (SGN, 133).

In the sentence above, *Volk* was referred to as the “normal or regular concept of the political unity”. The word *Normalbegriff* echoes in a certain way, and not accidentally, Schmitt’s elaboration, in his essay *The Age of Neutralizations and Depoliticizations* (1929), of

maintain that (political) enemy is always the public enemy means precisely that there can be no private matters in the sphere of the political, that is, the political is by definition public, *öffentlich*.

the theory of “changing central spheres” where he says that what lies at the core of these shifts is “an elemental impulse that has been decisive for centuries, i.e., the striving for a neutral sphere” (ND, 137). However, these shifts whose aim is to do away with disturbing conflicts, display themselves a rather dialectical character; indeed, “in the dialectic of such a development one creates a new sphere of struggle precisely through the shifting of the central sphere. In the new sphere, at first considered neutral, the antitheses of men and interests unfold with a new intensity and become increasingly sharper, as the possession of this new sphere becomes more and more entrenched” (BP, 89). Thus, every politics needs always to reckon with the possibility of a resistance which, on the other hand, it constantly strives to overcome. Politics as an activity or phenomenon can therefore be characterised, in its most general terms, as an attempt to overcome or neutralise the fundamentally antagonistic structure of the human condition—without, however, being able to do away with it altogether. The emergence of political entities (as the isles of order in the surrounding ocean of disorder) merely transposes this antagonism to another level, changing it qualitatively without being able to displace it completely.

More precisely, this antagonistic structure finds its reflection in the criterion of the political, that is, in the distinction between friend and enemy; indeed: “A genuine ‘depoliticization’ and an absolutely unpolitical condition could only be achieved by someone who no more wants in principle to distinguish between friend and enemy” (SGN, 136). The activity of politics, therefore, consists in bringing about of order and harmony within (the limits of) a certain comprehensive entity—an entity within which there is no enmity and which itself is able to distinguish between friend and enemy.⁴⁹ Interestingly however, political unity (*politische Einheit*) as a subject or a carrier of the political is itself not free from internal contradictions, and this in spite of its alleged features of unity and homogeneity.

With reference to the criterion of the political, Schmitt quotes in his *Political Theology II* the formula by Gregory of Nazianz: “The One – *to Hen* – is always in turmoil – *stasiatson* – against itself – *pros heauton*” (PT II, 90). The word *stasis* is here very telling—it means both a static order and peace, *and* unease, turmoil and even civil war.⁵⁰ Schmitt proposes to call this phenomenon a “political-theological *stasiology*” as an insistent reminder of the fact that the problem of enmity and the enemy does not allow its easy resolution.

So far we have established that the concept of the political presupposes ultimately the structure of an *Öffentlichkeit*, that is, a certain referential frame that exists in-between human beings living together. Indeed, the latter has emerged as an underlying tacit assumption for the whole problem-complex of the political or, as Schmitt himself puts it, “das Begriffs- und Beziehungsfeld des Politischen”. We observed this in the case of his friend-enemy criterion, where the proper, that is, political meaning of both these terms depends on the clear distinction drawn between the public and the private. Finally, we also noted the unstable condition of this *Öffentlichkeit* itself, together with dynamic-dialectical relationship of public and private—indicating if not a contradictory nature of this entire distinction (which, essentially, implies that there are things that properly belong to private and things that are properly public), then at least the need for its reconsideration on the wholly new foundation. The *Öffentlichkeit* itself, however, remains a rather ambiguous notion in Schmitt. Thus, the

⁴⁹ “By politics, one should also understand the arrangement and realization of order and harmony within the comprehensive national whole [*völkische Ganze*], inside which there is no enmity and which, as a whole, is by itself able to determine the friend and the enemy” (SGN, 136-7).

⁵⁰ In the word *stasis* and its conceptual history, says Schmitt, “a contradiction evolves with strained dialectics. *Stasis* means firstly: *rest*, peacefulness, position, status; the opposite concept is *kinesis*: movement. However, *stasis* means secondly also (political) *unrest*, movement, turmoil and civil war” (PT II, 91). See also BP, 29, n. 5, where the opposition between *polemos* (war) and *stasis* is associated with the opposition between the public enemy (*polemios*, *hostis*) and the so-called private enemy (*ekhthros*, *inimicus*).

question remains: what precisely is this *Öffentlichkeit* that Schmitt's political thought assumes or implies? In order to establish its political significance, we need to turn, rather curiously, to altogether different topic for some clarification in these matters.

3. The Theatrical Vision of an *Öffentlichkeit*

Interestingly enough, the nearest Schmitt comes to provide something like a definition, or at least a clarification, for his notion of an *Öffentlichkeit*, occurs in his treatise on the subject of a theatre—more precisely, dramatic art. The treatise carries the title *Hamlet oder Hekuba: Der Einbruch der Zeit in das Spiel* (1956) and its main purpose is to uncover, via the exemplary discussion of Shakespeare's *Hamlet*, the origin of the tragic within the play. Through the analysis of the Shakespearean drama and its historical connotations, Schmitt shows how a melancholic play, the so-called *Trauerspiel*, acquires the dimension of the tragic, and as a result becomes elevated into a genuine tragedy. It is not only because this text by Schmitt appears so rich in political allusions and references, and so permeated by idiomatic political vocabulary, that it deserves a closer consideration. In a veiled manner it provides, most importantly, the essential evidence—that otherwise appears as rather scant and scattered in Schmitt's *opera*—for an attempt to conceive the entity that Schmitt possibly had in mind when he employed, in the crucial linkage to the concept of the political, the word *Öffentlichkeit*.

One of the main themes that inform Schmitt's inquiry in *Hamlet oder Hekuba* is the question of whether historical considerations are somehow relevant in the discussion of a drama, that is, whether the relationship of a drama to its historical or sociological reality is something that should not be overlooked. The issue becomes crucial when the piece of work we are dealing with is obviously written not for posterity but for a concrete and immediate

public, for a very specific audience. Precisely this is asserted in the case of Shakespeare's plays that originated, as Schmitt argues, "in direct contact with the London court, the London public, and London actors" (HH, 135-6). Hence it was only too natural that they contained, intentionally or otherwise, allusions and reflections to their contemporary circumstances, events and persons. Significantly, moreover, in times of political tension and turmoil—that is, in the exceptional circumstances, in the political situation *par excellence*—"it was unavoidable". This is important to note so as not to lose sight of the subtle affinity the present discussion bears with regard to the concept of the political.

An action that by its nature is "immediate", i.e., that takes place "here and now", for example a theatrical play to be immediately performed before a familiar audience, stands within, and thus presupposes, a common public sphere. In the third chapter of the book ("Die Quelle der Tragik") Schmitt writes the following passage:

The assembled audience establishes through its concrete presence a public sphere which encompasses and incorporates the author, the director, the actors, and the audience itself. If the audience does not understand the action of the play, it simply does not remain engaged and the public sphere disintegrates or ends in a theatrical scandal (HH, 136).

What becomes obvious here, is that a public (in the sense of a *publicum*, an audience) and a public sphere (that is, *Öffentlichkeit*) are not, as they are rather commonly taken to mean, the same thing. Indeed, the presence of spectators is the necessary condition for the public sphere to emerge, but this presence alone is by no means sufficient. We could repeat Schmitt's expression, employed in another, yet the similar, context, and say that *Öffentlichkeit* (in Schmitt, the Hobbesian sovereign-representative person) "does not come about as a result of but because of" this presence (the contract); the latter "affirms rather than creates" it. To this

extent, *Öffentlichkeit* appears as something transcendent vis-à-vis all individual spectators and also vis-à-vis their sum total (HH, 33).

Schmitt's argument is that such public sphere places a strict limit on the creative freedom of the playwright. The creative freedom and inventiveness of the dramatist, his or her subjectivity, inspiration and fabrication, is "severely restricted both by the presence of the spectators and by the public sphere established by this presence" (HH, 136). But in what sense, precisely? According to Schmitt, this limit is constituted by the knowledge and expectations of the audience that relate to their contemporary reality: "The knowledge of the audience is an essential factor of the theatre" (HH, 136). Transgression of this limit that the public sphere imposes on the theatrical phenomena will render the whole process "incomprehensible or meaningless"; consequently, as we have already observed, the public "simply does not remain engaged and the public sphere disintegrates or ends in a theatrical scandal". It is thus the audience's epistemic relation to their present that guarantees that "the events on stage will be followed" and the course of action understood.⁵¹ (Perhaps all this hints to some deeper connection, not only in etymological but in some more substantial sense, between 'present', as an actuality of *now*, and 'presence', as a being *here*—the relation that certainly merits some closer investigation.) In a word, the audience guarantees (in the *normal* circumstances, as we will see) the observance of the "rules of the *Spiel*" (game, or play—the

⁵¹ One could detect here an interesting parallel that occurs in Michel Foucault's late essay "What Is Enlightenment?", where the focal point, and the true meaning, of the Enlightenment-question, as inaugurated by Kant, is precisely the relation—epistemological, ethical, aesthetical—to one's own present, to one's own actuality: What precisely is this 'now' we are living in? This questioning of the present could, following our discussion, imply a certain similarity with our inquiry into the notion of an *Öffentlichkeit*—something *we* are concerned with, something we are questioning, cannot be (by definition, so it seems) the matter of a private concern. To the extent it does deal with the things private, it can only do so indirectly, that is, through the mediation via public.

German word *Spiel* effectively encompasses both of them). *Öffentlichkeit* becomes a *Spiel-Raum*.⁵²

However, the knowledge of the spectators is not the only decisive factor in the theatre. It is true, as Schmitt argues, that whatever its relation to the reality, the theatre itself, as such, is essentially play (*Spiel*), that is, the negation of the seriousness: “in play lies the fundamental negation of the serious situation, the state of emergency” (HH, 139). But when one considers the source of the tragic, it turns out that it is not only the audience that is attentive to the observance of the rules of the game. Drawing on Walter Benjamin’s famous study, Schmitt evokes the important distinction between *Trauerspiel* (tragic play, or literally, play of sorrow) and tragedy, “so as not to lose sight of the specific quality of the tragic, so that the seriousness of a genuine tragedy is not lost” (HH, 138). What is emphasised here in opposition to a play is precisely the unplayability of the tragic: “the tragic ends where play begins”. Thus, according to Schmitt, the tragic within the play lies not in its literary source (that in the case of *Hamlet* would be the Nordic saga of *Saxo Grammaticus* in its sixteenth-century literary adaptations), nor in the sovereign creative power of the playwright who exercises free play with respect to reality—the so-called poetic licence as it was celebrated by the “cult of genius” of the German romantic philosophy of art. The source of the tragic in *Hamlet* lies in the reality of the Scottish tragedy, epitomised by the future king of England, James I.⁵³ Here, again, we come against the limit of literary invention: a genuine tragedy has

⁵² “The play has its own sphere and creates a space for itself within which a certain freedom of literary materials as well as original situations reigns. Thus it creates its own field of play in both space and time. This makes possible the fiction of a completely self-contained, internally self-sufficient process” (HH, 137). So, what is the meaning of a play? Let us consider a bicycle as an example: it has the front wheel, the axle, and the nuts. Here, it is important not to tighten the nuts too tightly, else the wheel could not turn—in other words, it has to have some play (*Spielraum*) ... and not too much play, or the wheel will fall off.

⁵³ Schmitt indicates two historical intrusions into *Hamlet*—two major openings through which historical time breaks into the time of the play—that he discusses respectively under the chapter-

a special quality which is transcendent to any play, a certain “surplus value” that lies in the “objective reality of tragic action itself”. The writer simply “cannot invent the realistic core of a tragic action” (HH, 142, 143). On the contrary, invention can result only in the destruction or displacement of the tragic which originates only in a concrete situation, only from a given circumstance which exists for all those concerned. As Schmitt sees it, the possibility of tragic effect is established by the existence of a common public sphere, a part of reality to which all participants are bound by their historical existence:

In tragedy the common public sphere (which in every performance encompasses the author, the actors and the audience) is not based on the accepted rules of language and play but upon a shared historical reality (HH, 143).

What we can observe here is the different relation to history, the one that finds its expression in the notion of history as a present. It is the recognition of the historical actuality and historical presence—“a part of reality to which all participants are bound by their historical existence” (HH, 143).

Schmitt compares the plays that are tied to their own actuality, to current events, with the so-called historical drama where the audience is incorporated differently, since it presupposes the knowledge of past history. In the latter, the evocation of certain conceptions and expectations is accomplished via some familiar historical character, whose name is taken to represent a particular “collection of situations”. Such historical figure, for example

headings “The Tabu of the Queen” (the tabu of the queen that surrounds the guilt of Mary, Queen of Scots), and “The Figure of the Avenger” (the distortion of the traditional figure of the avenger into a hesitant hero whose indecisiveness proves fatal not only to himself but to all those who surround him). Precisely these two interventions into the otherwise closed circle of the play are what constitute, according to Schmitt, the tragic core of the play, elevating the latter into a genuine tragedy that reflects the living reality of a concrete existential situation.

Socrates or Caesar, “enters like a prince and presupposes his *cognito*”, as Schmitt says quoting Jean Paul (HH, 137). This development finds its consummation in the baroque—an epoch that largely understood itself in terms of theatricality. Action in the public sphere was action on a stage—on a rostrum *before* spectators—and thus role-playing (HH, 140). Apparently, we are not dealing here with the life in its immediacy anymore, but with the phenomenon Schmitt calls the baroque theatrification of life, of the life of the court (and, more specifically, of politics). Characteristic to this period is the remark by James I, who said that a king always stands “on a public stage” (HH, 34). Clearly this sums up the baroque concept of representation where the prince represents, or acts out, his *status* before the audience.

In comparison with that baroque theatricality, Schmitt says, Shakespeare’s play was still crude and elemental⁵⁴, “barbaric and not yet ‘political’ in the sense of the state at that time” (HH, 140). The play was not yet divorced from its present reality, and it still belonged to life itself, “to a life certainly full of spirit and grace, but one not yet ‘politicized’” (HH, 144). And since it did not oppose the situation of the play to the concrete contemporary situation, it was all the more intensely integral to its current reality. Society too was seated on the rostrum—that was the idea of the integral public sphere. As it is, the “historical presence” of the Hamlet drama is immediately recognizable to the spectators; the transparent *incognito* heightens here the tension (intensity!) and the participation (integration!) of the knowing spectators.⁵⁵ This awareness of the reality of the present becomes highlighted and illustrated

⁵⁴ Elemental here also in the sense that Shakespearean dramas reflect the life at the first stage of elemental leap from the land to the sea, the transition from the terrestrial to maritime existence, that Elizabethan England came to experience.

⁵⁵ Schmitt also makes a reference here to his contemporary publicist Richard Tüngel, according to whom the intensity of the dramatic effect upon the audience even requires that the spectators know and understand more about what is happening or will happen on the stage (HH, 136, n. 2).

in Hamlet's Hecuba monologue (*Hamlet*, II, ii) that confronts us with the specific phenomenon of the play within the play.

In the situation where the rostrum—the public sphere of the theatre—did not include spectators (whom it indeed allowed *to see*, but *not to sit*—that is, not to be seen—at the stage), the play within the play could be taken only as a look behind the scenes. Consequently, scenery is torn down, the mask is removed on stage, finally, “a false public sphere is revealed on the rostrum” (HH, 140-141). Here, the spectators receive instruction concerning some particular psychological or social problem, and the play is turned into discussion and propaganda—one could say, ideology. In the Shakespearean drama that is tied to current events, the play within the play has a different character: “it is not only no look *behind* the scenes, it is the real play repeated *before* the curtains” (HH, 141-142). Thus, it has the potential to retain the tragic dimension and to intensify this sense of the actuality that play, by not abstracting itself from the present reality, still displays in itself. In his monologue, Hamlet shows his astonishment in seeing how the actors weep over something that does not concern them and has no impact on their actual existence or situation:

Is it not monstrous that this player here,
But in a fiction, in a dream of passion,
Could force his soul so to his own conceit
/.../ and all for nothing!
For Hecuba!

Weeping over Hecuba (or over Hamlet, for that matter) does not help one to realize and affirm, that is, to confront the tragic quality of one's own immediate reality. To weep over something would mean “to divorce the reality of our present existence from the play on the stage, to sacrifice any purpose or cause to the aesthetic enjoyment of the play”; it would only

prove that the gods in the theatre are different from those in the forum and the pulpit (HH, 141).⁵⁶ The phenomenon of this type cannot serve as the foundation for the *Öffentlichkeit* either. Schmitt had expressed that opinion already in his book on political romanticism: “An emotion that does not transcend the limits of the subjective cannot be the foundation of a community. The intoxication of sociability is not a basis of a lasting association” (HH, 161).

Earlier, with respect to Schiller’s historical drama, Schmitt had questioned whether or not the cultivated knowledge of history on the part of the audience establishes a common public sphere (HH, 144). If it succeeds in creating a common *Öffentlichkeit*, then history becomes a source of tragic action, that otherwise remain only the literary source for a *Trauerspiel*. Schmitt, however, is not optimistic in this respect, and suggest a rather different source: myth. The core of historical reality, the source of tragic action (which, as we saw, is not invented, cannot be invented, and must be respected as given), is precisely the tragic element of an actual event that “enters into the world of the play and transforms the *Trauerspiel* into a tragedy, historical reality into myth” (HH, 145). Here the relation of tragedy to its mythical or historical source becomes apparent. Shakespeare’s greatness lies, according to Schmitt, in the fact that he was able to extract from his contemporary political situation the form capable of being raised to the level of myth. Here we also encounter, as Schmitt argues, the rare but typically modern case of a playwright “who establishes a myth from the reality he directly confronts” (HH, 145). As we see, the typically modern generation of a myth presupposes a realistic core of the most intense timeliness and significance.

The specific vision of an *Öffentlichkeit*, which we saw appearing in Schmitt’s discussion of the source of the tragic, needs to be clarified vis-à-vis that new form of political unity which emergence was already imminent at that time. One should not get confused and be misled

⁵⁶ Hamlet himself, by virtue of this insight, is driven to define his true task, his purpose or *cause* (and he reproaches himself for being “unpregnant of my cause”).

by Schmitt's characterisation of Shakespearean dramas as belonging to a reality of life "not yet 'politicised'", and hence as being "barbaric and not yet 'political'". Both of these notions, 'political' and 'politicised' are to be taken here, as Schmitt emphasises, solely "in the sense of the state at that time". We can find out more with respect to this statement, if we turn our attention to Schmitt's short response to Walter Benjamin's great work, *The Origin of German Tragic Drama*, itself being influenced by Schmitt's definition of sovereignty. Schmitt's essay, entitled *Über den barbarischen Charakter des Shakespeareschen Dramas*, was originally published in 1928 (and was later included as an "Appendix" to the treatise discussed above, *Hamlet oder Hekuba*), and it tries to provide its own answer as to the proper conceptual frame for historical-political contextualisation of Shakespearean drama.

It is precisely the new historic development, the elemental appropriation of the sea, and not aesthetic or intellectual categories like the Renaissance and the Baroque, that constitutes for Schmitt "both spatially and historically the intellectual background of Shakespearean drama" (HH, 146). The transition to the maritime existence was a specific historical evolution of the island of England (being also the first stage of the English revolution), that did not follow the development of a new political order on the European continent that took place during the sixteenth and the seventeenth centuries. This new political order succeeded in neutralising the confessional civil war and secured a peaceful public order—a "policed existence". The result of this development was the emergence of a sovereign state as a new, and henceforth the decisive, political unity. In theatrical sense it was epitomised by the classical French theatre of the time of Louis XIV (by the authors such as Corneille and Racine), where play takes place essentially within the strict framework of the state sovereignty and its establishment of public peace, security and order.

It was also in this situation that "the word political acquired polemical meaning as opposed to the word barbaric; concretely, it acquired the meaning of a genuine antithesis" (HH, 149). As Schmitt puts it in Hans Freyer's terms, a secondary system supersedes

elementary and primary orders that function poorly. The word ‘political’ enters here in its threefold sense: politics, police and *politesse* (civility). It is remarkable in this respect, what Schmitt later says about the tragic and its relationship to the play: “it belongs to the essence of the tragic not to be incorporated into a secondary system, even as the secondary system has its own rules which exclude intrusions of tragic action, perceiving such as disturbances if it notices them at all” (HH, 139, n. 8). The tragic is the core, the essence of a shared historical reality that is also, precisely, what establishes a basis for an *Öffentlichkeit*—and this cannot be eliminated by some secondary construction, be it the result of a literal invention or, for that matter, of political thought. The decline of the European sovereign state once again uncovers the radical core of a shared historical reality—the political. There is always certain tragic moment in recognition of the imminent dissolution of an *Öffentlichkeit*, the embodiment of the common cause, of *res publica*, whose unity, from the political viewpoint, is essentially that of friendship.

In a nutshell, what can be learned about the nature and character of an *Öffentlichkeit*, and about its relation to the concept of the political, from this somewhat prolonged excursus into the theatrical subject? Firstly, this common public sphere can be seen as constituting a kind of *Spiel-Raum* that does provide for a free and inventive activity, but nevertheless establishes certain criteria for a meaningfulness of action. As we saw, the limit is constituted by the type of knowledge of the spectators with respect to their contemporary reality. In a way, this also accords with what Schmitt had said about his sociological method of radical conceptualisation in *Political Theology*: “The metaphysical image that a definite epoch forges of the world has the same structure as what the world immediately understands to be appropriate as a form of its political organization” (PT, 46). Secondly, the meaning of an *Öffentlichkeit* (as of all political concepts) and its composition depends on a changing historical-political situation (the fact Schmitt also acknowledges in *The Concept of the Political*). Thirdly, the shared historical reality that is ultimately constitutive of an

Öffentlichkeit is something that cannot be neglected. The eradicable core of historical present, the intense and serious character of unmediated life, the state of emergency—all these present and inescapable realities from which one shrinks out of timidity, out of moral and political considerations, out of a sense of tact and natural respect, all these realities that *Spiel*, in its essence, fundamentally negates—is what reveal the tragic character of human existence. It can be accommodated into the *Spiel* (into the condition of a “policed existence”, that is) as a “surplus value” of reality, and elevated through the common public sphere into a myth. Hence also the significance of a political mythology.

In sharp contrast to this kind of *Öffentlichkeit* (as well as to the *Öffentlichkeit* of early Christian communities) stands another phenomenon that Schmitt briefly mentions, namely, the specifically modern development of cinema. Here, we have neither presence nor representation, and the play we see is not produced but mechanically reproduced—for this reason even the worst kind of marionette-theatre is still better than the mechanical sequence of images on the screen. Schmitt expresses his repulsion at the view of a dull, inactive and disinterested habitation of these cinematic troglodytes: “One is not dealing here with people present. The play is not produced but mechanically reproduced... Neither presence nor representation, ghastly, dreadful, destructive of one’s eyes, ears and soul. Bereft of space, it cancels out even the spectators who become unable to applaud in any meaningful way; cave-dwellers of the cinema, the expression of their already subterranean vegetation” (G, 16).⁵⁷ No *Öffentlichkeit*, no spatial presence can be established on the basis of this essentially privative and deprived existence.

The phenomenon of modern cinema is appropriate for another reason as well. Not only does it exemplify the failure of an *Öffentlichkeit*, it also implies something about the

⁵⁷ See also in this connection Benjamin’s essay “The Work of Art in the Age of Mechanical Reproduction”.

nature of a public-private relationship under the modern conditions of a so-called mass society and public opinion. Namely, the admittance of censorship with respect to the cinema (the so-called *Lichtspielgesetz* from 1920) indicates the situation where the basic right to the freedom of opinion is denied this specific technique of communication and distribution of an opinion as one of its means. Not only is the right to the freedom of opinion thereby effectively superseded; as Schmitt argues in the *Verfassungslehre*, this example of film-censorship demonstrates how, together with the increasing intensity of social engagement of an individual and with the changes in communication-techniques, the old liberal principle of distribution (*Verteilungsprinzip*)⁵⁸ becomes inapplicable, and the idea of (in principle) unlimited freedom of an individual turns into a mere fiction.

However, Schmitt adds here, cinematography cannot be considered to be a technique of communication in the same sense as script or printed media (that is, the press). If opinion is taken in the sense of an articulated and reasoned position, then the freedom of expression ultimately concerns the principle of a free discussion (which for the liberal understanding is the genuine means for the integration of a social unity). The discussion presupposes the existence of human thoughts and, secondly, that these thoughts be uttered through the human speech. Whereas the press does serve as a disseminator of thoughts, a cinematography, on the contrary, “is no bearer of a genuine discussion” (V, 168). It lacks language, and it lacks thinking that could be mediated through the spoken or written human word. The wider meaning of this phenomenon, however, is to show how much the genuine need for a liberal discussion has meanwhile diminished. Indeed, the political problem of mass-manipulation through the cinema is so significant, that no state could afford to let this powerful psycho-technical apparatus out of its control; as Schmitt says, “it has to refuse it any politics,

⁵⁸ This principle, stemming essentially from the fundamental idea of bourgeois freedom, stipulates that “the individual’s sphere of freedom is presupposed as something prior to the state; moreover, the freedom of the individual is *in principle unlimited*, whereas the authority of the state to intervene into that sphere is *in principle limited*” (V, 126).

neutralize it, in fact—since the political is ultimately unavoidable—employ it in the service of the existing order, even if it does not have enough courage to openly use it as a means of promoting a socio-psychological homogeneity” (V, 168).

This whole emphasis, in the above discussion, on human language and speech is by no means unimportant. It is Schmitt’s conviction that precisely the most advanced machine technology, as opposed to the primitive symbolism, has something lacking—something human, namely, a language. As he says, “the power of speech and discourse—rhetoric in its greatest sense—is a criterion of human life” (RC, 23).⁵⁹ When discussing the political idea of Catholicism as embodied in its aesthetic form of art, Schmitt argues that the latter has not so much to do with the great architectural forms, or with religious paintings, music and poetry—representation should not be confused with a decoration. Rather, the ability to create form “has its essence in the ability to create the language of a great rhetoric” (RC, 22). Necessarily combined with the notion of authority, this eloquence, says Schmitt, “is a form of human dignity which becomes manifest in a rational form of speech. All this presupposes a hierarchy, because the spiritual resonance of great rhetoric derives from the belief in the representation claimed by the orator” (RC, 24). This is the most decisive point: rhetoric is understood here “in the sense of what one might call representative discourse, rather than discussion and debate” (RC, 23).⁶⁰

⁵⁹ In a more general sense, Schmitt also conceives of language as a constitutive part of human condition: “Whoever speaks is no longer alone in the world” (RC, 48), adding significantly that no one has spoken, nor could ever speak, the last word.

⁶⁰ Schmitt does not elaborate on this assertion, so that its meaning remains rather obscure. The following remark of his, intended to clarify the absolutist understanding of the formation of a political unity through representation, might suggest an example of this type of representative speech: “The sentence *L’Etat c’est moi* means: I alone represent the political unity of the nation” (V, 205).

4. Democracy, Liberalism, and Public Opinion

It is not difficult to see what the notions such as ‘discussion’ or ‘debate’ refer to—the expression “government by discussion” turns out to be an accurate depiction of the liberal ideal of parliamentarianism. Schmitt’s confrontation with liberalism, and his subsequent critique of parliamentarianism as the ideological outcome and institutional cornerstone of the liberal world-view, is a widely discussed topic within the body of literature on Schmitt, and there is no need to retrace its details here. Schmitt’s most celebrated work in this regard, *The Crisis of Parliamentary Democracy* (1923), advances as its central thesis the fundamental incompatibility between liberal parliamentarianism and democratic persuasion.⁶¹

Parliamentarianism is not to be equated with democracy; for what the former presupposes is a parliament as an existing institution, and as such, “in so far as parliament is a *representation* of political unity, it stands in opposition to democracy” (V, 218). This is so because democracy is precisely the opposite of representation: democracy is based on the principle of *identity* (which itself derives from the essentially democratic presupposition of a substantial equality or sameness, that is, homogeneity)—the identity between the rulers and the ruled, between the governors and the governed, between those who issue commands and those who obey them, etc. However, representation is to be taken here neither as the original principle behind parliamentarianism nor as the constitutive characteristic of parliament itself: representation, as well as identity, is a formative principle behind any kind of political unity—so that confusing these two will result precisely in the kind of embarrassment that liberals felt when the Bolshevik regime issued what they called, and what indeed was, a representative constitution.

⁶¹ The second, 1926 edition of this treatise includes a newly added preface (originally a reply to Richard Thoma’s critique of Schmitt’s book), entitled “The Contradiction Between Parliamentarianism and Modern Mass Democracy”.

The guiding principle for the liberal bourgeoisie of the modern bourgeoisie *Rechtsstaat*—its meaning and purpose, so to say—is neither glory nor honour but liberty, that is, the political freedom of its citizens. Here, the notion of a constitution acquires its meaning as the system of guarantees of civil (bourgeois) freedom. From this fundamental idea of civil freedom derive the two consequential principles that govern the rule-of-law (*rechtsstaatliche*) component of modern constitution. These are the principle of distribution (*Verteilungsprinzip*, that is, “in principle unlimited freedom of an individual, and in principle limited authority of the state”) and the principle of organisation (*Organisationsprinzip*) (V, 126-7). As such, they are purely tempering and moderating principles against all kinds of state absolutism—against the absolute democracy no less than against the absolute monarchy, against the extreme identity as well as against the extreme form of representation. But beyond that, as it strived to establish its own specific political arrangement, parliamentarianism arrived at the “parliamentary system”—and it is precisely this system that constitutes the genuine political achievement of a liberal bourgeoisie. It was based, as Schmitt argues, “on a peculiar combination, balancing and relativisation of monarchic, aristocratic and democratic formal and structural elements” (V, 216).

The fact that precisely this parliamentary system usurped historically the name of representative system and representative constitution (*Repräsentativverfassung*), despite being misleading, is nevertheless significant. In the historical situation of the nineteenth century, as Schmitt argues, the parliament or representative agency of the people (*Volksvertretung*) did assume the genuine function of representing the entire nation—namely, parliament appeared as the representative of the people as a political unity against the king. But even then, in this political-polemical moment, it was far from fulfilling democracy but had instead an aristocratic character: “Only relatively, namely by way of the opposition to the absolute monarchy, could it appear as somehow democratical. This aristocratic and representative character disappeared along with the monarchical power and as a result of the increasing

democratization” (V, 217). Moreover, parliamentarianism could be regarded as a specific state form only insofar as it embodies the relativisation, combination and moderation of opposing principles of representation and identity. It features a particular type of representation, and in its authentic form—as was generally the case in the nineteenth century—it was possible to recognise in the parliamentary system a particular, and indeed aristocratic, state-form (*Staatsform*) (V, 219).

Therefore, the crucial point here is to understand correctly the rationale behind parliamentarianism, in other words, the principles that underlie this specifically intended institutional arrangement: “Like every great institution, parliament presupposes certain characteristic ideas” (CPD, 2). And once a particular institution loses its moral and intellectual foundations, or once these cease to apply in the changing historical circumstances, an institution consequently ceases to reflect its own original purpose and becomes an empty and obsolete apparatus. Indeed, as Schmitt argues, there cannot exist any heterogeneity of principles, even though there can exist, for example, heterogeneity of purposes, variety of functions or diversity of pragmatic validations. And with respect to parliamentarianism, Schmitt identifies these foundations precisely as discussion and openness (*Diskussion und Öffentlichkeit*): the “true” meaning of parliament thus appears to be based on the principle of public discussion—*das Prinzip der öffentlichen Diskussion*.⁶² To be sure, discussion does not mean any kind of deliberation, negotiation, and agreement; its purpose is first and foremost a rational persuasion through argument with respect to the truth or justice of something. All this implies certain *disinterestedness* on the part of discussants: “To discussion belong shared

⁶² In the second chapter of his abovementioned treatise, entitled “The Principles of Parliamentarianism”, Schmitt draws attention to the three essential characteristics of this parliamentary (representative) system—the system that is supposed to guarantee the rule of law (*die Herrschaft des Rechts*). With reference to Guizot, these are said to be discussion, openness, and freedom of the press. However, the latter figures merely as a technical-practical means to guarantee the realisation of the former two.

convictions as premises, the willingness to be persuaded, independence of party ties, freedom from selfish interests” (CPD, 5). The parliament of the bourgeois *Rechtsstaat* was according to its original conception precisely the location where the public debate of political opinions was meant to take place. The idea that rational discussion will eventually settle all oppositions and conflicts in a peaceful and rightful manner and that it is possible to speak and argue about everything, as well as with everybody, was fundamental for the self-understanding of this liberal parliamentarianism. Its general underlying thought could be expressed in the following manner: “That the truth can be found through an unrestrained clash of opinion and that competition will produce harmony” (CPD, 35).

Schmitt’s basic contention is that the development of modern mass democracy has turned this argumentative public discussion into an empty formality. Whether it has ever lived up to these ideals, is a different topic, and a matter of historical investigation; in any case, serious doubts can be raised about that. Schmitt, however, is indeed inclined to think that the nineteenth century parliamentarianism was inspired by genuine political considerations that emerged through an authentic polemical confrontation with an idea and practice of monarchy. And although discussion occupies the central place in the liberal system, it is precisely *Öffentlichkeit* that specifies the distinctive—i.e., public—character of this discussion: “The essence of parliament is therefore public deliberation of argument and counterargument, public debate and public discussion, parley, and all this without taking democracy into account” (CPD, 34-35). The requirement of openness, founded on the belief that publicity of the entire political life places “the powers” under the citizens’ control (CPD, 35), constitutes thus the fundamental presupposition of the entire liberalist way of thinking. “The publicity [*Öffentlichkeit*] of deliberations is the core of the entire system”, adds Schmitt in his more methodical account of modern constitutional systems in the *Verfassungslehre* (V, 316). There he also asserts the loss of these idealistic assumptions of parliamentarianism—which are, to repeat, representation, publicity, and discussion—under the conditions of

contemporary democracy. For example: “*The publicity disappears [die Öffentlichkeit entfällt]*. The public general meeting is no more the place where the decision is reached by virtue of the public discussion” (V, 319).

Historically, the alliance of democracy and liberalism was created in opposition to a common enemy—which was, at that time, royal absolutism—and with the purpose to get hold of political power. As a temporary union for tactical reasons, liberal democracy successfully competed for the hegemonic power position and eventually established itself as a dominant political force. But together with the decline of monarchical principle as a guiding idea of political life, the alliance between democracy and liberalism not only lost its initial rationale but, moreover, proved unable to positively provide for a spiritually sustainable form of political association.⁶³ The crisis of the modern state constitutes precisely one of the symptomatic outcomes of this characteristic inability or impasse: “The crisis of the modern *state* rests on the fact that a mass or a humankind democracy does not allow to realize any state form, not even a democratic state” (P, 22).⁶⁴ More to the point still, the overall crisis of parliamentary democracy that Schmitt diagnoses in his treatise, is not so much precipitated by certain external threats and challenges to liberal democracy, posed for example by Bolshevism or Fascism; rather, this crisis emerges inherently from the very condition of

⁶³ It would be interesting to compare this alliance between democracy and liberalism with another rather unusual union that constituted ideologically the political driving force behind the Bolshevik revolution—the union of industrial proletariat with agrarian peasantry in the historical moment of Soviet Russia.

⁶⁴ Curiously, the English translation of this sentence by Ellen Kennedy somehow turns this relationship between mass democracy and political form upside down: “The crisis of the modern state arises from the fact that no state can realize a mass democracy, a democracy of mankind, not even a democratic state” (CPD, 16). Compare the original: “Die Krisis des modernen *Staates* beruht darauf, dass eine Massen- und Menschheitsdemokratie keine Staatsform, auch keinen demokratischen Staat zu realisieren vermag” (P, 22).

modern mass democracy. The latter is characterised by the fact that it harbours in itself essentially liberal elements. This “confused combination” of liberal individualism and democratic homogeneity, privative consciousness (*liberale Einzelmensch-Bewusstsein*) and public sentiment (*demokratische Staatsgefühl*) is indeed the “inescapable contradiction” that informs the whole problem-complex of modern mass democracy.⁶⁵ In this critical, decisive situation liberal democracy must make a decision between its elements—either liberalism or democracy, either the moral and legal pathos of the former, or the democratic sentiment governed essentially by political ideals. But before proceeding with Schmitt’s discussion of democracy, we should try to disentangle the confusing union of liberalism and democracy in connection to our present topic of public opinion, and with regard to the central notion of an *Öffentlichkeit* itself.

Indeed, the liberal postulate of the openness of political life—*das Postulat der Öffentlichkeit des politischen Lebens*—is intrinsically connected with the phenomenon and power of public opinion. In this connection, however, the problem of public opinion appears originally as the problem of an openness or publicity of opinions; as Schmitt aptly puts it, “the question is not so much of the public opinion [*die öffentliche Meinung*] as of the publicity of opinion [*die Öffentlichkeit der Meinung*]” (P, 47). The significance of this distinction has not been properly recognised in the whole modern body of literature on the subject of public opinion, as Schmitt argues (without offering much evidence), not even in Ferdinand Tönnies’s great work, that otherwise still remains the most important sociological study on this topic,

⁶⁵ Schmitt remarks that this confusion can already be detected in Rousseau, who stands at the beginning of modern democracy. The idea of a social contract represents an essentially liberal element in Rousseau’s construction of the state—a free contract between individuals. *Volonté générale*, however, as Rousseau understands it, displays in truth the idea of homogeneity, and is therefore “genuinely consistent democracy” (the identity of governed and governing): general will demonstrates “that a true state, according to Rousseau, only exists where the people are so homogeneous that there is essentially unanimity” (CPD, 13). This unanimity, indeed, must extend so far that even the laws come into existence *sans discussion*.

Kritik der öffentlichen Meinung (1922). All these works, Schmitt emphasises, “do not clearly recognize nor appreciate the specificity of the concept of publicity [*Öffentlichkeit*] and its connection with the present, actually assembled people [*Volk*”—that is, precisely the political” (V, 249). The liberal belief in the publicity of opinions is indeed something rather different than the self-understanding of democracy as the “government by public opinion” (*die Herrschaft der öffentlichen Meinung*). The former was meant to combat on moral and legal grounds the so-called Machiavellian principles of holding and exercising power: “It answered the power ideal of political technique with the concept of law and justice” (CPD, 37). As a guarantor of ethical politics (together with a system of the division of powers), the demand for publicity derives its concrete historical justification and specific political meaning precisely against the particular theory of state secrecy, *Arcana rei publicae*, that was not only dominant in the political literature of the sixteenth and the seventeenth centuries⁶⁶, but also reflected the common political practice of then prevalent princely absolutism:

The idea of modern parliamentarianism, the demand for the control and the belief in openness and publicity [*Öffentlichkeit und Publizität*], emerged from the struggle against the secret politics of absolute monarchs; ... against practices of arcana which by means of secret resolutions decided upon the very fate of peoples (P, 62-63).

Thus, it was directed against the idea of politics as a technique of power-management (we could even say, governmentality) whose *modus operandi* required political-technical secrecy behind the public stage of its appearance; these secrets are, in fact, just as necessary for absolutism as business and economic secrets are for an economic life that depends on private

⁶⁶ This literature formed a part of a wider array of texts on the so-called *raison d'état* (*Staatsraison*). See also Schmitt's reference to the *arcantum* of the Grand Inquisitor, based on his knowledge “that man is by nature evil and vile, a cowardly rebel who needs a master” (RC, 32).

property and competition (CPD, 38). In his book on *Roman Catholicism*, Schmitt associates the concept of secrecy with aristocratic sensibility, and adds that it implies a certain self-confidence or courage of conviction.⁶⁷ It implies, in other words, the confidence of representing something and certainty of partaking in knowledge that is not available for everybody.⁶⁸ Indeed, precisely in the claim for representation, as in every esoteric construct that involves notions such as authority, arcanum, and idea, “lies an inhuman superiority over the uninitiated, the common man, and mass democracy” (RC, 34). Where the sentiment of a private person takes precedence, the consistency of an economic-technical thinking runs the show: “In a society that no longer has such courage, there can be no more ‘arcana’, no more hierarchy, no more secret diplomacy; in fact, no more politics. To every great politics belongs the ‘arcanum’” (RC, 34). Indeed, in a society bereft of any secrecy, Schmitt adds, everything takes place on stage—before an audience of Papagenos. Once we recall this

⁶⁷ As long as the idea of humanity preserved a spontaneous power, its representatives—the humanitarian philosophers of the Age of Enlightenment—also found the courage to succeed with inhuman power. This “fateful antagonism” inherent in the idea of humanity—it also becomes subject to the dialectics of every realization: “It must cease to be nothing but human”. That this dialectics is no abstract or sophisticated game, but a fact and necessity; with respect to democracy, for example, Schmitt explains: “As soon as democracy takes on the content of a self-sufficient value, then one no longer remain (in the formal sense) a democrat at any price” (CPD, 28). This seems to be the fate of all political-polemical concepts: “As its most important opponent, the monarchical principle, disappeared, democracy itself lost its substantive precision and shared the fate of every polemical concept” (CPD, 24).

Thus, it should come as no surprise that these self-assured *philosophes* preached enlightened despotism and the distatorship of reason. Indeed, as soon as dialectical philosophy is taken seriously by active people involved in political praxis, “those who have a higher consciousness and who believe themselves to be representatives of this great force [in Hegel’s case, the irresistible motion of world-historical events] will shake off the constraints of a narrow outlook, and will enforce the ‘objectively necessary’. Here too their will forces the unfree to be free. In practice that is an educational dictatorship” (CPD, 57).

⁶⁸ “As Trotsky justly reminded the democrat Kautsky, the awareness of relative truths never gives one the courage to use force and to spill blood” (CPD, 64).

character of a bird-catcher from Mozart's opera *The Magic Flute*⁶⁹, whose happily fallen humanity rests content with mere appetite and habit, and is gratified by plain satisfaction of his personal needs and wants, we realize the extent to which the political stage for enactment of a great mystique of representational authority had yielded to popular demands for *panis et circensis* from an essentially atomised audience of common people.

The question still remains, as Schmitt implies, whether commercial and industrial secrets will still be permitted, and/or whether these will constitute secrets in the genuinely political sense of this term. Schmitt does seem to suggest that economic-technical thinking appears to have a peculiar understanding of this type of secrets, and this may underlie “once again the beginning of a new, uncontrolled power” (RC, 35). For the time being, however, “The domination of ‘capital’ behind the scenes is still no form, though it can undermine an existing political form and make it an empty facade” (RC, 25). Essentially, it can depoliticize, but it cannot offer a viable political alternative: “But a political form of organization ceases to be political if it is, like the modern economy, based on private law” (CPD, 25). There may indeed be certain analogies between the mastery of a state and the ruling of capitalist enterprise (or, in more general terms, between political governance and household management—that is, management of the process of production and consumption), mostly on the level of administrative system (cf. Weber), but as long as economic sphere is governed by the freedom of contract and the civil law in general (*Vertragsfreiheit und Privatrecht*), political viewpoints do not allow to be transferred into economic relationships. What is

⁶⁹ There is an ironic twist here as well. Since its very first performance on September 30, 1791, *The Magic Flute* has been both popular and esteemed. The opera was an instant success with its first audiences. All of Mozart's earlier operas had been written for gilded court theaters filled with polite, bewigged aristocrats. *The Magic Flute*, on the other hand, was written for a commercial theater used to staging farces and operettas, rigged with stage machinery to make spectacular effects, and thronged with the common people.

crucial here is that “the form and content of authority, publicity (*Publizität*), and representation are essentially different” (CPD, 25).

Indeed, even if, or better still—precisely because—the prevalent mood of economic thinking aspires for political hegemony, it needs to transform itself into a force operating according to the logic of an *Öffentlichkeit*: “accommodations will be possible only if and when economically based power becomes political, that is, if and when capitalists or workers who have come to power assume political representation with all its responsibilities” (RC, 24). The public structure of the political requires a situation other than that of pure economy and private property. Also, as the new sovereign authority it needs to have a capacity to constitute itself formally, to give itself a juridico-political form—“every order is a legal order”. Economy does have certain idea of legal concepts (such as property and contract); yet from the public perspective these are merely rudimentary as they are confined to the sphere of private law. Thus, by perpetuating civil law, economic thinking effectively limits juridical form. Not only does the liberal-democratic understanding draw a rigid boundary between public and private—between the public sphere of democratic party politics and the private sphere of economic liberalism; the liberal-economic view of an *Öffentlichkeit* itself is highly redundant and epiphenomenal, as it is ultimately affected by impulses from the private sphere:

Public life is expected to govern itself. It should be governed by public opinion, the opinion of private individuals. Public opinion, in turn, should be governed by a privately owned free press. Nothing in this system is representative; everything is a private matter (RC, 28).

Here we reach yet another crucial observation. It concerns, namely, the mistaken conception of the notion of public opinion in the liberal thought. That public opinion should be composed essentially of the opinions of private individuals is a typical consequence of liberal-

economic political understanding. Let us imagine the situation, Schmitt proposes, where it would become conceivable for every individual person to continually express their opinions on political questions through some technical device (where the centre registers all these opinions automatically), and without having to leave his apartment. In that case, the result would by no means approach the democratic ideal of a “government by public opinion” (*Herrschaft der öffentlichen Meinung*). On the contrary, thus processed opinion would remain merely a sum total of private opinions, however congruent or concordant they might be. No common will, no *volonté générale*, as Rousseau would say, could emerge through such a procedure, only *volonté de tous*. Needless to say, it has nothing to do with democracy either: “By no means would it constitute a particularly intensive democracy; instead, it would only prove that state and publicity [*Öffentlichkeit*] had been completely privatized” (V, 245-6).

Such secured privacy receives its institutionally guaranteed arrangement in the regulations concerning the political process of free elections. The Weimar constitution, for example (Articles 125, 22, and 17 RV), guaranteed in addition to the freedom of vote (*Wahlfreiheit*) also the secrecy of a ballot (*Wahlgeheimnis*). What happens in this situation? According to the democratic conception, the electing or voting citizen is supposed to discharge an essentially public function and thus to assume a public role. But precisely at the decisive moment when a single individual is casting its vote—i.e., at this crucial transition-point from the private into the public—“the contradictory demand for a secret ballot appears” (CPD, 39). The consistent implementation of the “secret ballot” is from the point of view of a democracy, contradictory and undemocratic, because it transforms the citizen, *citoyen*—thus specifically democratic, i.e., *political* figure—into a private person by removing them from the sphere of the publicity (*Sphäre des Öffentlichen*). It implies, essentially, that in this decisive moment the voting citizen is left alone and remains isolated. Consequently, it is from the sphere of the *private* (be it religion or economic interests, or both combined) that an

individual pronounces their private opinion and delivers their personal vote. The constitutional regulation that stipulates a method of secret voting is, therefore, not a democratic arrangement but the expression of liberal individualism: “The confidentiality of the ballot is the point through which enters this transformation and takes place the conversion of democracy into the liberal protection of the private. Perhaps here lies one of the *arcana* of modern bourgeois democracy” (V, 246). It is difficult not to notice the ironic tone of this last sentence, since immediately before that Schmitt had commented on the peculiar character of this “secret”—namely, from the viewpoint of public law, it constitutes no genuine secret at all (V, 246). One cannot, of course, bypass the matters pertaining to the administrative-technical implementation of legal regulations as regards the secret ballot—which is, anyway, the concern not of individuals but of official authorities. But it does lie at the discretion of voters themselves whether to disclose it and make it manifest, or not; the protection of this secret is only a right, not a duty, of a citizen *qua* individual: “it is entirely their private business, namely, what they will make out of this secrecy” (V, 246).

The similar line of argument occurs in *The Crisis of Parliamentary Democracy*, where Schmitt characterises it precisely as an “undemocratic”, though of course liberal, conception, namely, that “a people could express its will only in such way that every individual citizen, surrounded by the deepest secrecy and total isolation, that is, without leaving the sphere of privacy and irresponsibility, and in view of the ‘safety measures’ and ‘unobserved’ ... casts their vote” (P, 22). To remind, “people is a concept of *public* right” (*Volk ist ein Begriff des öffentlichen Rechts*), and as such, it is incompatible with anything that originates or partakes in the sphere of privacy: “People exists only in the sphere of *publicity* [*Publicität*]. The unanimous opinion of 100 million private individuals is neither will of the people nor public opinion” (P, 22).⁷⁰

⁷⁰ Elsewhere Schmitt expresses this point even more dramatically: “When the individual stays at home and listens to the radio, then their opinion, even coinciding word for word with the opinion of

We already touched upon the liberal provision of a secret ballot (*geheime Einzelabstimmung*) as a method to discover the sovereign will and arrive at political decisions, and we did so in relation to the public-private distinction. As a result of this legal regulation, and precisely at that unique moment when one is supposed to carry out an act of public responsibility, the method of secret ballot transforms the voting citizen into a private person and allows them to express their opinion without leaving the sphere of the private—an individual is left alone and remains isolated within the confines of a polling box. There is, however, an additional problem to this, and the one that is meant to overrule the supposedly positive aspects behind the initial conception of a secret ballot such as, for example, protecting individual's conscience against the external (or public, *sic!*) pressure for conformity or compliance with the decisions taken beforehand and elsewhere. Namely, this concerns the principle of the majority decision⁷¹, which is indeed, unlike secret ballot, a democratic method of not only identifying the popular will but also ensuring that this popular will is informed by political responsibility: "Its has as its aim to secure that political questions will be settled through the politically responsible conviction of the majority of population" (SGN, 48). In constitutional democracy, however, where liberalism intervenes with its regulation of a secret ballot, this idea becomes in effect impossible to realise, because the body of politically disinterested individuals necessarily outweighs those with conscious political conviction, subverting thus the whole process of political decision-making. The result, therefore, turns out to be the exact opposite of its original purpose: "The majority decision by the individual secret ballot necessarily tends toward the *minimum* of political decision" (SGN, 48).

everybody, is not a public opinion" (SGN, 48).

⁷¹ As Schmitt informs us, the sentence "majority decides" (*Mehrheit entscheidet*) was regarded by Friedrich Naumann as an expression of democratic principle and disposition (cf. V, 278).

Schmitt presents his critique of the catchphrase *Mehrheit entscheidet*, as well as discusses the difference between voting (which simply accumulates private opinions) and acclamation (which carries in itself a genuinely public opinion), in § 21 of the *Verfassungslehre* (“Grenzen der Demokratie”, pp. 276-282). We already know that according to Schmitt, the mere counting up of what individuals *privatim* think does yield neither true public opinion nor authentic political decision. Schmitt emphasises that acclamation and voting are based on so entirely different foundations that it is not possible to guarantee that the subsequently arranged secret voting will deliver the same result as the immediate (and often unpredictable) eruption and manifestation of the people’s will. This discrepancy results from the fact that public opinion is essentially the opinion of politically active and interested individuals, while the general vote discriminatingly takes in everybody who formally qualifies under the right of universal suffrage: “Because the public opinion will in general be carried only by an active and politically interested minority of the people whereas the large majority of the entitled citizens is not, in fact, politically interested” (V, 279). Indeed, the majority of the people, or at least the prevailing part of those citizens who mind their own business, would rather prefer not to bother themselves with political decisions, as far as these do not concern or affect their immediate economic interests. They try to conduct themselves with respect to decision as passively as possible, and when they do resolve for voting, they exhibit a veritable tendency to deliver an answer that contains only the least amount of factual decision. What is more, in some cases it could even be inequitable to expect such decisions from them.

A telling example—and indeed, literally “eye-catching example which takes place in the public realm” (*ein augenfälliges, in der Öffentlichkeit sich abspielendes Beispiel*)—that Schmitt provides here in order to illustrate his point, concerns the way in which the denizens of the German Reich (Weimar Republic) manifest their political apathy or aversion to take a decision whenever they fly flags. The compromise and indecision is already inscribed in the

Weimar constitution (Article 3) that specifies the following arrangement: “The Reich colours are black-red-golden. The merchant flag is black-white-red, with the Reich colours in the upper inner corner” (V, 281). This constitutional stipulation clearly refrains from the explicit political decision between the colours of black-red-golden and black-white-red (and thus, to a certain extent, between the republican and monarchical state symbolics, since the combination of black, white and red featured also on the flag of the former German empire). The resolution of this issue through the voting in parliament would not be convincing, as its outcome would apparently be determined by party discipline. But neither can one detect any visible manifestation of the presence of some overwhelming and decisive acclamation (literally through the public display) on the part of the German people on this “flag question” (*Flaggenfrage*). On the contrary: “The greater part of the population, namely the business people, show meanwhile in public [*Öffentlichkeit*] that they too are unwilling to make up their minds” (V, 281). They avoid the issue by not flying flags at all or otherwise by preferring to display some ‘neutral’ colours such as county flags, local or municipal standards, papal insignia, private or family symbols and so on. What this phenomenon virtually demonstrates is that people do not want to bother themselves with taking a decision, preferring to let the matter rest.⁷²

As such, it offers a vivid illustration for the principle that “majority decides”—the existent reality of this slogan produces a blatant paradox, namely, that those who remain at home, and who do not decide, determine the outcome. It is precisely the system where secret voting and statistical calculation of majorities prevail, that makes it possible for the individuals who do not have any political will, to decide over those who are politically

⁷² This standpoint by the people virtually implies: “We cannot be bothered to decide, and thus prefer to leave the issue as it is” (SGN, 49).

determined—and to accept this situation would be, as Schmitt sarcastically remarks, to subscribe to a rather unusual political principle indeed:

The method of individual secret ballot leads to it that political questions become decided by all those politically uninterested and politically irresponsible people. One could say: the more a certain group of population seeks to withdraw itself from political decision and responsibility, the greater becomes under today's methods its political influence (SGN, 49).

The fundamental problem with modern mass democracy is summarised by Schmitt as follows: “Democracy today is democracy without a demos, without a people [*Volk*]. ... It is remarkable that in our democratic constitution there is no place for assembled people, but always only for the assembled representatives, for the individuals extracted from masses” (SGN, 148). Neither the constitutional letter nor the political reality of the bourgeois *Rechtsstaat* make any substantial provision for a genuine expression of the people's will, and the failure to do so also implies that it has no idea of an *Öffentlichkeit* with respect to its decisive role in the structure of the political. We have established so far that *Öffentlichkeit* is somehow inherently connected with the political. Thus, in addition to Schmitt's criterion of the political (friend-enemy distinction), we can now also specify the latter's “field of reference” (*Sachgebiet*), not, of course, in the sense of its characteristic subject-matter, but in the sense of a specific ‘space’ as a condition of the emergence of the political—the sphere of the political is essentially the sphere of the *Öffentlichkeit*. In order to clarify this notion of *Öffentlichkeit*, we need to concentrate, first, on its relationship with the subject of the political—which is, in Schmitt's vocabulary, generally designated as the *Volk*. This is witnessed by Schmitt himself who, in mentioning the contemporary works on public opinion as a sociological and political topic, says that these works (as we already indicated above) “do

not clearly recognize nor appreciate the specificity of the concept of publicity [*Öffentlichkeit*] and its connection with the present, actually assembled people [*Volk*]*—that is, precisely the political”* (V, 249).

5. *Volk* and *vox populi*

The sort of follow-up to Schmitt’s discussion of modern mass-democracy in the *Parlamentarianism* that seeks to clarify the ambivalence surrounding the concept of a “people”—before he turns to consider its constitutional framework in *Verfassungslehre*—could be found in Schmitt’s rather less-known treatise *Volksentscheid und Volksbegehren* (1927; *Popular Referendum and Petition*). Originally a public lecture, it contains an enlarged third part, entitled “Die natürlichen Grenzen der unmittelbaren Demokratie” (pp. 31-54; “The Natural Limits of Direct Democracy”), and that among else attempts at articulating those specific capacities that could properly be associated with the term ‘people’. Arguing that the very fate of democracy depends upon the correct assessment of its limits, and admitting that not much can be left for a people to decide within the context of a legally regulated everyday life, Schmitt nevertheless declares: “I believe that in great and decisive moments a brave people is capable of accomplishing the unbelievable” (VV, 31). But in order to better appreciate its meaning, one needs to understand the Schmittian usage of this term.

As Schmitt emphasizes, the crucial thing is to keep in mind the inherent ambiguity that goes with the word *Volk* which, indeed, can indicate a variety of political, social or legal subjects and entities. Certain specific nuances notwithstanding, the most fundamental distinction appears to be the one between *Volk* as a carrier of the constitutive power (i.e., the subject of *pouvoir constituant*), and *Volk* as a state-organ (i.e., the subject of *pouvoir constitué*) whose activities keep to the constitutionally prescribed format. Schmitt also points

out that the specifically political meaning of the word *Volk* lies in its opposition to any governmental organization as well as to any institutional form of magistracy; this holds true even for democracy, where people (*demos*) is supposed to rule by definition: “People are precisely those who have *no* official function, who do *not* rule” (VV, 33). It is crucial to acknowledge that “a people is not administratively organized, not ‘formed’ entity, not ‘in authority’, and precisely for that reason those who do govern do not belong to the people” (VV, 33 n. 1), for this *negative* determination appears as something essential to the very concept of ‘people’. It thus retains some share of the ancient roman insight, according to which “essentially, people *is not a government*” (*das Volk wesentlich nicht magistratus ist*).

To be sure, within the context of modern politics such negativity sometimes takes unexpected forms; thus, for instance, it was required that on the occasion of a referendum (*Volksentscheid*, as specified by the Weimar Constitution, Article 75), the positive decision had to carry the majority of those entitled to vote, provoking Schmitt’s sarcastic remark that in this case, “in determining the people’s will, one takes into account not only the actual voters, as usual; moreover, those who stay at home in fact represent a people!” (VV, 32). Needless to say, Schmitt himself considers ‘people’ in the entirely opposite way: “A people which in the actual gathering at the market or at some other location appears and acts as the assembled community ... is sociologically and politically instantly recognizable entity; it has its general will and it expresses it differently than a people whose will is expressed, without their coming together, in the sum total of secretly cast votes” (VV, 33). Moreover, any formally arranged popular voting procedure (e.g., the so-called secret ballot or plebiscite) is bound to betray, or even to foreclose, the specific possibilities that inhere in the midst of the assembled people. But what precisely are those possibilities, and what is this potential activity or function that the people thus gathered is supposed to discharge? Schmitt is quite straightforward here; the (political) activity in question is one of the *acclamation*:



For the most characteristic activity, capability and function of a people, the core of every popular expression, the democratic originary phenomenon—that what Rousseau considered as the real democracy—is acclamation, the approving or declining shout of an assembled crowd. People ... shouts up or down, it rejoices or grumbles, it strikes with arms against the shield, elevates unto shield, concludes by saying in one word or another ‘amen’ or refuses this acclamation in silence. ... Anywhere there is still people and wherever it is actually gathered together, be it even as a crowd of onlookers at the racecourse, and expresses the signs of political vitality, it testifies to its will through acclamation. ... Acclamation is an eternal phenomenon of every political community. No state without a people, no people without acclamations (VV, 34).

It should not be overlooked, Schmitt continues, that wherever public opinion emerges, not merely as a political pretext but as a social reality, it always carries this quality or possibility of *acclamatio* that remains independent of any voting procedure. Thus, as it happens, “in all the decisive moments in which the political sense of a people has a chance of asserting itself, there also appears approving or declining acclamation, which does not depend on any voting procedure” (VV, 34). This authentic and immediate expression of people’s presence is in any case threatened by those formal procedures that tend to isolate individual voters, converting them into nonresponsible private persons and consequently turning *Volk* into a mere function of addition.

The secret voting procedure, however, explains the widespread and “typically liberal mistake” (as Schmitt puts it) according to which it is necessary for an individual to guarantee his or her independent judgment in all possible matters—“so that finally every citizen will become not only a perfect statesman and a heroic soldier but also a universal expert” (VV, 35). But securing this objective-technical expertise in any single issue is neither something

particularly democratic, nor is it certainly worthy of aspiration as an ideal. For a politically motivated public consciousness that is guided by a sense of unity and belonging, it does not even occur to play a role of an expert: “A people which acclaims *en masse* in its immediate givenness ... expresses itself as a decisive bearer of political life in a specifically political category, and its decisions are always right as long as it preserves undiminished political instincts and knows to distinguish between the friend and the enemy” (VV, 35). As to the opinion that certain specific issues (e.g. international treaties, questions of public security, financial issues, etc.) need to be excluded from popular appeal on the pretext that people are incompetent to consider technically difficult questions, then according to Schmitt it ignores the fact that “important decisions, regardless of their matter, always contain a political question, and people to whom this question is submitted by the authorities must always be capable of *decision*” (VV, 41). This fact cannot be revoked on the grounds of education or expertise, that is, neither in practical terms, “for an agrarian or proletarian people can be more self-assured in their political consciousness than degree-owners”, nor theoretically, “for in democracy, people is simply by definition capable of every political decision” (VV, 41).

However, these considerations regarding the specific possibilities of *Volk* (and its limits thereof) become relevant once the secret voting procedure is taken into account.⁷³ More precisely, these limits are due to the nature of this procedure—to the fact that people can only answer (either in the affirmative or in the negative) to the already formulated question. Thus Schmitt: “People, that is, the majority produced by the secret ballot, can always merely say yes or no”, and that means, “that a people expressing its will through the secret voting procedure can answer but not ask” (VV, 37). In other words, the inevitable and natural limits of direct democracy lie in its dependence on the clearly formulated, easily

⁷³ The following will concern the topic of public referenda only, as distinguished from general elections which is an altogether different matter, where *Volk* comes to the fore in a particular function of choosing its representatives.

understandable, and simple question.⁷⁴ And it is quite obvious that the one who has a power and authority to formulate questions can also decisively influence their outcome; this is all the more pertinent for the modern democracy since the result thus obtained could be easily mistaken for the true *volonté générale*. Here, public consultation and discussion is foreclosed by the formality and the secrecy of the voting procedure; everything that does remain outside the legally confined and socially controlled process is left to the privately directed press-propaganda and party canvassing.

Yet another way to comprehend the phenomena of referendum would be to conceive it as a functional decision in cases of the conflict between higher state authorities or state organs (president, parliament, senate, government, etc.). From this perspective, indeed, everything (that is, any issue notwithstanding its subject-matter) can be made into an object of a public referendum. Such was, for instance, the opinion of Hugo Preuss who emphasized “that the actual function of a referendum is to decide upon conflicts and differences of opinion between the higher state organs” (VV, 39). In either of these cases, however, the principal question that concerns the relationship between the people and its governing authorities is not sufficiently resolved and remains essentially open. This question of immediate democracy, in other words, concerns the possibility of state organization without magistrates—and this condition is rendered possible only by the anarchist solution. Therefore, certain institutional framework is indeed indispensable; when, on the other hand, people itself becomes magistrate—or, when it is submerged *in toto* in the system of competences (according to the methods of secret vote)—it loses, according to Schmitt, its particular character as a *Volk*. It is here that we encounter the natural limits of any immediate or pure democracy:

⁷⁴ For example, the outcome would be easily predictable, if one were to ask citizens whether they want peace or not; however, nothing of any substantial decision were to be gained thereby. Not so, Schmitt seems to suggest, “with the actually assembled and publicly discussing, present people” who still retains this capacity to formulate questions and take the initiative.

The immediate nature [*die Unmittelbarkeit*] of democracy does not allow its organization without ceasing to be immediate. ... For a completely formalised people loses its living greatness and power, and even the most natural and inalienable right of every people—acclamation—has thus been organized away (VV, 49).

Thus in the political and social reality, and notwithstanding any possible extension of its formal competences, *Volk* (as long as it exists politically) nevertheless remains an essentially different entity over and above all its formal-juridical determinations and specifications. This indeed has a crucial implication: namely, due to such irreducible remainder that cannot be incorporated into an organized structure or a procedural system, it becomes possible even for some numerical minority to appear as *Volk* (and dominate the public opinion), as soon as it starts to display a strongly motivated and determined political will vis-à-vis a politically weak-minded or disinterested majority of the population. This possibility of identification with the “people” is something that cannot be precluded, and it is precisely in democracy—whose very legitimacy ultimately depends on the concept of *demos*—that this inherent potentiality appears very powerful:

Precisely this juridical unorganization gives it then superiority and political possibility to signify itself *immediately* as people, and to identify its own will with the latter. ... No constitution can unambiguously determine who is people in this sense. People can here be any amount which behaves unchallenged as a people, and thereby itself decides as to who *in concreto*, i.e. in the given socio-political actuality, acts as people (VV, 49-50).

In view of the established secret voting procedure, therefore, the notion of modern “immediate or direct democracy” (as an instituted plebiscite, for example) should be taken

only in a relative sense—and that even in its opposition to “representative” democracy. It thus appears rather as a sort of “mixed” democracy, in the gap between parliamentary liberalism and modern mass-democracy (based, as it is, on the secret voting procedure). And it is precisely in this gap that the possibility of a legislative initiative accorded to the “people”—the so-called *Volksinitiative* which is to be distinguished from a referendum, *Volksentscheid*—constitutes indeed the uncomfortable threat of overcoming the entire parliamentary system; as Schmitt puts it, *Volksinitiative* is like a sword of Damocles (of pure democracy) that hangs over the parliamentarianism.

Coming shortly back to the very activity of *acclamation*—as a genuine and characteristic performance of the *Volk*, and consequently, as a proper starting point for any discussion of the direct or pure democracy—then one could not fail to observe that this notion has been received overwhelmingly in outright negative terms. Andreas Kalyvas, for example, criticizes Schmitt for too generously granting public practices of speech and deliberation to the liberal tradition, thus “levelling democratic politics to speechless applause”; as a result, Schmitt was left to operate the impoverished version of popular assemblies which themselves “were left with the passive options of acclamation, noise, and shouts” (Kalyvas 2000, 1563-64). Similarly, Jean L. Cohen in her comment to Kalyvas, emphasises Schmitt’s complete rejection of the procedural concept of democracy (discourse, deliberation, plurality, heterogeneity, etc.), leaving us with plebiscitary democratic forms as the only alternative option. Again, Schmitt is said to reduce democratic assemblies to the passive role of acclaim (Cohen 2000, 1595). My intention here is not to contest these objections, nor to provide a conclusive statement on the nature of acclamation, for we are dealing here with a very complex and indefinite phenomenon indeed. I would like, however, to underline its specifically political significance and its facticity which should make us attentive to all the complexity of this phenomenon. One could only think of the Czech “velvet revolution”, the

Estonian “singing revolution”, the Ukrainian “orange revolution” and other similar phenomena in the recent East-European political history (or elsewhere) in order to more fully appreciate the meaning and transformative power of these public-popular upheavals.

As an exemplary treatment of this topic that widely exceeds its specific (theological) field, Schmitt mentions Erik Peterson’s study of *acclamatio* and its various forms, *ΕΙΣ ΘΕΟΣ. Epigraphische, formgeschichtliche und religionsgeschichtliche Untersuchungen* (1926). In posing the question “What are acclamations?”, Peterson provides the following answer: “Acclamations are the shouts of some bigger crowd that expresses itself at the most different occasions. ... also at the gatherings or crowdings (especially in the theater or before the court) when it was allowed to pass resolutions or to force through specific demands” (Peterson 1926, 141). Significantly, Peterson emphasises that far from being irrelevant utterances, these calls were regarded under certain circumstances as having important judicial meaning; that was also the reason why these expressions were often noted down (especially in the cases of constitutional or associational affairs).⁷⁵ Moreover, during negotiations or trials it was believed in the ancient times that acclamations amounted to a direct intervention of divine spirit—that these passionate and vehement expressions of people’s will sprang from some higher kind of inspiration.

To give an example of these kind of secular acclamations, Peterson refers to the passage in *The History of the Church* where Eusebius describes the election of Fabian as the Bishop of Rome: “At this, as if moved by one divine inspiration, with the utmost enthusiasm and complete unanimity the whole meeting shouted that he was the man” (vi 29, 4).⁷⁶ This

⁷⁵ That could indeed be an argument to consider, says Schmitt, “that everything to what a people gives its acclamation is a law, since *acclamatio* is not a psychological but a political and constitutional phenomenon” (VV, 46, n. 1).

⁷⁶ Cf.: “Daraufhin habe das ganze Volk wie von dem einen göttlichen Geiste getrieben in aller Begeisterung und einstimmig ‘Würdig’ gerufen und ihn ohne Zögern ergriffen und auf den bischöflichen Thron erhoben.” (Peterson 1926, 143).

paragraph appears very curious indeed, since it shows how the acclamation by the people can be traced back to a kind of inspiration; and yet can display the ecclesiastic-juridical meaning of an election. By and large, this phenomenal connection between an enthusiasm and right (judicial power) was observed quite frequently. Another example comes from *The Life of Peter the Iberian*, and it describes a frightful vision that Peter once had witnessed:

While in town, at the place called theatre, the entire folk attended a spectacle, the devoted crowd [*Volk*], fired with zeal and seized by divine power, began suddenly to shout: ‘Dioscur in town! The Orthodox in town! The Confessor at his throne! Burn must the remains of Proterius! Judas into the exile, Judas to be thrown out!’ And by uttering innumerable other cries, they demanded that Dioscur ... should ... return (quoted in Peterson 1926, 145).

What this short excursus was meant to illuminate, precisely, is the intimate relationship between the concepts of *Volk* and *Öffentlichkeit* in Schmitt. Publicity emerges as an outcome of people coming together; only the present (*anwesende*), virtually assembled people could be regarded as *Volk* in the genuine sense, capable to effectuate, by virtue of its very presence, an *Öffentlichkeit*. And by its turn, the latter provides a space (forum) where *Volk* can perform its characteristically political function, that is:

acclaim, that is, by a simple call express its agreement or disagreement, shout up or down, cheer a leader or a proposal, let live the king or whoever else, or refuse its acclamation through silence or grumble (V, 243-4).

It is precisely by virtue of being virtually assembled—by constituting, so to say, a virtual assembly in contrast to a representative assembly of the people—that the people is effectively

capable of acclamation and, moreover, is present as at least potentially political entity. Whenever people gather themselves, in public and as a public, and for whatever purposes, their very coming together contains in itself unexpected (and unpredictable) political possibilities. This is true not only of democracy but also, for that matter, of monarchy, as long as the latter does retain the spirit of a genuine political form. Schmitt emphasises, however, that for the modern democracy is the question of an *Öffentlichkeit* especially pertinent, since the notion of *Volk* is here not only constitutive of the latter but also sovereign of the former. It is crucial, therefore, to consider these simple and elemental phenomena, because only on this basis it becomes possible to clarify, as Schmitt puts it, otherwise “rather obscure and yet for every political life and especially for the modern democracy fundamental concept of publicity [*Öffentlichkeit*]”, and to identify the genuine problem of modern democracy (V, 244).

This problem of modern democracy, so Schmitt seems to suggest, lies in the fact that constitutionally regulated civil democracy is not able to recognize and realize true forms of the people coming together (*Volksversammlung*) and voicing their acclamation. In other words, the constitutional democracy of bourgeois liberalism ignores assemblies of people as such precisely because it is characteristic to it to ignore the question of sovereignty—be it monarch or, as in a true democracy, the people. So it makes impossible to realize the essential political principle behind the idea of democracy—the principle of identity. All democratic arguments, Schmitt says, rest logically on a series of identities: for example, the identity of governed and governing, sovereign and subject, of those who command and those who obey, of the people with their representatives, of the sovereign, the general will, the law, the current voting population, the majority etc (see CPD, 26).

The essence of the democratic principle is thus the assertion of an identity between law and the people's will.⁷⁷ But precisely because this democratic identity with the people's will has been so widely accepted, and has been turned into a rather common premise, "it has ceased to be politically interesting" (CPD, 29). As Schmitt argues, nobody today is really willing to contest its principle (Hans Kelsen being a notable exception in this regard).⁷⁸ This observation is important for grasping the political reality of democracy—the latter should be understood from the point of view of political theology: "the belief that all power comes from the people takes on a meaning similar to the belief that all authoritative power comes from God" (CPD, 31). However, since an absolute, direct identity can never be achieved in actuality, the question concerns rather the recognition of the identity—identifications.

But in the circumstances of modern mass democracy the attempts to realize an identity of governors and governed become extremely difficult. It is not only because the parliamentary institution appears here as inconceivable and outmoded. From the viewpoint of identity, democracy had reached its critical stage precisely because the problem of a substantial equality and homogeneity, which is necessary to democracy, cannot be resolved by the general equality of mankind (CPD, 15). As a matter of fact, Schmitt argues, "equality of all persons as persons is not democracy but a certain kind of liberalism, not a state but an individualistic-humanitarian ethic and *Weltanschauung*. ... In democracy there is only the equality of equals, and the will of those who belong to the equals" (CPD, 13, 16). The universal equality is the concept of indifference, because it does not have any correlate inequality—to be equal with everybody either does not make sense, or its content is thin and

⁷⁷ Its consequence for the jurisprudence of public law: neither constitutional nor international law either in theory or in practice can dispense with the concept of legitimacy; "the dominant concept of legitimacy today is in fact democratic" (CPD, 30)—from dynastic to democratic legitimacy, and democratic principle has effectively substituted the monarchical one.

⁷⁸ Schmitt adds here that "only Italian Fascism seems to place no value on being 'democratic'" (CPD, 30).

abstract to the point of being useless. As such, it is a purely formal signifier. When applied in the sphere of politics, it not only deprives the latter of any substantial meaning (in effect, “depoliticizes” it). It also carries within itself a possibility, namely, that “under conditions of superficial political equality (*politischer Scheingleichheit*), another sphere in which substantial inequalities prevail (today, for example, the economic sphere) will dominate politics” (CPD, 13).

The decision by majority is thus only valid in the complete similarity of all those who are eligible to vote. Every democracy indeed presupposes the full homogeneity of people, because only such unity can act as the bearer of political responsibility. Far from being a method of integration, democracy itself presupposes a substantially integrated *Volk*, revealing thereby its practical limitations. In a certain sense, *Volk* is an impossible entity—it will always be characterised by heterogeneous composition: “Various people or social and economic groups which organize themselves ‘democratically’ have only abstractly the same subject ‘people’ [*Volk*]. *In concreto*, the masses are sociologically and psychologically heterogeneous” (P, 34). With respect of the German nation, Schmitt admits its split into a variety of relations—whether cultural, social, racial, religious, or class-based.⁷⁹ How the political unity should be constituted? Or again, formulated in the terms discussed above: “Where is here a space for an acclamation which can only occur when publicity [*Öffentlichkeit*] is established through a presently assembled people? ... Where is thus today, by the methods of secret ballot, publicity, and where is people?” (SGN, 48). Hence, the problem relates to the task of grasping the proper form of acclamation, as well as of identifying the genuine political subject that would correspond to this form. But the question *What is a people?* turns out to be more complicated than it first appears.

⁷⁹ Concerning the German state itself, Schmitt adds: “The German *Reich* is above all a unity based on reparations [*Reparationseinheit*]; precisely as such it appears outwards” (SGN, 49).

In a common language, the German word *Volk* refers to the people (or sometimes to the nation). But in Schmitt's theoretical reflections *Volk* often stands as a generic name for every kind of political unity (be it defined ethnically or territorially, or based on religion or class, such as bourgeoisie or proletariat)—the subject and substance of the political. Thus, in his treatise on constitutional law, *Verfassungslehre* (1928), Schmitt takes up the notion of *Volk* in the context of his discussion of democracy, where it is asserted at the outset that *Volk* in democracy is the subject of the constitutive violence:

The constitution in the positive sense arises through the *act of constituent power*. The constitutional act as such does not contain this or that number of separate regulations but, instead, determines by the singular decision the entire political unity with regard to its particular form of existence. This act *constitutes* the form and nature of the political unity whose existence is presupposed. ... Such constitution is a conscious decision that the political unity *makes for itself* and *gives to itself* through the bearer of constituent power (V, 21).

In other words, the democratic constitution presupposes, and is based upon, the concrete political decision of politically action-capable *Volk* (V, 238), that is, on the decision about the mode and form of existence of the political unity. However, what is characteristic to *Volk* is that it remains, apart from certain cases of constitutionally organised activity (national election, plebiscite or referendum), essentially an unformed and unorganised entity: "The specificity of the concept 'people' [*Volk*] consists here in that people is a non-formed and never completely formable entity" (V, 242). More importantly still, Schmitt says that it rather characteristically, 'people' is defined essentially (politically) in a *negative* way—the word *Volk* has a particular antithetical meaning of being opposed to any official state authority or public magistrate: "People are those who do *not* govern, do *not* represent, do *not* exercise any

officially arranged function. ... People are in a particular sense of this word all those who are *not* outstanding and distinguished, all those *not* privileged, all those *not* elevated by means of property, social standing or education” (V, 241-3). This negativity (for example, the public in a theatre as that part of those present who *do not* act) is not only something in general sociologically significant, but is also important with respect to political considerations; as Schmitt argues, “also for the scientific treatment of political theories this peculiar negativity cannot be passed unnoticed”. The crucial passage that establishes the link between *Volk* and *Öffentlichkeit* in the most straightforward way is the following one:

This negatively determined entity ‘*Volk*’ remains, despite the negativity of its determination, no less significant for a public life. People is a concept which can exist only in the sphere of *publicity* [*Öffentlichkeit*]. People appears only within publicity; it brings this publicity into existence to begin with. People and publicity exist together; no people without publicity, and no publicity without a people. And a people produces publicity precisely through its presence. Only a present, actually assembled people is a people, and establishes thus publicity (V, 243).

Hence, no matter where and for what purpose people have actually come together, and provided that they not merely appear and assume the role of some organized interest group, then their coming together, their presence itself is enough to establish, at least potentially, the space of the political: “thus, for example, at street demonstrations, at the public festivities, in a theatre, at a race course or a stadium, is this acclaiming people existent and constitutes at least potentially a political entity” (V, 244).

Historically speaking, for example, it was the third estate that during the French revolution was fighting for its rights and for the access to power. As soon, however, as bourgeoisie lost its ‘political negativity’—that is, as soon as it acquired a positive status

through property and education, and ultimately established itself as a ruling class within the liberal state, having thus fulfilled Sieyes's prophesy ("the Third Estate is nothing and will become everything")—it also lost its character as a *Volk*. The negation moves, as it were, further on and finds a new social non-entity—which is precisely the proletariat. For explanatory purposes it is necessary to quote in length Schmitt's description of this whole process:

Now *proletariat* became a people, since it became a bearer of this negativity: it is the part of a population which does *not* own property, does not share in the produced surplus value and finds no place in the existing order. As opposed to the propertied classes it thus appears as a people in an especially intensive sense, and a meeting of proletarians is today more likely to be a people's assembly than the meeting of industrialists or intellectuals. Democracy becomes a proletarian democracy and removes the liberalism of the propertied and educated bourgeoisie (V, 243).

In other words, "The proletariat can only be defined as the social class that does *not* participate in surplus value, that does *not* possess, that knows neither family nor fatherland, and so forth. The proletarian becomes the social nonentity [*Der Proletarier wird das soziale Nichts*]" (; CPD, 62; translation modified). At this point Schmitt reminds us that this expression should not be taken as a mere figure of speech, and he adds in a footnote: "If a social nonentity is possible in society, then it proves specifically that no social order exists. There can be no social order that contains such a vacuum" (CPD, 106, n. 13).

It was already mentioned above that this negative determination of *Volk* indicates for Schmitt something that has also (and especially) a political significance. This *negative* presence (*Anwesenheit*) of *Volk* (in the sense of the unity of people, *Gesamtheit von Menschen*) is the

condition for the representation: what is represented is the political unity as a whole, and it is done in such a way that “it represents and embodies [*konkretisiert*] the spiritual principle of a political existence” (V, 212). (In this connection it is important to note that “the struggle around representation is always a struggle for a political power”.) The notion of *Volk* should not be understood in a strictly ethnical sense, or in the sense of a ‘nation’ (though Schmitt often implies precisely this, e.g. when he advances his own political agenda which can, however, be temporarily left aside). As all political concepts, it also has a polemical character; thus, Schmitt remarks, it was possible for bourgeoisie (as the Third Estate, as the opposition to aristocracy and to otherwise privileged strata) to identify itself with the nation. Once the bourgeoisie was established as the ruling class, the negation moved further and found its carrier in the proletariat who accordingly became *Volk*: “it is the part of a population which does *not* own property, does not share in the produced surplus value and finds no place in the existing order” (V, 243). But this being negated only underlines its significance for the political; thus, with reference to the proletariat Schmitt says: “As opposed to the propertied classes it thus appears as a people in an especially intensive sense” (V, 243). What ‘intensity’ means in Schmitt’s context is quite clear⁸⁰; the political enemy is, therefore, “the other, the stranger; and it is sufficient for his nature that he is, in a specially intense way, existentially something different and alien, so that in the extreme case conflicts with him are possible” (CP, 27).

The negative definition of a people also implies the lack of a positive identity of its own—it is essentially ‘the other’, and it sees itself as ‘the other’, as ‘not belonging to them’ (be it a ruling class, an aristocracy, land owners, colonial powers, ethnic majority, etc). Rising to political consciousness means precisely this: coming to realize one’s own negativity (one could also say: deprivation). This certainly has an existential meaning. The negative

⁸⁰ To remind, the meaning of the distinction between friend and enemy is precisely that it marks “the extreme degree of intensity of a unity or separation, association or dissociation” (BP, 27).

determination may mean that the existential space of one's own is missing (occupied, so to say) or under the threat of being invaded. Hence Schmitt's further definition of the notion of enemy, introduced in the treatise that forms a kind of sequel (*Zwischenbemerkung*, as Schmitt himself puts it) to his concept of the political, *Theorie des Partisanen* (1963): "The enemy is not something that can be set aside for whatever reason, or that must be annihilated because of his absolute lack of value. The enemy is on the same level as I am [*Der Feind steht auf meiner eigenen Ebene*]. For this reason, I must deal with him in the course of a clash, in order to gain a measure of myself, my own limitation, and my figure" (TP, 71-72). Ultimately, "The enemy is our own question as a figure" (*Der Feind ist unsere eigene Frage als Gestalt*; the English translation says simply: "the enemy defines us"; see TP, 71)—Schmitt takes this line from Theodor Däubler's poem *Nordlicht*. And this question, this thought, can be expressed in the most general terms as *Who are we?*⁸¹ Thus, the enemy appears as a concrete embodiment (one could even say: personification, or representation) of a specific existential question, since as Schmitt asserts, the notions of friend and enemy should be taken in their concrete, existential sense.⁸² And precisely at this point there arises the need to decide for oneself, in Schmitt's words, "whether the adversary [*das Anderssein des Fremden*] intends to negate his opponent's way of life and therefore must be repulsed or fought in order to preserve one's own form of existence" (CP, 27).

⁸¹ It is from this viewpoint also that Schmitt's somewhat cryptic clarification, presented in a letter to Joachim Schickel (Mai 31, 1970), can become meaningful: "I think, *then* I have enemies. I think, therefore I am *not* (I am *not secure*); then I am threatened by my own kind. I think *of myself*, therefore I am double; me and the thought. I think, and *as a result* (therefore) I have enemies. The enemy *emerges* from the fact that I myself *become conscious* of him; I create him like God the Father creates God the Son. *I think my enemy*, therefore we are not two but one, or a unit. Thinking quarrels, enemies think—*ergo existant qualitate qua hostes*."

⁸² "The friend and enemy concepts are to be understood in their concrete and existential sense, not as metaphors or symbols" (CP, 27).

6. Some Critical Comments

The crucial role that the notion of *Öffentlichkeit* plays with respect to the concept of the political in Schmitt has not been widely recognised, and the literature concerning the “public” quality of the political has so far remained rather scarce. It is generally agreed that the characterisation of enemy as a public enemy implies something important about the political phenomena. But discussion then usually shifts towards the possible meanings of the concept of “the public” in Schmitt’s as (potentially) polemical device against the prevailing, for example, liberal notion of the public. What generally goes unnoticed, however, is precisely the decisive insight of Schmitt that uncovers the political as having ultimately the structure of an *Öffentlichkeit*.

Among the very few writings on this subject one could mention, for example, Ellen Kennedy’s article “*Hostis Not Inimicus*. Toward a Theory of the Public in the Work of Carl Schmitt”. Kennedy begins her discussion of Schmitt’s concept of the public by stating that his works *Der Begriff des Politischen* and *Verfassungslehre* can indeed be seen as advancing a particular conception of the public in an age of mass democracy: “‘The public’ appears here as different from the liberal idea of it and different, too, from contemporary theories of mass society” (Kennedy 1998, 101). Namely, Kennedy contrasts Schmitt’s idea of a public with its liberal and mass-behavioural counterparts. She provides a useful clarification of the liberal concept of the “public” and Schmitt’s three main objections to it (that it remains essentially based on an individualist theory, championing the liberties of a private person; that it is unrealistic in assuming a complete freedom of choice without any force, intrigue and non-rational calculation, as well as in claiming to transform private interests into public concerns; and that it contradicts the concept of the political—for liberalism, there are no enemies, only economic competitors and debating opponents). Quite suggestive is also her discussion of an

alternative conception of the “public” that she detects in the studies on crowd psychology by Gustave Le Bon and Sigmund Freud⁸³, as well as in the theories of political elites developed by Gaetano Mosca, Vilfredo Pareto and Robert Michels. Here, behaviour of people in groups is seen as creating a very different social reality, characterised by the intensity of an affect at the expense of intellect, by the domination of subconscious suggestion, and by possible and unexpected outbursts of heroism, primitivism and/or barbarity. It also provides a new theoretical paradigm for political analysis: as Kennedy argues, crowd theory becomes the basis of “mass society” theories of modern politics.

However, both the (liberal) public and crowd are, as Kennedy justly claims, too vague to convey Schmitt’s idea of the public. The latter should rather be considered in its twofold character, that is, “the people as a political agent and the people as beings whose lives are at stake in the primary meaning of the political” (*ibid.*, 103). Thus, Schmitt’s use of people rather than public suggests an actor in historical terms; furthermore, “in constitutional terms, the ‘people’ exist as an aggregate before and above it [i.e. the public]”. Though Kennedy does rightly emphasise the public quality of the political, she nevertheless plays down the notion of an *Öffentlichkeit*, turning instead toward the substantial specification of the public. She remarks, somewhat misleadingly, that “As a substantive, ‘Öffentlichkeit’ (the public in German) almost never appears in Schmitt’s writing, except when he is referring to liberal theories” (*ibid.*, 108, n. 43). *Volk* and *öffentliche Meinung* are said to be “both concepts from public law where ‘Öffentlichkeit’ had no existence but ‘Volk’ did”; whence Kennedy concludes: “That sense of the public is constitutive: ‘the political unity of the people’” (*ibid.*, 103-4).

⁸³ Freud’s work that gets mentioned is *Massenpsychologie und Ich-Analyse* (1921). Le Bon’s somewhat earlier treatise *Psychologie des Foules* (1895) emphasises the unconscious qualities of individual against the ideal of rational deliberation: “The substitution of the unconscious action of crowds for the conscious activity of individuals is one of the principal characteristics of the present age” (quoted in Kennedy 1998, 102).

Öffentlichkeit is clearly taken here to mean a public, be it a discussing public of rational private individuals within the tradition of classical liberalism, or an irrationally behaving crowd characterised by heightened intensity of affect and governed by instinct and subconscious suggestion. But once we remind ourselves what Schmitt actually says in *Verfassungslehre* with regard to the concepts of *Volk* and representation—“people is a concept which can exist only in the sphere of *publicity* [*Öffentlichkeit*]” (V, 243), and “representation can only occur in the sphere of *publicity*” (V, 208)—then it becomes obvious that *Öffentlichkeit* refers to something else and something more than a mere aggregate of human individuals. (That the *Öffentlichkeit* cannot be a concept of public law precisely because it is the very condition of the latter’s possibility, being implied in the concept of right itself, was something that I tried to demonstrate above in relation to Kant.)

Roughly similar understanding of an *Öffentlichkeit*—that is, *Öffentlichkeit* as a public, an audience (*Publikum*)—is displayed by David Dyzenhaus in his book *Legality and Legitimacy. Carl Schmitt, Hans Kelsen and Hermann Heller in Weimar*. Dyzenhaus very rightly recognises that Schmitt’s understanding of the public is a major tool in his polemic against liberal parliamentarianism (Dyzenhaus 1997, 57). But what precisely Schmitt understands by the public does not appear clearly enough from the account that follows. To the no less degree this is due to rather scattered and occasional evidence Schmitt himself offers for the systematic reconstruction of the notion of *Öffentlichkeit* and its role in the conceptual structure of the political. We learn from Dyzenhaus that Schmitt’s idea of the public (*pro Öffentlichkeit*) is based on his understanding of the place of the people in a democratic constitution. Namely, according to Schmitt the people are to be recognised in modern democracy only in instances of public displays of their role of acclamation (for example, in street demonstrations). Hence derives the specific relationship that conceives of the people essentially as a public or an audience: “The people is that entity that is established through a public manifestation of presence. ‘People and public are established together...’”

(*ibid.*, 57). By way of a side-remark (that, however, from the point of view of the current argument is of significant importance) we should note that this not entirely correct translation of Schmitt's original quote "Volk und Öffentlichkeit bestehen zusammen" (V, 243) rests on a rather typical confusion whereby the German word *Öffentlichkeit* (publicity, or more commonly, public sphere) is rendered as a "public", in the sense of an audience (publicum).⁸⁴

As far as Schmitt's polemics against liberalism is concerned, Dyzenhaus does provide a very clear and valuable account of how liberalism, under the modern circumstances, becomes trapped within the public-private logic and, unable to resolve this conflict, is ultimately destined to failure. This is held to be the key to Schmitt's understanding of liberalism: liberalism fails not because of its internal contradictory nature but because it is based on individualism (on individualistic values of liberty and private property) and therefore presupposes an essentially private order—and that contradicts a crucial requirement of public presence (Dyzenhaus 1997, 58-59). To sum up, Dyzenhaus's argument is the following. In order to become actual, to realise itself, liberalism needs an access to public power. That is, liberalism needs to establish itself publicly—to assert and maintain its public presence, and to perpetuate its control over public. Historically, this is achieved by adopting the democratic principle and playing it against the prevailing form of political power, monarchical absolutism. But in liberalism the radical democratic principle of identity (based on the idea of substantial homogeneity) is moderated through the parliamentarianism (hence the notion of constitutional democracy). Yet precisely through "parliamentarianism as the public means of establishing itself", liberalism, although it does accomplish its ideological purpose (establishing the new raising bourgeois class to power), fails to achieve its individualistic aims. It falls pray to the forces of civil society who exploit liberties guaranteed by liberalism in their quest for political power. Hence Dyzenhaus concludes: "Liberalism has

⁸⁴ For the similar examples, see the same quote (McCormick 1997, 166), and the subsequent expressions from Schmitt such as "the people produces the public" and "a people that establishes a

to make the transition from private to public in its bid to privilege the private, but it cannot do so without subverting itself” (*ibid.*, 68-69).

In his extensive treatment of the jurisprudential problem surrounding the notions of legality and legitimacy, and their relationship, Dyzenhaus does not concentrate specifically on the crucial concept of representation in Schmitt apart, of course, from presenting Schmittian critique of the “false” idea of representation under the liberal parliamentarianism. This topic is extensively discussed, however, in John P. McCormick’s informed study *Carl Schmitt’s Critique of Liberalism*, where representation also forms a proper context for grasping the importance of Schmitt’s notion of an *Öffentlichkeit*. McCormick begins interestingly by arguing that it is in his often-neglected 1923 work *Roman Catholicism and Political Form* where Schmitt presents his theory of representation, as McCormick somewhat optimistically puts it. Namely, in *Political Form* Schmitt is seen as reviving a very traditional form of political authority, the medieval notion of representation (McCormick 1997, 195). The latter, basically, implies a representation as taking place not *for* but *before* the people.⁸⁵ But what gets particularly emphasised within this medieval scheme of representation, is the role of the people—without them, as Jürgen Habermas puts it, there would be no “publicity of representation”. Representation then depended essentially on the presence of people before whom it was displayed. McCormick rightly recognizes how important this notion of publicity is to Schmitt’s idea of representation (cf. the quotes from V, 243, 208). Indeed, for Schmitt, this form of publicity is as important to representation as is the human substance of both what is being represented and its personal embodiment in a worthy representative. The medieval notion of representation changes, or rather, transforms into the liberal-economic one, precisely because this particular understanding of publicity disappears: “publicity becomes

public” (*ibid.*); see also discussed above (Kennedy 1998, esp. 108, n. 43).

⁸⁵ With respect to McCormick’s argument, one should perhaps correct his view that Schmitt’s theory of representation is based, as it is maintained throughout, on the medieval concept of representation (representation as taking place not *for* but *before* the people).

the expression of private interests expressed publicly and not the public display of substantive values” (McCormick 1997, 196).⁸⁶

According to McCormick, these medieval practices of representation are employed by Schmitt later, in his work *The Crisis of Parliamentary Democracy*, and within the context of Weimar mass-democratic party state, to criticise modern liberal institution of representation, i.e., parliament (see *ibid.*, 184, for a valuable comparison between medieval and liberal conceptions of representation). McCormick claims that that Schmitt “tacitly compares the reality of modern representative government with the medieval Catholic ideal of representation” (*ibid.*, 170), so that “substantive representation is the foil with which Schmitt negatively contrasts parliamentary representation” (*ibid.*, 206). But notwithstanding “the neo-medieval *ständische* conception of representation” that Schmitt’s critique might suggest, his alternative to the economically and technologically imbued parliamentary representation points to a more radically modern solution: executive-centred, plebiscitary democracy (*ibid.*, 158-9). Moreover, with reference to Walter Benjamin’s thesis (cf. his essay “The Artwork in the Age of Its Technological Reproducibility”) it is said that Schmitt critique suggests “something much closer to ... the modern fascist aestheticization of politics” (*ibid.*, 170). The practical alternative to parliamentary representation turns out to be, consequently, the quite modern theory of plebiscitary representation or government by acclamation (*ibid.*, 175).

McCormick relies here, essentially, on Jürgen Habermas’s famous study, *The Structural Transformation of the Public Sphere*, and on its indication of “the plebiscitary-

⁸⁶ We are reminded by McCormick that originally political representation meant literally the representation of substantive ideals (McCormick 1997, 158). As he says, the Catholic representation preserves what is essential but not readily apparent in the original, and makes it apparent and real through the practices of representing (*ibid.*, 159). Thus, the idea of an “actual presence” in a medieval sense, for Schmitt, is concerned in the utmost with the “essence” of something (*ibid.*, 161). The idea behind it is, precisely, that something is made present *through* representation (so that representation *affirms* rather than *creates*, as Schmitt would say).

acclamatory form of regimented public sphere characterizing dictatorships in highly developed industrial societies” (Habermas 1989, xviii). There is also a certain similarity between Schmitt and Habermas’s argument about the disintegration of the public sphere that results from the breakdown of the separation of state and society, the process Habermas describes as mutual “societalization” of the state and “stateification” of society (*ibid.*, 142). Yet, McCormick does perceive the difference between Schmitt’s argument and Habermas’s thesis about the “refeudalisation”-tendency of the modern public sphere: “Habermas links this growing quantification to a process of neofeudal group representation under mass democracy and does not contrast the two as Schmitt does” (McCormick 1997, 170, n. 14).⁸⁷

Despite the extensive treatment McCormick gives to Schmitt’s 1938 treatise, *Der Leviathan in der Staatslehre des Thomas Hobbes: Sinn und Fehlschlag eines politischen Symbols*, he does not elaborate much on Schmitt’s references concerning the idea of representation (see *ibid.*, 270-289). In fact, he simply indicates that according to Schmitt, Hobbes had intended the Leviathan to be a personally embodied “sovereign-representative” whose wholeness is greater than the particulars he represents (*ibid.*, 272)—the intention that was ultimately doomed to failure. McCormick leaves it as that, and yet this treatise does appear to add important aspects for grasping the significance that the concept of representation bears upon the field of the political.

The actual meaning of Hobbes’s political theory is the restoration of the original political unity, or as Schmitt puts it, “the original and natural heathen unity of politics and religion” (L, 10). This statement iterates Schmitt’s own argument concerning the nexus between politics and theology, and his claim that “all significant concepts of the modern theory of the state are secularized theological concepts” (PT, 37). Hobbes had envisaged the

⁸⁷ It is admitted, however, that even Habermas’s thesis of the “refeudalization of society” is a characterization that is in fact ultimately metaphorical.

origin of the state in the following way: “A representative person is designated or a corporation comes into being by way of a covenant between individuals. For its part the individual or corporation elevates those that entered into the covenant to a unified person, namely, the state” (L, 19; see *Leviathan*, ii, ch. 17). Consequently, the emergence of the leviathan, this “mortal god”, is brought about by representation.⁸⁸ However, the outcome of this covenant, the sovereign-representative person, appears to be something else, and something more, than the sum total of all participating individuals who enter into a contract—the aggregate of all particular wills, *volonté de tous*, does not amount to *volonté générale*, as Rousseau would have it. This new power, in other words, comes about on the occasion of—and not by means of—the consensus; the latter “affirms rather than creates this new god”:

All ties and groupings have been dissolved. Fear brings atomized individuals together. A spark of reason flashes, and a consensus emerges about the necessity to submit to the strongest power. ... What comes about as a result of this social covenant, the sole guarantor of peace, the sovereign-representative person, does not come about as a result of but because of this consensus (L, 33).

The assembly of men that are driven together by the fear of mutual aggression cannot, as Schmitt rightly emphasises, from the presuppositions of their gathering, overcome this hostility.⁸⁹ They can find together good reasons for not tolerating the war of all against all,

⁸⁸ To complicate the matters, Hobbes is seen as employing the three distinctive types of representation that could be designated as mythical, juridical, and philosophical. These are, firstly, the mythical totality composed of god, man, animal, and machine (*automaton*) which assumes the name “Leviathan”; secondly, the juristically constructed covenant; and, thirdly, the Cartesian notion of the state as a machine animated by the sovereign-representative person. Ultimately, according to Schmitt, Hobbes’s endeavour fails on all three accounts.

⁸⁹ This point remains strangely unperceived in John P. McCormick’s interesting essay, “Fear, Technology, and the State: Carl Schmitt, Leo Strauss, and the Revival of Hobbes in Weimar and

and consequently, they can rationally construct the state of affairs where this possibility is effectively neutralised, but it is not, ultimately, their (rational) agreement that transforms the pluralistic “state of nature” into an entirely different condition of unity and peace—in itself, this agreement would merely amount to an anarchico-social covenant, and not a state (L, 33). Hobbes had understood this point very well when he claimed: “And covenants, without the sword, are but words and of no strength to secure a man at all” (*Leviathan*, ii, ch. 17).

It is therefore not by virtue of this mutual agreement that the emergence of a political unity first becomes possible; the contract per se (essentially the concept of a private law, based on the individualistic assumption of private persons) is not sufficient for establishing a commonwealth based on the notion of common good.⁹⁰ However, by evoking Ferdinand Tönnies’s observation, Schmitt adds that Hobbes’s contractual justification of the state presents an essentially different case in comparison with its medieval conceptions (L, 67). For whereas all medieval theories attempted to justify the covenant as a “constitutional state” (because the legitimating force of the divine right rested entirely on the side of sovereign

National Socialist Germany”, which ascribes to Schmitt (and for that matter, to Strauss) the idea that fear is the source of political order. McCormick argues for the “substantive affinity between [Schmitt’s] concept of the political and Hobbes’s state of nature” (McCormick 1994, 623). Yet, he is subsequently forced to admit the (radical) incongruity between Hobbes’s and Schmitt’s schemes: “An important difference between the state of nature and the friend/enemy distinction is that in the former, despite some occasional references by Hobbes to families or professions, there are no friends, and hence no antagonistic groupings” (*ibid.*, 640). In other words, Hobbes (unlike Schmitt) does not recognize the inherently *public* nature of the political. What concerns the likely totalitarian implications of Schmitt’s or Hobbes’s theory of the state, moreover, McCormick has to concede yet another point, for “even in Hobbesian terms, the National Socialist state is no sovereign state but a pervertedly powerful form of the state of nature, where no one is sure if he is friend or enemy to his fellow citizen or to the regime” (*ibid.*). It would have been a very peculiar theory indeed, as Schmitt retorts, if Hobbes’s “entire chain of thought had consisted only of propelling poor human beings from the utter fear of the state of nature only into the similarly total fear of a dominion by a Moloch or by a Golem” (L, 71).

⁹⁰ As Schmitt remarks with reference to Joseph Vialatoux, the *discontinuité atomique* can never turn into a *bonum commune* (L, 38, n. 3).

rulers); then Hobbes, who conceived the covenant in an entirely rational and individualistic manner, regarded every state as an essentially human product. Thereby he effectively reversed the relationship that characterised the “divine right” thinking—instead of proceeding from the above, Hobbes had to take the opposite route: because state power is supreme, it possesses a divine character (and not the other way round).⁹¹ But although the supreme earthly power is not at all divinely derived, since it comes about *because* of a covenant entered into by men, nevertheless, it does not emerge as a *result* of the latter either—if viewed from the perspective of the state, there is something that transcends the private-individual nature of the contract. Hence, Schmitt is still able to claim apropos the Hobbesian Leviathan: “To that extent the new god is transcendent vis-à-vis all contractual partners of the covenant and vis-à-vis the sum total, obviously only in a juristic and not in a metaphysical sense” (L, 33-34).

But this sovereign-representative person of Hobbes does not catch up with the new developments that his theory of the state actually inaugurates. In effect, it remains timebound to the state of princely absolutism, and expresses the baroque idea of representation which, as Schmitt adds, “found a beautiful and simple expression in a statement by a Stuart, James I, who said that a king always stands ‘on a public stage’” (L, 34). As such, it inadequately reflects the essentially democratic presupposition of Hobbesian state construction⁹², and is

⁹¹ In a similar manner, Žižek characterizes the reversal that the logic of Protestant predestination introduces as against the traditional Catholicism: the subject “is not saved *because* he is rich or does good deeds, he accomplishes good deeds or is rich *because* he is saved... The shift from act to sign is crucial here: from the perspective of predestination, a deed becomes a *sign* of the predestined Divine decision” (Žižek 1999, 20).

⁹² Since the state of nature is essentially *bellum omnium contra omnes*, war of all against all, then the equality of individuals becomes an important presupposition: “To this extent ‘democracy’ prevails in the state of nature. Everyone knows that everyone can slay everyone else” (L, 31). The assumption that in the state of nature, power is evenly distributed among individuals, is questionable. In this respect, see Ernesto Laclau’s article “Why Do Empty Signifiers Matter In Politics?” (in Laclau 1996).

historically doomed to fail.⁹³ According to Schmitt, Hobbes's state does not become in its entirety a person, and the concept of totality that Hobbes employs falls short of being total and remains "merely" absolute. Consequently, not the representation by a person but the factual, current accomplishment of genuine protection is what the state is all about. The intrinsic logic of the manmade, artificial product 'state' does not culminate in a person but in the machine; by the same token, representation turns here into the actual tutelage: "representation is nothing if it is not *tutela praesens*" (L, 34). And this state machine either functions or does not function—performance is what matters, and this is its ultimate justification.⁹⁴ In other words, the sole purpose of the Leviathan—its *raison d'être*—becomes to ensure the physical protection of subjects:

To such a rational state power belongs the assumption of total political responsibility regarding danger and, in this sense, responsibility for protecting the subjects of the state. If protection ceases, the state too ceases, and every obligation to obey ceases. The individual then wins back his 'natural' freedom (L, 72).

The result of a subsequent historical development—the complete mechanization of the state that is implicitly contained in Hobbes state-machine (*machina machinarum*)—prevails over the sovereign-representative person. As a product of man, the state that arose in the

⁹³ Apart from insufficiently reflecting the idea of totality, the leviathan falters (and ultimately fails) on two accounts: the sovereign-representative person dies of the separation of inner from outer, and the constitutional state machine breaks on the pluralism of the indirect powers (see L, 53-77).

⁹⁴ Hobbes conceives his "huge man" as a mechanism animated by a sovereign person—just as the Cartesian radical dualism regarded the human being (consisting of body and soul) to be in its entirety an intellect within the mechanical skeleton, a ghost in the machine. The "technically neutral" state of Frederick the Great represents an accomplished example of this type of political-philosophical conception, where state is justified solely on the grounds of its technical perfection (see L, 44-45). This idea could be perceived also in the expression of a "constitutional" kingship.

seventeenth century is thus distinct from all earlier forms of political unity.⁹⁵ The same development established also the preconditions for the technical-industrial age that was soon to ensue. All this makes it necessary, as Schmitt says, to find the suitable concept of totality that could properly reflect and cope with these new conditions. To be sure, the concept of totality in its proper and genuine sense must rest on a specific philosophical (metaphysical) connection: “Just as a mechanism is incapable of any totality, the here and now of an individual’s existence cannot attain a meaningful totality” (L, 100).⁹⁶

In the end of his Hobbes-book Schmitt says that he will not undertake the discussion of philosophical systems that would render the idea of totality possible. However, he does mention one possibility, namely, the idea of *totality* that can be perceived in the “finite infinity” of Hegel’s philosophy: “At any rate, the ‘temporal divinity’ that Hegel ascribes to the leading people in world history is especially apt to represent the totality in the specific meaning of ‘finite infinity’ and of the typical connection between immanence and transcendence” (L, 100).⁹⁷ Schmitt adds that Hegel’s “temporal god” is also a present god

⁹⁵ According to Schmitt, it is indeed due to Hobbes that the state became a huge machine, that is, the first product of the technical age: “Here, in its technical-industrial revolutionary character, lies the pioneering influence of Hobbes’s philosophy of the state” (L, 98).

⁹⁶ Compare the earlier statement by Schmitt: “One cannot represent oneself to automatons and machines, anymore than they can represent or be represented. Once the state becomes a leviathan, it disappears from the world of representations” (RC, 21).

⁹⁷ Schmitt’s appraisal of Hegel—who “remains everywhere political in the decisive sense” (CP, 62)—deserves a separate study. Thus Schmitt emphasises the acute political sensibility of Hegel’s “concrete thinking” and the thoroughly political meaning of his notion of dialectical change of quantity into quality. The latter is “an expression of the recognition that from every domain the point of the political is reached and with it a qualitative new intensity of human grouping” (CP, 62). It suffices here to recall Hegel’s own definition of enemy, who is “die sittliche (nicht im moralischen Sinne, sondern vom ‘absoluten Leben’ im ‘Ewigen des Volkes’ aus gemeinte) Differenz als ein zu negierendes Fremdes in seiner lebendigen Totalität” (quoted in BP, 62). Surely, this is a rather obscure remark; the English translation substitutes it with the following simple formula: “The enemy is a negated otherness” (CP, 63).

(*numen praesens*) and not a representation, and is thus spiritually something completely different from Hobbes's "mortal god" (*deus mortalis*) that is a "machine whose 'mortality' is based on the fact that one day it may be shattered by civil war or rebellion" (L, 100). Thus, the leviathan does not live up to its promise to establish the persuasive form of a political unity that could connect with the immediate presence of a particular life-form that the notion of an *Öffentlichkeit* implies—its substance was perceived as despotism, and its *modus operandi* was judged to be Machiavellian (L, 80). The security that the absolutism of the Hobbesian state provides turns out to be nothing more than (in Thomas Carlyle's drastic expression) an "anarchy plus police"; by means of rational agnosticism, to be sure, "the pluralistic 'state of nature' cannot be transferred ... to an entirely different condition of unity and peace. Even though a consensus of all with all has been achieved, this agreement is only an anarchico-social, not a state, covenant" (L, 33).

Indeed, there has to be something else that the agreement affirms; the agreement makes this 'something', so to say, visible—it makes present something that is absent, but whose conditions of possibility are given by the very public existence (*Öffentlichkeit*). According to the famous definition by Hanna Pitkin: "Representation means the making present of something that is nevertheless not literally present" (Pitkin 1967, 144). Schmitt specifies it in the following manner: "To represent means to make visible and present an invisible entity through an entity which is publicly present... This is not possible with any arbitrary entity, since a particular kind of being [*Sein*] is assumed" (V, 209). In other words, Schmitt suggests that such substantive or "eminent" representation "can only proceed in the public sphere", the sphere where the locus of sovereignty lies (V, 208). Public life is expected to govern itself, this self-government (*Selbstregierung*), however, consists in the actualization of a specific kind of identity. Thus, identity and representation appear as the two opposite, yet dialectically intertwined, principles of political form (see V, 204 ff.)—it is precisely through representation that the "immediate presence" of the people achieves its identity with itself as a

political unity. The meaning of self-government (as opposed to self-administration) lies in the fact “that every genuine government *represents* the political unity of a people—and not the people in its natural existence. ... Representation brings this unity about in the first place, and yet what is produced is always only the unity of a *people* in its political condition. The personal element of the state lies not in the concept of the state but in representation” (V, 212, 214).

As an example of the eminently political representation, Schmitt contrasts the juridical foundation of the Catholic Church in the public sphere with liberalism’s foundation on the private sphere (RC, 29). He argues that the juridical form of Catholicism appears as superior to a jurisprudence that is based on liberal assumptions. Indeed, if the lawfulness of human relations is based on a purely private basis, and merely follows the natural functionality of the earthly life—in other words, if the institutions are designed with the sole purpose to guarantee “that man may make the most of himself in his little room or apartment”—then, as a result, it will lose any respect for an individual in history.⁹⁸ The ultimate consequence of such “worldly lawfulness” is that these kind of institutions “will not protect him from the possibility that one fine day he may be taken from his abode and made to understand what it

⁹⁸ For Schmitt, moreover, it is essential to recognize the Roman Church as a “widely visible phenomenon” in the world-historical *Öffentlichkeit*: “The Kingdom of Jesus, resting not on the armed force but solely on the authority of witnessing, and existing for the truth, has never been a mere private affair. ... The Martyr’s Church was a community, ... already in catacombs it was a real church, that is, a particular realm of public order [*Eigenbereich der öffentlichen Ordnung*], unbearable for the heathen absolute state” (RC, 24-25, n. 6). Indeed, as Schmitt adds here: “From a spiritual standpoint, all visibility is construed in terms of a constitution of community. The members of the community derive their dignity from God ... But they can only return to God through the community” (RC, 51). In other words, an arrangement making the invisible visible must be rooted in the invisible and appear in the visible; thus Schmitt asserts: “The visibility of the Church is based on something invisible. The concept of the visible Church is itself something invisible. Like all reality, it loses its actuality in relation to God because God is the only true reality. ... Thus the Church can be *in* but not *of* this world” (RC, 51-52).

means not to be alone in a God-forsaken world” (RC, 50)—to understand, that is, the fundamental political condition that dispenses the human fate on the earth.

Ultimately, these words turned out rather prophetic with respect to Schmitt’s own personal destiny. The subtitle of the Hobbes-book, “Meaning and Failure of a Political Symbol”, could well testify to Schmitt’s own earthly journey: as a self-appointed defender of the European Christianity, the so-called *Katechon* (the restrainer of the lawlessness initiating the Apocalypse) Schmitt tried to steer clear of the satanic nihilism by wandering too far down the road of political tyranny. Occasionally, he used to evoke Herman Melville’s *Benito Cereno* as a symbol of the predicament of an individual in a mass totalitarian system (Schmitt 1950, 21-23)—by identifying himself with the protagonist of this story who, after the mutiny on his own ship, was forced to serve as a pirate, being unable to resolve the predicament where his life was made dependent upon his obedience.

Summary

In this second part of the thesis I have tried to bring to the fore and discuss one intriguing aspect of Schmitt’s political thought that surprisingly has not received much attention in the expanding secondary literature on Schmitt. This aspect could be summarized as an insight that the concept of the political presupposes the concept of publicity or *Öffentlichkeit* (the term I have opted to use throughout). Admittedly, this claim is not explicitly formulated nor systematically exposed in Schmitt’s writings, but nevertheless, it is not difficult to establish its implicit presence throughout Schmitt’s *oeuvre* in the guise of various intimations and remarks. Moreover, this implicit claim is no accidental feature that simply prays on thinker’s main argumentative structure; on the contrary, it could be regarded as constituting an essential supplement that allows us to reconstruct and, consequently, to appreciate the Schmittian

concept of the political in somewhat more positive (and more productive) terms than hitherto assumed.

The disclosure of the “public” nature of the political marks, most importantly, the move beyond Schmitt’s notorious friend-enemy distinction as the fundamental political criterion. Indeed, this criterion has often served as a pretext for imputing to Schmitt, among other things, an existential conception of politics with its concomitant philosophical voluntarism and political decisionism—i.e., disregard for legal-normative principles, rejection of all moral considerations in politics, celebration of violent confrontation, and so on. For my part, I have neither ventured to offer yet another exhaustive account, or to provide some characteristic label for, Schmitt’s political thought, nor to assess the range of its likely implications. Instead, I have attempted to emphasise (and positively exploit) certain topical reflections by Schmitt which, as a matter of fact, extend well beyond his own designs and intentions, as well as beyond those likely political configurations that Schmitt himself would have been prepared to acknowledge. My task here has not been so much to think with Schmitt *against* Schmitt (as the common expression goes), as rather to think *beyond* Schmitt—and thus also beyond the concept of the political (that is, the friend-enemy distinction) towards the terrain which Schmitt in my opinion perceives but never really undertakes to investigate.

In other words, I take Schmitt’s contribution as indicative of the crucial political problematic that surfaces in the fundamental question: What does it mean, for human beings, to live together? It is well known that in *Being and Time* (1927) Martin Heidegger characterised the human existential condition as the one of “being-in-the-world” and, moreover, specified it further essentially as “Being-with” (*Mitsein*).⁹⁹ From this perspective,

⁹⁹ For a comparative discussion of Heidegger’s and Schmitt’s political thought, see for instance an article by Bernhard Radloff, “Heidegger and Carl Schmitt: The Historicity of the Political”, *Heidegger Studien*, vol. 20, 2004 (Berlin: Duncker & Humblot).

Schmitt's complementary insight suggests that this "being-together"—understood in its most radical or primary sense as having one's own place among others—depends upon the political dispensation. That is, the distinctively human life on earth (the so-called good life or *eudaimonia*, as advanced by Aristotle) is always already, in some way or another, mediated by the political. This predicament is inescapable when one considers the fact of human plurality, as well as the antagonistic confrontation that structurally attends any activity of delimitation or constitutional foundation. True, there have already been attempts, within the recent theoretical trends, to come to terms with this Schmittian challenge in a more "productive" manner, and to view antagonism not as an expression of belligerent conception of politics with its celebration of political violence, but as an underlying structural condition of any political closure.¹⁰⁰ Thus, for example, Chantal Mouffe has often emphasised the urgency to recognise the antagonistic nature of politics—the importance, that is, of understanding the logic of the political identity-formation as being necessarily based on the drawing of line between "us" and "them", between those who belong and those who do not belong to a particular political community. For if collective identities can only be established on the mode of us/them, it is clear that, under certain conditions, they can always become transformed into antagonistic relations (it constitutes an ever-present possibility in politics—*die reale Möglichkeit*, as Schmitt says). Keeping this in view, Mouffe proposes to distinguish between two forms of antagonism—between the antagonism proper and the so-called "agonism" which implies an antagonistic relation in a paradoxical way between "friendly enemies", that is, "persons who are friends because they share a common symbolic space but also enemies because they want to organize this common symbolic space in a different way" (Mouffe 2000, 13).¹⁰¹ In a way, this theoretical move could indeed be regarded as a positive

¹⁰⁰ For a theoretical statement, see Laclau's "The Impossibility of Society" (in Laclau 1990) and, more generally, *Hegemony and Socialist Strategy* (Laclau, Mouffe 1985).

¹⁰¹ See her collection of essays, *The Democratic Paradox* (Mouffe 2000).

displacement of Schmittian impasse.¹⁰² As such, however, it remains insufficient, for it has to rely on some (explicit or implicit) symbolic pact which defines the rules of this agonistic competition: “For this simple reason, wide as this field of agonistic competition can be, the translation of antagonism into agonism, of enemy into adversary, cannot ever be complete—there will always be some ‘indivisible remainder’ of those who do not recognize this pact” (Zizek 2004, 114).

This so-called “indivisible remainder” which, as Zizek suggests, constitutes the political subject *par excellence*, is the remnant which cannot be captured or exhausted by any straightforward attempt of delineation: however we try to articulate it, this “indivisible remainder” falls outside our conceptual grasp, that is, outside the representational space of any political demarcation. The reading that Zizek offers with regard to the political is extremely perceptive; as he explains, “politics proper is a phenomenon which appeared for the first time in Ancient Greece when the members of *demos* (those with no firm determined place in the hierarchical social edifice) demanded a voice ... and wanted their voice to be heard, to be recognized as included in the public sphere—they, the excluded, those with no fixed place within the social edifice” (Zizek 1999, 27). Hence his insistence on the importance to grasp the proper logic of political antagonism, according to which the genuinely political struggle is never simply a matter of rational debate between multiple interests but, simultaneously, the struggle for one’s voice to be heard and recognized as the voice of a legitimate and equal partner: “So political conflict involves tension between the structured social body, where each part has its place, and ‘the part of no-part’ which unsettles this order on account of the empty principle of universality, ... of the principled equality of all

¹⁰² This is how Mouffe summarizes her point, for example: “A project of radical and plural democracy has to come to terms with the dimension of conflict and antagonism within the political and has to accept the consequences of the irreducible plurality of values. ... the task is to think how to create the conditions under which those aggressive forces can be defused and diverted and a pluralist democratic order made possible” (Mouffe 1993, 152-3).

men *qua* speaking beings” (*ibid.*, 27-8). It seems, therefore, that the “excluded” destabilize the “natural” functional order of relations in the social body, and that the political is the very form of existence of this contradiction while the activity of politics appears as so many attempts to suspend this destabilizing potential of the political, to regulate it in one way or another.

Thus, it turns out that the reference to Schmitt is crucial in detecting the deadlocks of post-political liberal tolerance. However, does Schmitt actually provide the adequate theoretical articulation of the logic of *political* antagonism? Žizek’s own answer to this question is negative, for Schmitt’s assertion of the political involves a specific disavowal of the proper dimension of political antagonism: “it already displaces the *inherent* antagonism constitutive of the political on to the *external* relationship between Us and Them” (*ibid.*, 27). More precisely, the Schmittian ultra-politics involves the false radicalization of politics into the open warfare of Us against Them, and thus constitutes “the attempt to depoliticize the conflict by bringing it to its extreme, via the direct militarization of politics” (*ibid.*, 29). What one should do instead, Žizek proposes, is to insist on the unconditional primacy of the inherent antagonism as constitutive of the political. In other words, the logic of exclusion suggests that “the key political struggle is not so much the agonistic competition within the field of the admissible ... but rather the struggle for the delimitation of this field, for the definition of the line which will separate the legitimate adversary from the illegitimate enemy” (Žizek 2004, 114).

Sharp as this diagnosis appears, it does not accord full justice to Schmitt’s complicated thought. For as I have tried to argue, Schmitt’s indications “beyond the political” do contain some genuine traces of a singularly political dynamics. To be sure, shifting the locus of the political towards an *Öffentlichkeit* introduces a certain radical ambiguity in grasping the nature of the latter. Schmitt’s characterisation of an *Öffentlichkeit* as a *stasis*, as a latent civil war—that is, as a relatively stable (agonistic) yet inherently unpredictable and

even potentially disruptive (antagonistic) political space—bears witness to this ambiguous status (state!) that fundamentally orients and informs the course of human affairs. This insight undermines the political credentials of the friend-enemy distinction, for these two figures are not essentially determined or determinable, but arise ultimately from the same source—the public existence of human-being-together. (*Öffentlichkeit* appears as something which renders it possible to differentiate between the friend and the enemy but which itself remains undifferentiated and/or immediately given entity.) There exists a constitutive split within the very body politic; the fundamental antagonism lies at the basis of its ontological condition. Schmitt implies this when he speaks about the tragic dimension that signals the imminent disintegration of the existing public sphere.

Thus, the friend-enemy distinction need not necessarily imply a displacement of the inherent antagonism that perforates the body-politic into an explicitly militant politics—according to Schmitt, neither is warfare considered as being a manifestly political matter, nor is politics itself conceived as essentially an “international” affair. The figure of the enemy bears the features of the brother (who is simultaneously the same and the other—existentially different precisely because he stands on the same ground—the most radical, indeed the ineradicable, difference being the difference within the same kind). This also renders problematic any process of constituting the political identity (us/them), and thus undermines (by showing the contingency of) the very establishment of its end-result—the status and existence of the political unity.

Moreover, the central political subject within the public realm turns out to be an entity (*Volk*) whose proper status is determined by its negativity. Schmitt takes up the issue of the relationship between the people and the (democratic) constitution in his *Verfassungslehre* where he explicates that the people could exist “prior to” and “above”; “within”; and “beside” the constitution (see V, 238-52). Andreas Kalyvas calls these the “three moments of democracy” (see Kalyvas 2000, 1530 ff.). On all three accounts, *Volk* displays the markers of

negativity: first, as the subject of the constitutive power, Schmitt claims, it is “always in the state of nature” (V, 79)—not being contained by the existing political form, it preserves its ties with the state of exception.¹⁰³ Second, as existing within the constitution, *Volk* is characterised by not partaking of the positively determined political structure.¹⁰⁴ Third, as to the proper political function of a *Volk*, the best it can accomplish is to say “no” to any existing state of affairs—acclamation appears here as the way to politicize the predicament of exclusion.¹⁰⁵ This negativity which *Volk* bears against and above the established political structure is also what enables it to assume, to incorporate, so to say, an entity presenting itself as the stand-in for the whole of society: “We—the ‘nothing’, not included in the social order—are the people; we are All against others who stand only for their particular privileged interest” (Žižek 1999, 27).¹⁰⁶ In these terms, “political conflict involves tension between the structured social body, where each part has its place, and ‘the part of no-part’ which unsettles this order on account of the empty principle of universality [and] the political struggle proper is therefore never simply a rational debate between multiple interests but, simultaneously, the struggle for one’s voice to be heard and recognized as the voice of a legitimate [and equal]

¹⁰³ “People casting its vote in secret ballot is itself never an official authority or a state ‘organ’ that issues laws under normal circumstances. It undertakes an act of sovereignty which as such always retains a decisionistic character and a connection with the exception” (VV, 47).

¹⁰⁴ “The specificity of the concept ‘people’ [*Volk*] consists here in that people is a non-formed and never completely formable entity” (V, 242).

¹⁰⁵ Schmitt provides here an additional, epistemic reason: “A people, according to Hegel, denotes that part of a nation which does not know what it wants, or at best knows in some matters what it (different groups for different motives) does not want” (Schmitt 1924, 821).

¹⁰⁶ In a similar manner, Giorgio Agamben shifts the coordinates of the struggle on to the fundamentally excluded field, identifying the universal political subject with the hybrid figure of the refugee: “Inasmuch as the refugee, an apparently marginal figure, unhinges the old trinity of state-nation-territory, it deserves instead to be regarded as the central figure of our political history” (Agamben 2000, 22).

partner” (*ibid.*, 27-28). As a constitutive moment of the political, therefore, this negativity is also a site for freedom.

Taken together, Schmitt provides a very penetrating insight into what constitutes the political, and although the conclusions he draws from this predicament are somewhat misplaced, nevertheless, I argue that these two moments in his work can be analytically separated (they are not mutually implicative). Yet, while acknowledging the irreducibly pluralist character of political space, Schmitt becomes too much concerned with securing the *status quo* of the established political unity. He does not remain positively disposed towards the openness and indeterminacy, that is, towards the exceptionality of this public realm. Thus, Schmitt affirms the political not for its own sake, but rather in order to more successfully neutralize the “destabilizing” effects of public existence by containing them within the total political structure. Schmitt attempts at the closure of the political space by reducing the contingency constitutive of the political field proper, and thereby effectively betrays his insight into the nature of the public sphere, instead of taking the risk and keeping it permanently open—as the very condition of politics. Consequently, we need to turn to Hannah Arendt for a more affirmative analysis of the phenomenological character of an *Öffentlichkeit*. After all, it was she who argued that “in politics, this conservative attitude—which accepts the world as it is, striving only to preserve the status quo—can only lead to destruction...” (BPF, 192). In what follows, I will attempt to demonstrate that certain crucial insights by Schmitt into the nature of the political (namely, the ones which I tried to highlight above) could well be articulated, and further developed, within the context of Arendt’s political thought.

III Hannah Arendt: The Nature of the Public Realm

Taking up Hannah Arendt's work in order to emphasize and illuminate the idea of spatiality in politics needs hardly any justification. For without doubt she is the central political thinker of the past century whose constant leitmotiv has been to remind us of the "loss" of a public space (*der öffentliche Raum*) under the conditions of modernity. The by-and-large negative historical process (which Arendt designates as "the rise of the social") has resulted in the eclipse of the political by the "social," and in the concomitant transformation of the public space of politics into a pseudo-space of interaction in which individuals no longer "act" but "merely behave" as economic producers, consumers and urban city-dwellers. In the light of this account, Arendt's greatest theoretical work, *The Human Condition* (1958), could indeed be read as an anti-modernist, even nostalgic political statement (cf. Habermas 1983). Yet it seems more correct to view her stance as "reluctant modernism" (in Seyla Benhabib's words), for Arendt did devote much space in her work precisely to analyzing the dilemmas and prospects of politics under conditions of modernity. In that sense, her enterprise could legitimately be seen as dedicated to considering the possibilities of politics in the modern age, as well as to the attempts at the "recovery of the public world".

The following discussion of Hannah Arendt's political thought will not attempt a wholesale reconstruction of her "understanding of politics." For one thing, there already exist many valuable accounts that systematically deal with more or less the entire body of Arendt's writings, in addition to numerous articles and studies dedicated to the explication of various specific aspects within Arendt's overall *oeuvre*. Thus, it could be argued that the basic ideas behind her work are rather well known, and there is really no need to engage in yet another

expository enterprise. The general familiarity with Arendtian trains of thought is presupposed here. On the other hand, I am also taking seriously Arendt's own characterization of what she was doing while engaging in the business of political thinking. That is, I take her reflections on the subject of politics as so many "exercises in political thought" that serve, basically, the purpose of problematizing certain common ideas about politics which we have inherited in our modern times—inherited and received without actually questioning their legacy, as well as the very legacy of the entire politico-philosophical tradition that has passed them on to us.¹⁰⁷ The significance of Arendt's thought consists, in other words, in questioning these received opinions that we, in our modern predicament, "hold to be self-evident"; she invites us to reconsider (and ultimately, to renounce) these "banisters of thought" that seem to offer us so safe a guidance through the troubled waters of the twentieth century's political experience.¹⁰⁸

Taken together, the subsequent argument will roughly pursue the two interrelated movements. One of these will try to position Arendt in a productive dialogue with Schmitt. Apart from committing an act of blasphemy, to be sure¹⁰⁹, this endeavour is provoked by a surprising range of similarities between their respective insights into political phenomena. Their radically opposite (yet similarly radical) political positions and viewpoints notwithstanding, they do seem to share certain fundamental *topoi* concerning the nature of human living together, paying particular attention to the inherently public structure of political

¹⁰⁷ Recall the subtitle of Arendt's essay-collection *Between Past and Future*, "Eight Exercises in Political Thought", and her claim that "their only aim is to gain experience in *how* to think... [based on the assumption] that thought itself arises out of incidents of living experience and must remain bound to them as the only guideposts by which to take its bearings" (BPF, 14).

¹⁰⁸ As Arendt worried, we increasingly seek out theoretical "banisters" that we think can support us and give us safety amidst the increasingly rapid and unpredictable change of the modern world.

¹⁰⁹ Compare the claim to the extent that "to impute to Arendt any affinity with the thought of Schmitt ... is a travesty of her political philosophy, which stressed the principles of freedom, equality, plurality, and solidarity" (d'Entrèves 1994, 87).

existence. With the wisdom of hindsight, as it were, Arendt repeats or rewrites the entire topology of the concept of the political, making manifest and elevating the space of appearances (i.e., the public realm) to the condition par excellence of politics. Positioning Arendt in a so-called “hidden dialogue” with certain Schmittian insights, therefore, will provide for an instructive confrontation precisely because of the different answers and solutions they come up with respect to certain jointly perceived problematic aspects of the political.¹¹⁰ The second argumentative movement will revolve around Arendt’s conception of the public realm. This is by no means surprising, considering the subject-matter of the present inquiry (political space) as well as the overwhelming importance of public realm within her theory of politics. One could immediately identify the three crucial, complementary and, indeed, very much contested issues, or recurrent motives, surrounding Arendt’s attempts at the “recovery of the public world.” These issues concern, firstly, her theory of action” (*action* as the fundamental, constitutive activity within the political realm); secondly, the nature of the public realm itself (establishing a space where action can unfold and become, as it were, a tangible reality); and thirdly, the so-called “rise of the social” which results in blurring the public/private distinction essential for upholding the political space, and which I will discuss in the political context of modern mass democracy.

In what follows I will try to argue that *action* should be conceived as a generic name for relationships that (potentially) exist between human beings in their *public capacity*. This is in line with Schmitt’s thesis that the political (criterion) fundamentally implies *publicity* (the friend and the enemy as essentially *public* figures). According to Arendt, action can proceed only in the condition of human plurality; it creates and sustains the space of

¹¹⁰ In this light, it is surprising how little attention this issue has received in contemporary scholarship. I am familiar with only one such “comparative” study, namely William E. Scheuerman’s article “Revolutions and Constitutions: Hannah Arendt’s Challenge to Carl Schmitt”. Notably, even he feels obliged to comment that “it might seem mean-spirited to identify argumentative similarities between Schmitt and Arendt” (Scheuerman 1998, 252).

appearances—in other words, an *Öffentlichkeit*. For Schmitt, the latter signified simultaneously the source and the outcome of *antagonism*. Antagonism is not to be equated with violent confrontation but “merely” with its ever present possibility. In Arendtian terms, such situation is characterised as *unpredictability*: with action, “one never knows what will happen.” The source of action lies in human *natality*—the new beginning opens up another, unexpected space; for Schmitt, the event of birth “takes place” within the world, it indicates the claim for a space of “one’s own.” It would be incorrect to argue that Schmitt, contrary to Arendt, takes his bearings from the fact of human mortality; what he is concerned with is, precisely, the possibility of a *violent death*—that is, with the extinction of the very same source of action. We could say that the difference between these two thinkers consists here in that Schmitt fears the worst, while Arendt at least tries to think (and to remind us) of the better.

Both of them express the need for a stable, secure, and politically oriented public realm. On the first glance, this might appear as a highly paradoxical undertaking: establishing conditions for something essentially unconditional; creating boundaries for what naturally appears as boundless; mapping down the space for new adventures; prescribing the movement for unpredictable dynamic, and so on. The spatial closure (either in the form of a state or a *polis*, or by drawing the boundary between “us” and “them”, or between the public and the private) is seen as a precondition for opening up and sustaining the genuine public-political space. In order to understand this paradox, however, we need to distinguish between on the one hand *the political* as the fundamental and ineradicable “human condition of being-together,” and on the other *politics* as an activity directed towards regulating, normalizing, civilizing—in a word, depoliticizing—this basic condition that otherwise would be left to its own (anarchical) devices: undecidability and indeterminacy.

1. Exception or Excellence; Agonism vs. Antagonism

It is difficult to imagine the more striking confrontation—considering their personal fate as well as theoretically reflected political experience—than that between Hannah Arendt and Carl Schmitt. It would indeed be redundant to recount the standard facts from their respective biographies: on the one hand, the German-Jewish *émigré* who discovered (yet never fully familiarized) a new home on the New Continent, and on the other hand, the notorious *Kronjurist* of the Third *Reich* and the late self-appointed *Katechon* at the gates of the Old World civilization, who opted for an inner exile on his alienated homeland. But even when we leave aside the considerations pertaining to personal background of these two eminently political thinkers¹¹¹; even when, that is, we reflect exclusively on their particular understandings of what it means to be political, their views truly seem to stand poles apart from each other. To be more precise, they appear to face each other from the opposite sides of the same abyss (the horrible political experience of the twentieth century), so that the only choice imaginable between them seems to be uncompromising *either/or*. Philosophically and spiritually, *The Concept of the Political* and *The Human Condition*—to take these two exemplary books to stand for the political visions of Schmitt and Arendt, respectively—could hardly be more different, reflecting highly idiosyncratic understandings of what *politics* means, or should mean.

Yet, what needs to be emphasised as highly significant, is that they bore witness (from the opposite camps, of course) to the same political phenomena, and both were actively (if

¹¹¹ Which we ultimately cannot do, for apart from being highly significant in themselves, they are also partly constitutive, or at least indicative, of our problem of the political: as Arendt herself remarked upon her discovery in this connection, based on her own experience with political anti-Semitism, “that being a Jew was indeed a political, a public, fact” (EU, xxv). Schmitt, similarly, stresses that the problem of one’s identity—the question of who one is—is ultimately, in the decisive sense, a political problem.

involuntarily) involved in the crucial events of their time. Thus, I believe, there are some merits to be gained in undertaking the investigation as to what extent it is possible to reconcile the theoretical projects of Schmitt and Arendt. It seems necessary because, paradoxically enough, they are at once highly complementary and ultimately incompatible. Indeed, at the very moment we try to raise the question of how the basic structure of the political, as uncovered by Carl Schmitt, could possibly inform our understanding of the general human condition, as analyzed by Hannah Arendt, we are apparently facing insurmountable difficulties. Moreover, one could sense certain uneasiness in trying to bring together into some productive union such controversial thinkers; indeed, such an attempt could more likely be marked by a failure rather than a success. Thus, we should be well advised to pay attention to their differences as well as to their possible convergence or overlapping.

For Schmitt, the political constitutes the fundamental, radical ground of human existence that is structured along the friend-enemy antithesis; Arendt, on the other hand, regards political activity (that is, action) as the highest possible manifestation of human active life (*vita activa*) where domination, violence and enmity have (ideally, at least) no place whatsoever. Focussing on the concepts of sovereignty and decision as political epitomes, the word *freedom* makes almost no appearance in Schmitt's vocabulary at all; in Arendt's thought, on the contrary, freedom plays the pivotal role: the phenomenon of freedom is what makes political life meaningful, and is actually the reason that men live together in political organization at all. When for Arendt the realm of politics is essentially characterised by discussion, persuasion, and acting together, then in Schmitt's theory discussion is at best rejected as essentially romantic (apolitical) ideal and substituted by the so-called representative discourse, (rational) persuasion is effectively turned into coercive dictate of *auctoritas* on the one hand and compelling force of theologico-political symbolism on the other, and concerted action of people's multitude is restricted to the singular activity of acclamation by the *Volk*.

It seems, therefore, that although the positions of both Arendt and Schmitt could safely be characterised as “anti-liberal”, the contrasts they display regarding the nature, meaning and purpose of the political life are so striking that they seem to overshadow possible (if also unexpected) areas of convergence that could appear between them on some closer examination. Nevertheless, one of the aims of the present thesis is precisely to undertake such a comparative examination of their ideas. It is guided by the conviction that apart from arguing a very strong case against liberalism and its concomitant understanding of politics (considered essentially in negative terms), both Schmitt and Arendt seem to have grasped something crucially important about political phenomena as such. Indeed, even if we cannot arrive at some kind of plausible (or acceptable) synthesis between these two, it is still possible to uncover certain similarities which point to fundamental affinities with respect to the understanding of political phenomena. If we could formulate this fundamental insight in one phrase, then it would be the following: the realm of the political has ultimately the structure of an *Öffentlichkeit*. All their differences and disagreements, significant as they are in themselves, derive in fact from their responses to the jointly recognised problematic (open) nature of this public space—this recognition itself being by no means an obvious trait among political theorists. Hence, in certain crucial sense these differences between Schmitt’s and Arendt’s corresponding political visions are complementary, or at least instructive.

As already mentioned, the basic move I have tried to accomplish with respect to Schmitt consists in effecting the fundamental shift of emphasis from the concept of the political to its underlying notion of an *Öffentlichkeit*. In other words, it has consisted in uncovering the structure of the political as having fundamentally the quality of publicity. One of the consequences of this shift is that it allows us to reformulate or reconsider the (in)famous friend-enemy distinction of Schmitt in the light of contemporary theoretical perspectives such as, for example, Laclau and Mouffe’s project of radical democracy. According to the latter, the field of the social is characterised by having an irreducibly

antagonistic structure due to the inherent and radical undecidability that ultimately can only be resolved *politically*.¹¹² From this antagonistic perspective, both Schmitt's decisionism as well as its concomitant concept of sovereignty acquires a new significance: neither of them can any longer retain its status as being the essence of politics or the rock-bottom of the political.¹¹³ This is so because antagonism (which is the true "quality" of an *Öffentlichkeit*) appears, in a sense, prior to them, and decision (as a state of emergency) intervenes precisely in order to restore or re-establish the order that social antagonism constantly threatens to overturn. Decision appears as a device—a *deus ex machina*, so-to-say—that works as if by a miracle; it is essentially an act of the sovereign who is indeed, in Hobbes's words, the mortal god. But is this "miraculous" solution really the only conceivable one? Here is another point where the parallel with Arendt becomes instructive. For if undecidability means, precisely, that things "cannot be figured out in advance"—administratively, rationally, theoretically, morally, etc.—then action (which is characterised by its inherent unpredictability) could be conceived as a possible way to confront this predicament. To paraphrase Arendt: action is the human answer to this field of endemic undecidability. And while the agent of decision in Schmitt is the sovereign, then the Arendtian agent of action is, naturally, an *actor*—that is, the one who acts.¹¹⁴

¹¹² Laclau and Mouffe's concept of *hegemony* should precisely be understood as the (political) theory of decisions that are taken on the essentially undecidable terrain of the social. It thus indicates a necessary, but always already failed, attempt to construct this impossible object: *the society*. See their book *Hegemony and Socialist Strategy*.

¹¹³ The immediate objection that could be made here is to argue that such antagonism—since it seemingly amounts to no more than the Hobbesian state of nature which is a condition of war between essentially private individuals—does not accord with Schmitt's friend-enemy distinction. However, the objection does not hold, for this antagonism already operates within an *Öffentlichkeit*, that is, on the fundamentally public terrain.

¹¹⁴ And if the decision of the sovereign is subsequently "verified" (or in the extreme rare cases, "falsified") by *acclamation* (which is, according to Schmitt, *the political function of a people*), then an actor or actors, in the course of their acting, lay down the matter for a *judgment* (of those who are

What type of activity goes on within the public realm? Carl Schmitt had rightly indicated the extremely ambiguous and unstable nature of an *Öffentlichkeit*. By characterising the status of this realm as a *stasis*—that is, as a condition of constant turmoil against itself, and even as a civil strife (*Aufruhr*; see PT II, 90)—he meant to imply simultaneously the relative stability and peace, as well as the permanent strife and insecurity, of this social field. With her Greek eyes, as it were, Arendt similarly pointed to this unalterable, constant coming and going in the realm of the political. She argued, for example, that “the Greeks were convinced that the changeability, occurring in the realm of mortals in so far as they were mortals, could not be altered because it was ultimately based on the fact that νέοι, the young, who at the same time were ‘new ones’, were constantly invading the stability of the *status quo*” (OR, 28). As such, *Öffentlichkeit* referred to the exclusive terrain that was at once positive (that is, stable and secure) and negative (open to contestation). What this insight might mean in contemporary theoretical terms, is well captured by Claude Lefort’s idea that democracy emerges and stays alive only when the meaning of society is uncertain and therefore open to question.¹¹⁵

But since Schmitt was not so much interested in theories of revolution, for example, as he was concerned by securing “peace and order” within an already established political unity, then the social-dynamic aspect and the conflictual nature of this public realm was not given a proper consideration. Having concentrated exclusively on the friend-enemy distinction, Schmitt left this antagonism to be sorted out by the naturalistic “law of the stronger.” Therefore, we must turn to Arendt for the additional, diagnostical as well as normative, insights concerning the phenomenal status of this public-political realm. In what follows, I would like to argue that *action* (which indeed can assume many forms, manifest variety of

present, and can see and hear). The decision (unlike action) is not liable to discussion; it is an accomplished fact (*fait accompli*) that at best allows (in democratic polities) for some sort of a referendum.

¹¹⁵ See, for example, his “Politics and Human Rights” (in Lefort 1986).

principles, and articulate different alliances, etc.—for better *and* for worse...) represents the dynamic moment of the political—precisely this dangerous and daring adventure that characterises and conditions human political existence. Arendt's endeavours at “understanding politics” should be regarded, indeed, as attempts to theorize the political (in Schmitt's sense); it signifies the recognition that all genuine politics and power relations always involve an agonistic dimension. This explains the highly idiosyncratic notion of politics that Arendt advances over and against all “normal” definitions of what politics is or should be. However this might be, political activity, as it is commonly conceived, is essentially at odds vis-à-vis the concept of the political.

To give a glimpse of what is meant by the idea of distinguishing between “the political” and “politics,” I will suggest the following clarification provided by Chantal Mouffe:

By ‘the political’ I refer to the dimension of antagonism that is inherent in all human society, antagonism that can take many different forms and can emerge in diverse social relations. ‘Politics,’ on the other hand, refers to the ensemble of practices, discourses and institutions that seek to establish a certain order and to organize human coexistence in conditions that are always potentially conflictual because they are affected by the dimension of ‘the political’ (Mouffe 1999, 754).

The Schmittian motives are clearly recognizable here: politics aims at the creation of unity in a context of conflict and diversity (that is, of an *Öffentlichkeit*); and it is always concerned with the creation of an “us” by the determination of a “them”—which implies the exclusionary logic (the friend-enemy distinction representing here its most extreme case). In yet another theoretical paradigm, the one that emphasizes the essential undecidability of human affairs (within the field of the social), action appears as the characteristically human

way of answering to (not only the fact of natality but) the situation where “things cannot be figured out in advance”—this marks precisely the point of human intervention.

It is well-known that Arendt designated action as a genuinely political activity—and as the highest manifestation of *vita activa* that properly belongs to the public realm. Indeed, “public space” is defined as that space in which only a certain *type of activity*, namely action as opposed to work or labour, takes place. To be sure, such division of human activities has often been seriously contested by contemporary thinkers; Seyla Benhabib, for one, indicates this problematic strategy of Arendt as her “phenomenological essentialism,” by which she means Arendt’s belief that each type of human activity has its proper “place” in the world, and that this place is the only authentic space in which this kind of activity can truly unfold (HC, 73 ff.). Benhabib argues instead that indeed “different action-types, like work and labour, can become the locus of ‘public space’ if they are reflexively challenged and placed into question from the standpoint of the asymmetrical power relations governing them” (Benhabib 1993, 104). This is correct; but I do not see how it contradicts what Arendt is saying. For it is one thing to argue that labour, for example, takes place in the specific conditions that are governed by necessity and natural (bodily) human needs. By no means, however, this is to say that the labour-issue *as such* cannot become the matter of public-political dispute or even contestation. This is well-proven by the long and successful tradition of the workers’ movement, to whose authentically political character Arendt herself has often and emphatically testified (see HC, 212-20). Moreover, Arendt does admit that the distinction between the public and the private is something inherently unstable and historically rather contingent:

Life changes constantly, and things are constantly there that want to be talked about.

At all times people living together will have affairs that belong in the realm of the

public—‘are worthy to be talked about in public.’ What these matters *are* at any historical *moment* is probably *utterly* different. ... So what becomes public at every given period seems to me utterly different (Arendt 1972, 316).

Even if this admittance comes rather late in Arendt’s life, it does not amount to a disavowal of her former position and earlier reflections on that matter. To stick to the example: putting the labour-issue on the *agenda* (literally, “that what needs to be done”) is, or should be, something altogether different in comparison with the nature of the labouring process itself. Indeed, it constitutes a form of action—it is to act (*agere*), in the double sense of enactment (performing, and making into law). Instead of seeing the public/private distinction as an obstacle to reconciling the public realm with a more contemporary, “socially oriented” politics, one should rather emphasise here the concern with the more politically “open” question of the manner in which problems are to be addressed. But it is true that we need here much more elaborated account than hitherto available.

Thus, I would be inclined to regard Arendtian approach as performing an “existential analytic” of *vita activa*—that is, differentiating and analyzing the modes in which human beings exist in the world, as well as considering their prospects in the face of modernity. Taking into account the focus of my present inquiry, I am not going to deal explicitly with the problem that Arendt notoriously designated as “the rise of the social”—the state of affairs, that is, “in which the fact of mutual dependence for the sake of life and nothing else assumes public significance and where the activities connected with sheer survival are permitted to appear in public” (HC, 46). But I do hope to tackle this problem on the explicitly political terrain, for this “social question”, as I would argue, is to a great extent just another formulation of the very same phenomenon of modern mass-democracy.¹¹⁶ This question will thus resurface later on through the critique of “totalitarian” mass-politics.

¹¹⁶ Bureaucracy, centralization, and other similar issues—according to Arendt, “these are the problems

But let us return to the action, and to its proper location in the world. What “action” means, is neatly summarized by Arendt at the very beginning of *The Human Condition*:

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—not only the *conditio sine qua non*, but the *conditio per quam*—of all political life (HC, 7).¹¹⁷

It appears that humans, no matter what they do, are always conditioned beings because everything they come in contact with turns immediately into a condition of their existence. Yet action has a paradoxical status here, for it is conditioned by freedom, and freedom is something which itself is unconditional—freedom, in a sense, transcends human condition. By freedom Arendt means the capacity to begin—to start something new, and to do the unexpected—with which all human beings are endowed by virtue of being born: “With word and deed we insert ourselves into the human world, and this insertion is like a second birth... It may be stimulated by the presence of others whose company we may wish to join, but it is never conditioned by them” (HC, 176-7). Action as the realization of freedom is therefore rooted in *natality*; to this fact of being born, humans respond by beginning something new on

of so-called ‘mass society.’ I say so-called ‘mass society’ but it is unfortunately the fact” (Arendt 1972, 319).

¹¹⁷ It is interesting to recall here Kant’s comment regarding the Third Definitive Article of a Perpetual Peace, which is concerned with the right of communal possession of the earth’s surface, and whence derive the conditions of universal hospitality: “But this natural right of hospitality, i.e. the right of strangers, does not extend beyond those conditions which make it possible for the to *attempt* to enter into relations [with the native inhabitants]” (PP, 106).

their own initiative.¹¹⁸ “Because they are *initium*, newcomers and beginners by virtue of birth, men take initiative, are prompted into action... With the creation of man, the principle of beginning came into the world itself, which, of course, is only another way of saying that the principle of freedom was created when man was created but not before” (HC, 177).

It might be important to emphasize that action and speech were originally considered to be “coeval and coequal” in a specific sense, and namely in the fundamental sense that “finding the right words at the right moment, quite apart from the information or communication they may convey, is action” (HC, 26). What Arendt has in mind, namely, is that “without speech, action loses the actor, and the doer of deeds is possible only to the extent that he is at the same time the speaker of words, who identifies himself as the actor and announces what he is doing, what he has done, or what he intends to do” (Arendt 1972, 371).¹¹⁹ In this respect, the experience of the *polis* already represents the separation of this originary, pre-*polis* unity: “The emphasis shifted from action to speech, and to speech as a means of persuasion rather than the specifically human way of answering, talking back and measuring up to whatever happened or was done” (HC, 26). The *polis* thus refers to a particular “way of life in which speech and only speech made sense and where the central concern of all citizens was to talk with each other” (HC, 27)—action is here already, to a certain degree, reduced to communicative interaction (public deliberation, discursive persuasion, etc). These seemingly small shifts of meaning are decisive, for they inscribe some

¹¹⁸ “What makes man a political being is his *faculty of action*; it enables him to get together with his peers, to act in concert, and to reach out for goals and enterprises that would never enter his mind, let alone the desires of his heart, had he not been given this gift—to embark on something new. Philosophically speaking, to act is the human answer to the condition of natality” (OV, 82).

¹¹⁹ This interlinkage could be characterized as *representative* speech or *performative* action. The former is a speech that makes present something—an action—that is absent; absent because it has either already, or not yet, happened (or it happens, as it were, behind the stage). The meaning of the latter is captured well by Ludwig Wittgenstein’s formula “words are deeds,” or, alternatively, by John Austin’s suggestion of “how to do things with words.”

sort of ambiguity into action and, as a consequence, make it difficult for the latter to be grasped by some coherent model. Since action is constitutive of politics, in Arendt's understanding, it results in rather different (contradictory, even irreconcilable) visions of politics which are not always easy to reconcile.

To give one characteristic illustration: *The Human Condition* elevates the ancient Greek *polis* as the paradigm of public-political realm, surrounded by city-walls and regulated by laws (*nomoi*). The law-making activity, even the constitution of the *polis* itself, is considered here as being pre-political by nature. It is important to the extent that it establishes the stable framework for a genuinely political activity—by founding a space where freedom can appear as a worldly phenomenon (in a similar manner, the private realm (*oikos*) also constitutes the precondition for a public realm). Action takes place here, and manifests itself, in basically two aspects: individual self-disclosure (agonistic politics directed towards immortality, excellence, and fame), and communal acting-together (power). On the other hand, Arendt's another intellectual *tour de force*, her book *On Revolution* (1965), presents us with a wholly different sense of the political—concentrated, as it is, on the foundation of the republic (*res publica*). Arendt herself admits this variance, commenting on the American revolutionaries' search for the ancient wisdom “in order to find a model for this new political realm which they wanted to bring about, and which they called a republic. ... The model of man of this republic was to a certain extent the citizen of the Athenian *polis*. ... On the other hand the model was the *res publica*, the public thing, of the Romans” (Arendt 1972, 330).

However, Arendt's so-called theory of action has often been criticized for not being entirely consistent, if not outrightly contradictory. Indeed, it has become a rather common intellectual exercise, to distinguish between the two rather different, for some people even incompatible, accounts of action that Arendt seems to advance in her writings.¹²⁰ The

¹²⁰ For the following two paragraphs, I am indebted to the well-informed study by Maurizio Passerin d'Entrèves, *The Political Philosophy of Hannah Arendt* (see especially ch. 2, pp. 64-100).

perception of these two models or dimensions has often resulted in wider repercussions (considering the centrality of action in her understanding of politics), and in the attempts to privilege (in the name of normative consistency) some of its aspects over the others (seen as redundant or simply misconceived). Indeed, this ambiguity with respect to Arendt's theory of action has prompted some theorists to argue that it contains in itself a tension between two different visions of politics. Margaret Canovan, for example, articulates this tension as a difference between an elitist and a democratic vision of politics, arguing that "if Arendt in some moods can seem pre-eminently the theorist of participatory democracy; she can also be read as an elitist of almost Nietzschean intensity" (Canovan 1978, 5-6). Peter Fuss, on the other hand, claims that Arendt oscillates between an agonal and an accommodation conception of politics, and that the question is really how to properly reconcile these two, the substantive and the procedural dimensions (cf. Fuss 1973). Bhikhu Parekh, in his turn, formulates this alternative in terms of a heroic and a participatory model. He goes on to suggest a way of reconciling these two models of politics: it is a matter of recognizing the interdependency between *ordinary* and *extraordinary* politics "in the sense that participatory politics creates and sustains the climate necessary for heroic politics, and the latter inspires and encourages men to take active interest in public life" (Parekh 1981, 177-8).

These two dimensions of Arendt's view of political action have led Maurizio Passerin d'Entrèves to claim that there is "a fundamental tension in her theory between an *expressive* and a *communicative* model of action," and that she was never able to integrate these two models or conceptions of action in a satisfactory manner (d'Entrèves 1994, 84). Consequently, the unstable combination of these two action types has also affected Arendt's understanding of politics—she understood politics either as the performance of noble deeds by outstanding individuals, or as the collective process of deliberation and decision-making that rests on equality and solidarity (*ibid.*, 85). In the series of articles, most notably in her essay "Models of Public Space", Seyla Benhabib demonstrates how Arendt's internally

divided view of political action generates two very distinct models of the public space: the *agonistic* and the *associational*; and to be sure, this distinction “corresponds to the Greek versus the modern experience of politics” (Benhabib 1992, 77-8).¹²¹ The agonistic is a competitive space, in which one competes for recognition, precedence, and acclaim; it is expressivist, essentialist and also “exclusive in that it presupposes strong criteria of belonging and loyalty from its participants” (*ibid.*, 102). The associational space, on the contrary, is based on collaboration rather than competition; it implies “discursive” space filled with dialogues, discussions, and deliberations. According to Benhabib, the drawbacks of the first model are clear enough, for Arendt’s performative (agonistic, theatrical) public sphere presumes a high degree of moral and political homogeneity—in other words, it presumes a rigidly defined public realm since it is spatially delimited and its “substantive content” is severely restricted. This is so because it is only against the background of a substantive agreement on positive virtues that the question of the excellence of the performance can come to the fore. Benhabib concludes that Arendt’s theatrical model of politics must therefore be abandoned: “Hannah Arendt’s agonistic model is at odds with the sociological reality of modernity [because modern polities conspicuously lack this kind of moral-political homogeneity], as well as with modern political struggles for justice [since the distinction between the social and the political makes no sense in the modern world].”¹²²

Taking all this into account, however, I do not think that we should worry too much of how to resolve the apparent incoherencies in Arendt’s views toward action. To my mind,

¹²¹ Cf. also Benhabib’s book *The Reluctant Modernism of Hannah Arendt* where she adds: “In contemporary terms, we may say the first model of action is essentialist while the second is constructivist” (Benhabib 1996, 126).

¹²² Hence the need to “modify Arendt’s concept of public space in the direction of a dialogic and procedural model” (Benhabib 1992, 100). The alternative possibility would be to argue simply that the theatrical metaphor need not be tied exclusively to one model of politics: for considering the perspective of the actors, is not the performance an associational act? For this latter point, I am indebted to Peter Stirk.

these variances merely give voice to the multifaceted nature of public realm or political space itself. In other words, putting the emphasis on action was not meant by Arendt to articulate neither a normative model, nor an ideal type, of human-being-political. It simply captures the sense of politics, or rather—of what goes on in the public realm; and the answer to this, essentially, is: we never know! Therefore I would argue that action, somewhat metaphorically, is a generic name that simply designates an ability to “move around” within this space—to step into the light of public realm (and perform therein). It is not for nothing that Arendt evokes here the theatrical paradigm (to which we will shortly return in more detail): entering the public realm is like entering the stage. The character of this act could well be expressed in Peter Brook’s memorable words: “I can take any empty space and call it a bare stage. A man walks across this empty space whilst someone else is watching him, and this is all that is needed for an act of theatre to be engaged” (Brook 1968, 11). This is like an adventure, and it implies taking a risk—it consequently requires courage which is indeed an essentially political virtue. Also, to make a move within this space means, precisely, taking interest—in the original meaning of this word: *inter esse*, being in-between. Once you get used to that, you “feel at home” in the world... In this sense, action is neither good nor bad in itself—or rather, it is truly beyond good and evil; for it appears simply as the expression of the fact of human plurality, and it manifests the fundamental human capacity to begin something new: “This boundlessness is inescapable ... one deed, one gesture, one word may suffice to change every constellation. In acting, in contradistinction to working, it is indeed true that we can really never know what we are doing” (Arendt 1972, 373).

Here we can already notice—which I would also like to emphasise—that the ambiguity inherent in action goes deeper than the abovementioned alternatives seem to suggest. In a way, the problematic nature of action is more disturbing than the apparent choices posited between its different models. This uneasiness in taking action on board unconditionally concerns the status of *violent* action that constitutes, so-to-speak, a powerful

undercurrent within the Arendtian public realm. Habermas rightly indicates the price to be paid for screening all strategic elements out of politics as “violence”—most significantly, this negligence results in incapability of coming to grips with appearances of structural violence.¹²³ It is because of her reliance on the Aristotelian concept of praxis, Habermas argues, that Arendt, in a kind of shorthand, equates strategic action with instrumental action: “She demonstrates that in the waging of war strategic action is as violent as it is instrumental; an action of this type stands outside the realm of the political.” Apart from the overly simplistic nature of the example chosen by Arendt, such movement constitutes indeed a fatal mistake, for “we cannot exclude the element of strategic action from the concept of the political” (Habermas 1983, 179-81).

Habermas himself distinguishes the acquisition and maintenance of political power¹²⁴ from the (potentially instrumental) exercise of political power, on the one hand, as much as from the (communicative) engendering of political power, on the other; he adds that in the modern state “the struggle for political power through institutionalization of strategic action [oriented not, of course, toward agreement but toward success] is normalized” (*ibid.*, 180). Being tied, as it were, to the Aristotelian concept of praxis, Arendt’s theory becomes unable to account for the strategic contests for political power; indeed, Habermas concludes, “the concept of communicatively engendered power developed by Arendt can be made into a sharp

¹²³ Characteristically, Habermas presents the latter in terms of his communicative paradigm: “Structural violence is not manifest as violence; instead it blocks in an unnoticed fashion those communications in which are shaped and propagated the convictions effective for legitimation. ... In systematically restricted communications, the participants form convictions that are free from compulsion from a subjective point of view but are illusionary; thereby they communicatively engender a power, which, as soon as it is institutionalized, can also be turned against the participants” (Habermas 1983, 184).

¹²⁴ The reference to the maintenance of power immediately evokes the foremost political strategist, namely, Machiavelli and his overwhelming concern with the problem of what he calls *mantenero lo stato*, maintaining one’s state or status.

instrument only if it is dissociated from the theory of action inspired by Aristotle” (*ibid.*, 179). Yet Habermas is able to perform such a stringent critique only because he himself relies too much on his own “communicative theory.” He ascribes to Arendt the notion of power as the capacity to agree in uncoerced communication on some community action; from this viewpoint, indeed, the instrumental intervention appears as insufficient to account for salient blockages in communicative interaction. The enterprise of reaching the rational consensus, however, stands distances apart from such inherent characteristics of action emphasized by Arendt as spontaneity (a new beginning), unexpectedness, and unpredictability. In the light of these features, the Arendtian conception of action retains its normative potential, for she does provide an extensive analysis of how violence transforms and perverts the genuine political action, and destroys an authentic public realm. Also, the link between legitimacy and power is precisely what the deliberative model is unable to recognize, since it has to posit the possibility of a type of rational argumentation where power has been eliminated and where legitimacy is grounded on pure rationality. But before turning to discuss these two crucial concepts, or indeed, two opposite modalities of action (violence and power), I would like to suggest a linkage between Arendtian “agonistic model” (almost unanimously found to be deficient) and a recent theoretical trend associated with the politics of hegemony.

For some time now, Ernesto Laclau and Chantal Mouffe have been advocating the project of “radical and plural democracy,” based on the hegemonic understanding of politics that was first delineated in their book *Hegemony and Socialist Strategy* (1985). They stress the need to acknowledge the dimension of power and antagonism and their ineradicable character—the crucial aspect here is precisely the recognition that power is constitutive of the social, and that antagonism is the limit of social objectivity which goes, so-to-say, down to the bottom: any kind of social objectivity is reached simply by limiting antagonism.¹²⁵ Ascribing

¹²⁵ “The point of convergence—or rather mutual collapse—between objectivity and power is precisely what we mean by ‘hegemony’” (Mouffe 1999, 752-3).

to antagonism this fundamental *constitutive* role in establishing the limits of the social is meant to highlight the central role in politics of the conflictual dimension and its crucial role in the formation of collective identities. The political appears, consequently, as the institutive moment of the social; and politics aims at the creation of unity in a context of conflict and diversity—it is always concerned with the creation of an “us” by the determination of a “them”.¹²⁶ Mouffe acknowledges her indebtedness to Schmitt (see her essay-collection, *The Return of the Political*), yet her agonistic model of politics, the so-called “agonistic pluralism,” is meant precisely to rearticulate these Schmittian insights within the framework of pluralistic democracy. Hence, she emphasizes, “the importance of distinguishing between two types of political relations: one of *antagonism* between enemies, and one of *agonism* between adversaries. We could say that the aim of democratic politics is to transform an “antagonism” into an “agonism” (cf. Mouffe 1999, 755).¹²⁷ To be sure, this demands a certain amount of consensus, but such a consensus concerns only some ethico-political principles—those, however, can only exist by way of many different and conflicting interpretations; in other words, such a consensus is bound to be a “conflictual one”.

It might be useful to consider the question of violence from the point of view of political space. After all, violence, which inheres in all activities that are undertaken in the image of making (not to speak of the necessity of labour), becomes a serious problem only and as soon as it pretends to be a form of action—and that means, as soon as it enters the public realm.¹²⁸

¹²⁶ Compare here the statement from Laclau: “Once again we find the paradox dominating the whole of social action: freedom exists because society does not achieve constitution as a structural objective order; but any social action tends towards the constitution of that impossible object, and thus towards the elimination of the conditions of liberty itself” (Laclau 1990, 44).

¹²⁷ An adversary is defined here as a legitimate enemy, an enemy with whom we have in common a shared adhesion to the ethico-political principles of democracy.

¹²⁸ See Arendt’s essay “The Eggs Speak Up” (1951): “The element of destruction inherent in all purely technical activity becomes pre-eminent, however, as soon as its imagery and its line of thinking is

What is important to understand in this connection, is that violence cannot simply be contraposed to action as something entirely alien to it. As I argued above, action could be regarded as the generic name for all the phenomena that go on within the public realm—and this includes violence no less than power. It also implies sharing some of the characteristic features of an action, for “the practice of violence, like all action, changes the world”—although, to be sure, this change would be most likely a negative one, toward a more violent world. Both power *and* violence are types or modalities of action, which is to say, they are both specifically political phenomena: “Neither violence nor power is a natural phenomenon, i.e. a manifestation of the life process; they belong to the political realm of human affairs” (OV, 82). Similarly again, “realm of violence has an element of unpredictability, of arbitrariness” (OV, 12). Arendt argues it to be a function of all action (as distinguished from mere behaviour), *war* and *violence* included, “to interrupt what otherwise would have proceeded automatically and therefore predictably” (OV, 31). Finally, violence seems to be intimately connected with the problem of beginning: “Cain slew Abel; and Romulus slew Remus; ... whatever brotherhood human beings may be capable of has grown out of fratricide, whatever political organization men may have achieved has its origin in crime” (OR, 20).¹²⁹

Moreover, even the relationship between power and violence is not always simply exclusionary, and indeed, as Arendt herself admits, “nothing is more common than the

applied to political activity, action, or historical events, or any other interaction between man and man” (EU, 283). Moreover, “in the political realm, things not only assume a more radical expression but become endowed with a reality peculiar to the political realm alone” (BPF, 93).

¹²⁹ Yet, violence is by nature *re-active*, that is, directed against these inherent qualities, and therefore retains its instrumental character. But what is also certain is that no matter how successful, it can never completely eliminate this chance-element that properly belongs to the nature of action. “But while violence can destroy power, it can never become a substitute for it” (HC, 202).

combination of violence and power.”¹³⁰ Although, to be sure, power and violence do indicate the oppositional phenomena, for “where the one rules absolutely, the other is absent” (OV, 56). What does obviously distinguish power from violence, first and foremost, is that “power always stands in need of numbers, whereas violence up to a point can manage without them because it relies on implements” (OV, 41-42).¹³¹ From this derives one important distinction, namely the fact that violent action is ruled by means-end category—it is, indeed, instrumental by nature; power, however, is something that is “an end in itself”—its structure precedes and outlasts all aims, constituting actually “the very condition enabling a group of people to think and act in terms of the means-end category”. One could say that violence enters political action as soon as the latter is considered to be a question of technique, *techne*—and that means, fabrication (when it is concerned with the question: how to become masters of our actions?) The third crucial feature that follows from the previous one is that due to its instrumental character, violence can indeed be justifiable, and in this sense, rational (because justification is something which is related to the end or goal), but it will never be legitimate (cf. Weber’s definition of the state as possessing the monopoly of legitimate violence). Power, on the contrary, being inherent in the very existence of political communities, needs no justification. What it does need instead is legitimacy: “Power springs up whenever people get together and act in concert, but it derives its legitimacy from the initial getting together rather than from any action that then may follow” (OV, 52). But before proceeding with the discussion of power (which, tied to the issue of legitimacy, could indeed be regarded as the

¹³⁰ However, Arendt remarks on this not-too-easy relationship between violence and the phenomenon of revolution; thus, only “where violence is used to constitute an altogether different form of government, to bring about the formation of a new body politic ... can we speak of revolution” (OR, 35).

¹³¹ Thus, the extreme form of power would be All against One, and the extreme form of violence—One against All. Consequently, one could argue (following Montesquieu) that tyranny is the most violent and the least powerful form of government.

normative component of action), we could try to spell out some effective consequences of violence within the political space. It is commonplace to reiterate that violence destroys the public realm by subjecting the latter to the ideology of *homo faber*, that is, to the means-end category of thinking. For implications of violence are inherent in all interpretations of the realm of human affairs as a sphere of making. That much is clear enough: violence refers to the imposition of one's will upon the others (coercion); it requires implements such as weapons or tools of destruction (instrumentality); and it aims at the total control of human things (tyranny). As such, it aspires to substitute political action essentially by the "administration of men and things."

Here we can already point out one remarkable trait that pertains to power. In Arendt's context, namely, 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" (OV, 44).¹³² But what is it that keeps power going and holds the group together? It is the faithfulness to the initial, originating principle that inspired this particular action in the first place—and this is also precisely what legitimacy means here.¹³³ The principle inspires the deeds that are to follow and remains apparent as long as the action lasts. What validates (authorises, legitimises) and ultimately saves the beginning from its inherent arbitrariness is the principle—the "law of action", so-to-say—, which manifests itself, makes its appearance in the world through it.

¹³² Violence, of course, can be individualized—the tyrant being the most obvious example here.

¹³³ Compare Mouffe: "This link between legitimacy and power is precisely what the deliberative model is unable to recognize, since it has to posit the possibility of a type of rational argumentation where power has been eliminated and where legitimacy is grounded on pure rationality" (Mouffe 1999, 753).

2. Beyond Power

The following discussion of Arendt's concept of power attempts to advance the following interpretation. Namely, power should be understood here as the pure possibility of human-being-together. That is, wherever people come together in the specific sense indicated below, their "coming-together" gives rise to the phenomenon of power as a power potential: wherever people gather themselves, power is always *potentially* there.¹³⁴ What this means, cannot be told in advance, for it is fundamentally an open possibility—since it is a form of action (more specifically, "action in concert," and therefore most likely an action *par excellence*), it retains all the characteristic qualities of the latter, that is: spontaneity, unpredictability, indeterminacy, and so on. What it does accomplish, however, is that power creates a space of appearances, which in Schmitt's terminology means precisely that an *Öffentlichkeit* is established. And *Öffentlichkeit*, to recall our previous discussion, holds in itself (in Schmitt's formulation) "the enormous political possibilities"—for better *and* (not least) for worse. The unstable, precarious and transient nature of power becomes evident in the fact that power (as well as the space of appearances that it establishes) tends to last only as long as people keep themselves together, and it disintegrates the moment human beings part the company of each other (as Schmitt maintains, *Öffentlichkeit* and *Volk* belong together, for these are closely interrelated phenomena).

¹³⁴ For that reason, power cannot be accumulated and kept in reserve for future uses or emergencies; it solely exists in its actualization. Indeed, "the word itself, its Greek equivalent *dynamis*, like the Latin *potentia* with its various modern derivatives or the German *Macht* (which derives from *mögen* and *möglich*, not from *machen*), indicates its 'potential' character. Power is always, as we would say, a power potential and not an unchangeable, measurable, and reliable entity like force or strength" (HC, 200)

Another important feature of this human-being-together consists in its qualitatively different nature vis-à-vis the so-called “mere life”. *Öffentlichkeit* implies the possibility of a space that has freed itself from the mere self-preservation and survival of the human species—that is, from the realm of necessity, having established itself over and above (as well as against) the concerns that derive from the elementary biological life-processes. Its meaning is well captured by Aristotle’s famous dictum that the *polis*—the archetypical public space indeed—exists not for the sake of life, but for the sake of *good life*. What is at stake in the *polis* is not so much the simple fact of human survival, as it is *living* itself: what is at stake in this public form-of-life, in other words, is “public happiness”—the life *worthy* of living. This is precisely the fundamental meaning of Arendt’s insistence on the need to establish and to maintain the boundary between the private and the public realms: the administration of bodily needs and the management of human population (the so-called biopolitics) should not properly become the condition for an *Öffentlichkeit*.

Taking into account the fleeting moment of power, i.e., the fact that power cannot be accumulated and stored for the future use, it becomes evident that the potential character of an *Öffentlichkeit* demands its realization, actualization, materialization—in a word, it requires the constitution of a political space. Schmitt’s solution was to develop the notion of the sovereign decision regarding the state of exception; thereby, political sovereignty retained its intimate connection to the “mere life”—precisely the latter (which was indeed, as Hobbes maintained, bound to be “nasty, brutish, and short”) was to serve as its ultimate origin of legitimacy. In a more general scale, the similar reduction threatens any such relationship of political obligation (protection-obedience), and this might well be the reason why Arendt refuses its every association with the properly political being. She does not, however, reject the notion of sovereignty altogether; instead, she reformulates it in terms of mutual promises, free agreements, and binding covenants. And political legitimacy is derived from the initial

coming-together of human beings which becomes manifest time and again through the so-called *principle* that guides human action.

In a short treatise *On Violence* (1970), Arendt refers to a long-established and firm conviction according to which the most crucial political issue should be the question: *Who rules whom?* In the light of this question, all specific differences between such phenomena as power, strength, force, authority, and violence were bound to appear as secondary, or even worse: they all were held to be synonymous because they seemed to have essentially the same function. In other words, they all indicated the *means* by which man ruled over man. Hence derives the widespread definition that the essence of power is the effectiveness of command (thus Max Weber), as well as the common prejudice against it, most famously expressed in the notorious saying that “power corrupts; absolute power corrupts absolutely.” Against this tendency to reduce public affairs to the mere business of domination, Arendt proposes to recall another tradition of politics and another political vocabulary: “When the Athenian city-state called its constitution an *isonomy*, or the Romans spoke of *civitas* as their form of government, they had in mind a concept of power and law whose essence did not rely on the command-obedience relationship and which did not identify power and rule, or law and command” (OV, 40). But if power is not to be equated with the legitimacy of command, and obedience to laws does not automatically entail their public support,¹³⁵ then it becomes crucial—and from the viewpoint of political space, indeed, all-important—to carefully reconsider both their nature as well as their mutual relationship.

Power, according to Arendt, corresponds to the human ability not just to act, but to act in concert. Consequently, power is never the property of an individual; it belongs to a group

¹³⁵ Compare Arendt’s statement: “The sudden dramatic breakdown of power that ushers in revolutions reveals in a flash how civil obedience—to laws, to rulers, to institutions—is but the outward manifestation of support and consent” (OV, 49). See also Arendt’s essay “Civil Disobedience” (in Arendt 1969).

and remains in existence only so long as the group keeps together (see OV, 44)—violence, on the other hand, can naturally be individualized, the tyrant being the most obvious example here. This definition comes up in Arendt's texts time and again: power "springs up between men when they act together and vanishes the moment they disperse" (HC, 200); "it 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" (OR, 175). Thus, power as joint endeavour manifests itself if not as the constitutive condition of human action, then at least as one of its most important (and indeed, politically decisive) component:

Admittedly, action too can never take place in isolation, for he who begins something is only able to succeed when he wins the others over to help him. In this sense, every action is action 'in concert', as Burke used to say; 'it was impossible to do anything without friends and loyal followers' (Plato, Letter VII, 325d), impossible namely in the sense of the Greek *prattein*, of performing and accomplishing something. But that itself is just one stage of the action itself, even though politically the most important one... (WIP, 50).¹³⁶

As such, the term truly reflects its originary meaning of *potentiality* (power is a function of the necessarily potential character of any community), for power is always, as Arendt claims, "a power potential and not an unchangeable, measurable and reliable entity like force or

¹³⁶ Arendt even adds, with respect to freedom as spontaneity: "The freedom of spontaneity ... is itself still, as it were, pre-political ... since it ultimately springs from the individual" (WIP, 51). In her essay, "Personal Responsibility Under Dictatorship", Arendt refers to the ancient understanding of the relations between men in the following manner: "According to these earlier notions every action, accomplished by a plurality of men, can be divided into two stages: the beginning, which is initiated by a 'leader,' and the accomplishment, in which many join to see through what then becomes a common enterprise" (RJ, 47).

strength” (HC, 200). Here, I would venture to add that power simply refers to the phenomenon of “human-being-together.” However, this last point needs clarification, for it should not be confused with the sheer multitude of people which can indeed display and move with irresistible *force*. “Human-being-together” should be understood here in the specific sense of constituting an *Öffentlichkeit*—the potential space of appearance. Arendt thus comments on the peculiar character of this space:

Unlike the spaces which are the work of our hands, it does not survive the actuality of the movement which brought it into being, but disappears not only with the dispersal of men—as in the case of great catastrophes when the body politic of a people is destroyed—but with the disappearance or arrest of the activities themselves.

Wherever people gather together, it is potentially there, but only potentially, not necessarily and not forever (HC, 199).

In other words, power is what generates the space of appearance, and moreover, keeps this public realm, the potential space of appearance between acting and speaking men, in existence. For Arendt the space of appearance is created in this in-between; when human beings gather together politically, that is, “wherever men are together in the manner of speech and action,” it is always already, potentially there. In this respect, to be sure, it “predates and precedes all formal constitution of the public realm and the various forms of government” (HC, 199). In this sense, the public realm refers to that space where everything that appears

can be seen and heard by everybody and has the widest possible publicity. For us, appearance—something that is being seen and heard by others as well as by ourselves—constitutes reality... The presence of others who see what we see and hear what we hear assures us of the reality of the world and of ourselves (HC, 50).

Within this space of appearance, therefore, experiences can be shared, actions evaluated, and identities disclosed. Indeed, Arendt maintains that “since our feeling for reality depends utterly upon appearance and therefore upon the existence of a public realm into which things can appear out of the darkness of sheltered existence, even the twilight which illuminates our private and intimate lives is ultimately derived from the much harsher light of the public realm” (HC, 51). And as she remarked in the preface to *Men in Dark Times*, addressing the question of whether in certain periods of history it is not better to say that “The light of the public obscures everything”¹³⁷:

If it is the function of the public realm to throw light on the affairs of men by providing a space of appearances in which they can show in deed and word, for better and worse, who they are and what they can do, then darkness has come when this light is extinguished by ‘credibility gaps’ and ‘invisible government,’ by speech that does not disclose what is but sweeps it under the carpet, by exhortations, moral and otherwise, that, under the pretext of upholding old truths, degrade all truth to meaningless triviality (Arendt 1968, viii).

In sum, the public realm as a space of appearance provides the light and the publicity which are necessary for the establishment of our public identities, for the recognition of a common reality, and for the assessment of the actions of others (cf. d’Entrèves 1994, 141). But power, as I have intimated, refers simply to something (to some quality) that can be effected or

¹³⁷ *Das Licht der Öffentlichkeit verdunkelt alles*. For an interesting discussion of this sentence, which of course derives from Heidegger’s *Sein und Zeit*, see Jeffrey Andrew Barash, “The Political Dimension of the Public World: On Hannah Arendt’s Interpretation of Martin Heidegger” (Barash 1996).

actualized only *together*, and in a manner that creates the space of appearance *in-between*, then what precisely it implies? What does it say about the “human-living-together”?

One implicit interpretation, I think, could be found here in a short essay by Giorgio Agamben, entitled “Form-of-Life” (1993). By this term, *form-of-life*, Agamben signifies “a life that can never be separated from its form, a life in which it is never possible to isolate something such as naked life ... a life for which what is at stake in its way of living is living itself” (Agamben 2000, 3-4). In other words, this formulation defines a *human* life in which the single ways, acts, and processes of living are never simply *facts* (i.e., something given), but always and above all *possibilities* of life, always and above all power. No matter how factual or conditioned each and every form of human living may appear, it is never fully prescribed by a specific biological necessity but, on the contrary, always retains the character of a possibility (that is, it always puts at stake living itself). In this sense, human life characteristically transcends the mere togetherness imposed on all through the urgencies of life. This is, precisely, the meaning of Aristotle’s famous saying that *polis* comes to existence for the sake of living, but remains in existence for the sake of living well (*Politics*, 1252b29). For the “good life,” as Aristotle called the life of the citizen, was not merely better, more carefree or nobler than ordinary life, but of an *altogether different quality*: “It was ‘good’ to the extent that by having mastered the necessities of sheer life, by being freed from labour and work, and by overcoming the innate urge of all living creatures for their own survival, it was no longer bound to the biological life process” (HC, 37).

This “good life,” or *eudaimonia* (as Greeks called it) is not to be confused neither with welfare, good fortune, nor beatitude; perhaps, says Arendt, it cannot be translated or even explained. *Eudaimonia*, like life itself, is a lasting state of being which is neither subject to change nor capable of effecting change; “it means literally something like the well-being of the *daimōn* who accompanies each man throughout life, who is his distinct identity, but

appears and is visible only to others” (HC, 193).¹³⁸ Human essence—in the sense of “who somebody is”—can come into being only when life departs, leaving behind nothing but a story. This unchangeable identity (*daimōn*) of the person can never be known to this person him- or herself (*nemo ante mortem beatus esse potest*); it can be revealed or disclosed—it can appear or become manifest—only to others. And this requires, naturally, the space of appearance.

In another Arendt’s book, *On Revolution*, this state of *eudaimonia* is discussed under the title “The Pursuit of Happiness.” She refers to the danger of confusing the term “public happiness” with private welfare or with any kind of individualistic pursuit of well-being.¹³⁹ American revolutionaries, Arendt thus maintains, knew from their own experience (prior to the revolution) that they could not be altogether “happy” if their happiness was located and enjoyed only in private life, and were driven in their actions, consequently, by a desire for some kind of freedom:

This freedom they called later, when they had come to taste it, ‘public happiness,’ and it consisted in 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 (OR, 127).

¹³⁸ “To be *eudaimōn* and to have been *eudaimōn*, according to Aristotle, are the same, just as to ‘live well’ (*eu dzēn*) and to have ‘lived well’ are the same as long as life lasts” (HC, 193).

¹³⁹ This confusion was still very common in the political literature of the time, and still rather conventional among the royal proclamations (such as “the welfare and the happiness of our people”). It rested on the firm conviction that the end of government is the well-being of the people, and that the substance of politics is not action but administration. Compare here the entirely different sense rendered to this political maxim *salus publica suprema lex est* by Immanuel Kant (discussed above). For the sake of historical clarity one should admit that, then as now, it was “by no means easy to know what either Jefferson or the committee meant by the pursuit of happiness” (thus Howard Mumford Jones, *The Pursuit of Happiness* (1953), quoted in OR, 295, n. 16).

Again, this implied the need to constitute and to lay down the boundaries for the new political realm, and to define the rules within it—in other words, it necessitated the constitution of a new political space (*constitutio libertatis*) “within which the ‘passion for public freedom’ or the ‘pursuit of public happiness’ would receive free play for generations to come, so that their own ‘revolutionary’ spirit could survive the actual end of the revolution” (OR, 126). It is in this light that one should read the following passage from the abovementioned essay by Agamben:

That is why human beings—as beings of power who can do or not do, succeed or fail, lose themselves or find themselves—are the only beings for whom happiness is always at stake in their living, the only beings whose life is irremediably and painfully assigned to happiness. But this immediately constitutes the form-of-life as political life (Agamben 2000, 4).

And politics, as we should understand it, is never for the sake of life—as Arendt constantly insists, what is at stake in politics is not life as such but the world, that is, the “human-being-together.” Power by no means indicates just any form of action necessary to keep men together in an orderly fashion; the character of possibility or potentiality that it always retains, means precisely that it always puts at stake this “togetherness,” this living itself.

Yet, how to account for the paradoxical nature of the power, which is generated when people gather together and “act in concert,” but which disappears the moment they depart? What ensures that this *Öffentlichkeit*, this human “togetherness” itself will not disintegrate as a consequence? Arendt implies that such a binding force is to be found in the human faculty of promising: “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” (HC, 244-5). In this sense only—that is, in the case of many men mutually bound by promise—can we, according to Arendt, speak about the reality of the *sovereignty*. The latter, namely, resides in the independence (however limited) from the incalculability of the future:

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 ... 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 (HC, 245).

This statement expresses an insight into the elementary structure of joint enterprise as such, which presupposes, for instance, and according to the statement of the Cambridge Agreement of 1629, “that this whole adventure grows upon the joint confidence we have in each others fidelity and resolution herein, so as no man of us would have adventured it without assurance of the rest” (OR, 173). Such was indeed the overwhelming outcome of the crucial American colonial experience, namely, “that action, though it may be started in isolation and decided upon by single individuals for very different motives, can be accomplished only by some joint effort in which the motivation of single individuals ... no longer counts” (OR, 174). The joint effort, in other words, *equalizes* very effectively the differences in origin as well as in quality—and this equalization does not presuppose, nor does it depend upon, some sort of homogeneity (be it a common past or a similarity in origin). Moreover, it does not even need to consider human nature in its singularity (its depravity, wickedness, or evil), for the hope and promise of the political realm lay precisely in the fact that not man but men inhabit the earth and form a world between them: “whatever men might be in their singularity, they could

bind themselves into a community which, even though it was composed of ‘sinners,’ need not necessarily reflect this ‘sinful’ side of human nature” (OR, 174).¹⁴⁰

The question of *national* sovereignty (as we came to know it), which in the wake of the French Revolution presented such a paramount political concern on the Continent, was virtually absent from the New World; perhaps, says Arendt, the greatest American innovation in politics as such was precisely the consistent abolition of sovereignty within the body politic of the republic—in other words, the insight that in the realm of human affairs sovereignty and tyranny are the same.¹⁴¹ And the foundation for this was prepared indeed by those British settlements within North America which right from the beginning had insisted on their status as “civil bodies politic,” and moreover, were not conceived as governments *sensu stricto*: they did not imply rule and the division of the people into rulers and ruled. “These new bodies politic really were ‘political societies,’ and their great importance for the future lay in the formation of a political realm that enjoyed power and was entitled to claim rights without possessing or claiming sovereignty” (OR, 168). For *power* relied here entirely on reciprocity and mutuality—on “confidence in one another, and in the common people,” as John Adams

¹⁴⁰ Compare here Kant’s reflections on the “unsocial sociability” of human nature, as well as his curious statement about the “race of devils” who, as long as they remain rational, are perfectly capable of establishing among themselves a rightful and lasting civil union.

¹⁴¹ This constitutes precisely an argument against the notion of sovereignty (the absolute and perpetual power) which is, according to Schmitt, defined as the decision over the state of exception which is not founded (in the last instance) on a political will but rather on a naked life, which is kept safe and protected only to the degree to which it submits itself to the sovereign’s (or the law’s) right of life and death. What is problematic with respect to modernity, as Agamben (following Arendt) maintains, is precisely the fact that the “state of emergency,” once regarded as an exception, has now become the norm: and “that is so not really or not only because power no longer has today any form of legitimization other than emergency ... [but] also and above all because naked life, which was the hidden foundation of sovereignty, has meanwhile become the dominant form of life everywhere” (Agamben 2000, 6).

put it; it was engendered by action and kept by promises¹⁴² which in reality signalized the new principle of organized action, and as such became the basis for “associations,” for the gathering-together of people for a specified political purpose (OR, 181-2). Only when and where people get together and bind themselves through promises, covenants, and mutual pledges can we speak of sovereignty in its genuinely political sense—not as a masterful shaping of one’s own destiny (be it an individual person or some collective entity like a nation or a people), but as a possibility “to dispose of the future as though it were the present.”¹⁴³

This new origin of a “civil body politic,” discovered by the American revolutionary experience in the mutual promise and binding of its constituents, could be accounted in terms of distinguishing between two types of *contract* whose decisive difference consists in that “those who ‘covenant and combine themselves together’ lose, by virtue of reciprocation, their isolation, while in the other instance it is precisely their isolation which is safeguarded and protected” (OR, 170-1).¹⁴⁴ If the act of “consent” to be ruled by the government who has at its disposal the monopoly of power, requires some kind of transcendent sanction (“the

¹⁴² “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. There is an element of the world-building capacity of man in the human faculty of making and keeping promises” (OR, 175).

¹⁴³ To employ spatial metaphors, this anticipation of the future could be conceived as creating “isolated islands of certainty in an ocean of uncertainty,” and erecting “guideposts of reliability” to help orient oneself on this terrain of the unknown. Surely, these islands and guideposts are rare and exceptional; moreover, the whole enterprise of promising becomes self-defeating, when the faculty “is misused to cover the whole ground of the future and to map out a path secured in all directions” (HC, 244).

¹⁴⁴ Arendt adds: “A body politic which is the result of covenant and ‘combination’ becomes the very source of power for each individual person who outside the constituted political realm remains impotent” (OR, 171). It combines both the *republican principle* (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).

Presence of God,” so-to-say) as its guarantee, then the act of mutual promise is by definition enacted “in the presence of one another”—the political space it thus creates is *relative* by definition. Hence also its “relatively” precarious and paradoxical nature: the danger and the advantage which inhere in all bodies politic that rely on contracts and treaties is that they, unlike those that rely on rule and sovereignty, leave the unpredictability of human affairs and the unreliability of men as they are (see HC, 244).¹⁴⁵ The space established by promises remains to a large extent intact; it retains its possible and potential character, and is left open to what it itself essentially is—the unexpected.

Power by the people, however, is not enough to establish or found a new *authority*, and the latter is needed precisely in order to guarantee worldly permanence and reliability: having its roots in the past, as it were, authority provides the stability and durability which human beings need precisely because they are mortals. Power and authority are to a great extent complementary, in spite of the fact that they both derive from entirely different sources, and that the equalizing tendency of power is confronted by the authoritarian order which is always hierarchical. Indeed, power is decisive in orders that protect political freedom, in resistance against forces that threaten political freedom from within or without, and in those revolutionary acts that found new institutions of freedom:

It is the people’s support that lends power to the institutions of a country, and this support is but the continuation of the consent that brought the laws into existence to begin with. ... All political institutions are manifestations and materializations of power; they petrify and decay as soon as the living power of the people ceases to

¹⁴⁵ Arendt adds, significantly, that to this realm of human affairs and relations, whose very essence seems to be *relativity*, “corresponds the fact that the worst man can do to man is to kill him, that is, to bring about what one day is bound to happen to him anyway” (BPF, 132).

uphold them. This is what Madison meant when he said ‘all government rests on opinion,’ a word no less true for the various forms of monarchy than for democracies” (OV, 41).

Yet, the political realm also requires some transcendent sanction or representation which comes, so-to-say, from without the immediacy of an *Öffentlichkeit*, and which reaches beyond the pure presence of this being-together. It requires what Schmitt had called a political form, lest the original inspiration—the revolutionary spirit of beginning something new—will lose its momentum (its power to gather people together, to relate and to separate them) and, being unable to find (or to found) its appropriate institution, will finally vanish altogether. And it is precisely authority that endows political structures with durability, continuity, and permanence, but also with dignity, greatness, and last but not least—legitimacy. In other words, “the principle of *potestas in populo* is capable of inspiring a form of government only if one adds, as the Romans did, *auctoritas in senatu*, authority resides in the senate, so that government itself consists of both power and authority, or, as the Romans had it, *senatus populusque Romanus*” (OR, 178). Again, however, authority is not to be confused with political rulership or domination, as those are based on the relationship of command and obedience;¹⁴⁶ characteristically, Arendt makes here an etymological detour by evoking an original meaning: “The word *auctoritas* derives from the verb *augere*, ‘augment,’ and what authority or those in authority constantly augment is the foundation” (BPF, 121-2). In other words, it enacts or performs a constant return to the beginning by displaying faithfulness to the initial, originating principle that inspired this particular action in the first place—and this

¹⁴⁶ Authority is “more than advice and less than a command” (Mommsen); it does not need external coercion to make itself “heard.” Indeed, “authority precludes the use of external means of coercion; where force is used, authority itself has failed” (BPF, 93).

is also precisely what legitimacy means here.¹⁴⁷ It thus re-presents precisely in the sense of “founding anew and building up;” indeed, this representation of *principium* provides for an exact repetition of the whole process of action, and as such, it “actually implies no less than a decision on the very dignity of the political realm itself” (OR, 237). Herein lies also the possible solution for the apparently unsolvable problem of an *absolute*—the need for some transcendent yet ever-present “Immortal Legislator”—in the realm of human affairs which is relative by definition: “For the beginning, because it contains its own principle, is also a god who, as long as he dwells among men, as long as he inspires their deeds, saves everything” (Plato, *Laws*, book VI).¹⁴⁸ Arendt summarizes this line of thought nicely in the following passage:

What saves the act of beginning from its own arbitrariness is that it carries its own principle within itself, or, to be more precise, that beginning and principle, *principium* and principle, are not only related to each other, but are coeval. The absolute from

¹⁴⁷ Compare Mouffe: “This link between legitimacy and power is precisely what the deliberative model is unable to recognize, since it has to posit the possibility of a type of rational argumentation where power has been eliminated and where legitimacy is grounded on pure rationality” (Mouffe 1999, 753).

¹⁴⁸ Rather paradoxically (or at least idiosyncratically), Arendt maintains that action, to be truly free, must be identified neither by its motivating ground *nor* by its intended goal or some predictable effect. To be sure, these are not unimportant in themselves, yet their function is precisely to *determine* action—and action is free to the extent that it is able to transcend them. *Action as freedom* springs from (it is inspired by) something altogether different which Arendt (following Montesquieu) calls a *principle*. (These can be principles such as honour or glory, distinction or excellence, love of equality, *but also* fear, hatred or distrust; freedom *or its opposite* appears in the world whenever such principles are enacted or actualized.) Too general to prescribe particular goals and too universal to be claimed by any particular person or a group, the principle inspires, as it were, “from without.” Being inexhaustible, it can be repeated time and again; yet it becomes fully manifest only in the performing act itself, only through action—and it remains in the world only as long as the action lasts, but no longer (cf. BPF, 152).

which the beginning is to derive its own validity and which must save it, as it were, from its inherent arbitrariness is the principle which, together with it, makes its appearance in the world. The way the beginner starts whatever he intends to do lays down the law of action for those who have joined him in order to partake in the enterprise and to bring about its accomplishment. As such, the principle inspires the deeds that are to follow and remains apparent as long as the action lasts (OR, 212-3).

Before we proceed with discussion of an actor (their *persona*, the stages they enact, and the audiences they engage or inspire), one last word on the significance of being in authority, that is, of being an *auctor*. It is not by accident that Arendt evokes the question Pliny once asked at the occasion of a new theatre: who should be more admired, the maker (*artifex*) or the author (*auctor*)? “The author in this case is not the builder but the one who inspired the whole enterprise and whose spirit, therefore, much more than the spirit of the actual builder, is represented in the building itself” (BPF, 122). Author is the one who actually founds the building; and by founding or inspiring the new theatre, he or she has actually become an “augmenter” of the city—of the very realm of human actions.

3. Life is a Stage...

I already discussed, with reference to Schmitt, the importance of the “theatrical paradigm” in grasping the notion of an *Öffentlichkeit*—that it is not only the stage, or the acting as such, that should be understood as constituting the publicity in its entirety, but somehow the common perception of actors and audience who are bound together through a certain historical knowledge contained in the content of the play that becomes manifest in this theatrical space. Turning our attention now to Arendt, it should come as no surprise that she,

too, emphasises the theatrical dimension of public realm (as she conceives it), and stresses the dramaturgical moment of political action—for drama imitates acting and acting is judged by greatness (*megethos*), as Aristotle found in his *Poetics* (1450b25). In *The Human Condition*, Arendt claims that “the theatre is the political art par excellence; only there is the political sphere of human life transposed into art. By the same token, it is the only art whose sole subject is man in his relationship to others” (HC, 188). Conversely, if politics has any analogy outside itself, it is to the performing arts in which *virtuosity* is all that matters, and where the free creative process is presented as its own ephemeral end. Arendt’s essay “What Is Freedom?” provides here her clearest statement on this issue: “Performing artists—dancers, play-actors, musicians, and the like—need an audience to show their virtuosity, just as acting men need the presence of others before whom they can appear; both need a publicly organized space for their ‘work,’ and both depend upon others for the performance itself” (BPF, 154). In this brief interchange we can already highlight the two aspects which deserve a closer look: *theatricality* of the public realm, and *virtuosity* of a free action. These two motives are closely interlinked, for virtuoso-ship (and by extension, all political action) presupposes a space of appearances (in order to become manifest at all), and requires a politically organized realm (in order to outlast the moment of its originary inspiration). On the other hand, the decisive point of the *drama* is that the imitation (*mimēsis*) goes deeper than merely a character-playing (imitation of the qualities of men and their identities), being actually involved “in the making or writing of the play, at least to the extent that the drama comes fully to life only when it is enacted in the theatre” (HC, 187).

In other words, the dramatic substance is concerned not so much with the “heroes” themselves, but is rather engaged with “whatever happened with respect to them”—that is, with their actions and life and good or ill fortune, as these relate to the world and to the other people.¹⁴⁹ In fact, the word *hero* originally indicated any free person “about whom a story

¹⁴⁹ Arendt adds here: “In terms of Greek tragedy, this would mean that the story’s direct as well as its

could be told”; likewise, his or her *courage* consisted primarily “in a willingness to act and speak at all”, that is, “in leaving one’s private hiding place and showing who one is” (HC, 186). And it is precisely the excellence with which man or woman answers these opportunities that the world opens up before them in the guise of *fortuna* that best captures the sense of performance. In this context, the virtuoso-ship of Machiavelli’s *virtù* assumes the specifically political quality and manifests the essence of human action as freedom:

Virtù is the response, summoned up by man, to the world, or rather to the constellation of *fortuna* in which the world opens up, presents and offers itself to him, to his *virtù*. There is no *virtù* without *fortuna* and no *fortuna* without *virtù*; the interplay between them indicates a harmony between man and world—playing with each other and succeeding together... (BPF, 137).

The metaphor is quite explicit here: performing artists need an audience to show their virtuosity, just as acting people need the presence of others before whom they can appear; in other words, both need a publicly organized space for their “action.” As Arendt remind us, “the Greek polis once was precisely that ‘form of government’ which provided men with a space of appearances where they could act, with a kind of theatre where freedom could appear” (BPF, 154). In this space, freedom becomes a worldly reality: in words, deeds, and events which can be heard, seen, and talked about... If we understand the political in this sense, then indeed, its *raison d’être* would be to establish and keep in existence a space where freedom as virtuosity can appear. Very significantly Arendt adds here, and this is really crucial for grasping her conception of politics: “Whatever occurs in this space of appearances is political by definition, even when it is not a direct product of action” (BPF, 155).

universal meaning is revealed by the chorus, which does not imitate and whose comments are pure poetry...” (HC, 187).

Time and again Hannah Arendt liked to recall Pythagoras's parable (reported by Diogenes Laertius) about the people going to the Olympian games: "Life ... is like a festival; just as some come to the festival to compete, some to ply their trade, but the best people come as spectators (*theatai*)..." (Arendt 1982, 55). We can already notice here one crucial implication that in the end only spectators—that is, only those who *look at*—will finally get the gist of what is going on. Pythagoras, to be sure, goes on to equate these spectators with philosophers in the search for truth, and at this point Arendt's sympathy with this story becomes ambivalent. For on the one hand, the story illustrates the discovery that only the spectator, and never the actor him- or herself, can know and understand whatever offers itself as a spectacle. Yet, as a consequence, this discovery brings with itself a kind of withdrawal from doing and from active life in general, which has ever since governed the attitude of philosophers toward the realm of human affairs, making them suspicious and scornful of every activity that manifests itself within the world.¹⁵⁰

This festivity, be it Olympian games or theatrical performance, represents allegorically Arendt's notion of the public realm, which in the like manner provides the stage for political activity to take place—to display or show itself off, to become recognised for what it is, and to realise its inherent possibilities. Indeed, politics has a strong affinity with the performing arts. We need not go very far, neither geographically nor timewise, in order to grasp how distant and foreign that public realm has become for us under the conditions of

¹⁵⁰ According to Arendt, this development results ultimately in a philosophy of history; before the backward-directed glance of thought, everything that had been political—acts, and words, and events—became historical... Its fallacy "consists in describing and understanding the whole realm of human action, not in terms of the actor and the agent, but from the standpoint of the spectator who watches a spectacle. But this fallacy is relatively difficult to detect because of the truth inherent in it, which is that all stories begun and enacted by men unfold their true meaning only when they have come to their end, so that it may indeed appear as though only the spectator, and not the agent, can hope to understand what actually happened in any given chain of deeds and events" (OR, 52).

modernity. Modern public concerns are sufficiently well captured by the expression which itself is, ironically, Roman in origin (though plebeian by its nature): *panis et circensis*. That is, food and entertainment—the preoccupation with the bodily existence and necessities of life on the one hand, and with consumption and pastime activities as their leisurely counterparts on the other. It is not only that labouring mentality is prevalent today in every sphere of active life.¹⁵¹ One of the most symptomatic trends of the modern development is the rise of a new and all-devouring realm of the social, which to a critical degree has undone that crucial public-private distinction which for Arendt is the fundamental one.

What precisely is meant by the word “public,” is sufficiently well articulated in *The Human Condition* (Section 7, “The Public Realm: The Common”). Firstly, it indicates that everything that appears in public can be seen and heard by everybody and has the widest possible publicity (HC, 50). This is so because for us, humans, it is precisely this space of appearance, whose essence is simply “to see and be seen, to hear and be heard”, which constitutes a reality. Not the solitary thinking *ego*, but the presence of others is what assures us of the reality of the world and of ourselves, gives us, so to say, the sense of being alive. Further, this being seen and heard by others derives its significance from the fact that everybody sees and hears from a different position—and this implies simultaneous presence

¹⁵¹ The divide between the *vita contemplativa* and the *vita activa* has been so overwhelming that all other differences between the various activities within the latter have virtually disappeared. As Arendt remarks, “compared to this quiet, it was no longer important whether you laboured and tilled the soil, or worked and produced use-objects, or acted together with others.” What troubles her in this change of perspective, is that from the viewpoint of the *vita contemplativa*, all active way of life is bound to appear “laborious”, and what is worse, with the reversal of this traditional hierarchy (in which Marx played no small role), the activity of labour has been elevated to the standard measure of modern mass-societies. This is precisely what constitutes Arendt’s undertaking in *The Human Condition*—to provide a philosophical analysis of the phenomenological structure of the *vita activa*, to assess the different human activities with respect to their relevance to politics, and, ultimately, to restore action to that prominent position which it once occupied within the human world as a political activity *par excellence*.

of different locations, of innumerable perspectives and aspects in which the common world presents itself and for which no common measurement or denominator can ever be found. This inherent incommensurability is what Arendt has in mind when she tries to defend the public realm against the overwhelming predominance of the social question:

There are things where the right measures can be figured out. These things can really be administered and are not then subject to public debate. Public debate can only deal with things which—if we want to put it negatively—we cannot figure out with certainty. Otherwise, if we can figure it out with certainty, why do we all need to get together? (Arendt 1972, 317).

Such a space of appearances, however, is not to be taken for granted wherever men live together in a community, and the simple fact of human beings living together does not by itself constitute the condition of freedom. Thus, where the life is governed by the necessities of individual survival and reproduction of the species, freedom as an activity is ruled out by definition. Most importantly, freedom has no worldly reality when this living together does not become the scene for action and speech. Action and speech are specific modes of being together—the modes in which human beings appear to each other *qua* humans. This space of appearance, created by these two interlinked human activities, as such precedes all formal constitution of the public-political realm. But still more is required: “Without a politically guaranteed public realm, freedom lacks the worldly space to make its appearance” (BPF, 149), or to put it other way round, freedom needs a politically organised space into which each of the free individuals could insert themselves by word and deed.

There is another consideration why such concrete, tangible political space is needed, and this is connected with the unexpectedness and unpredictability inherent in the nature of action itself. Arendt calls this the “frailty of human affairs” where the capacity for action is

characterised by its futility, boundlessness, and uncertainty of outcome. Action, arising from the human fact of natality, has an inherent tendency to force open all limitations and cut across all boundaries—which is just another way of identifying its unlimited capacity for realities and relationships. The stable framework is required for human affairs precisely “because no such limiting and protecting principles rise out of the activities going on in the realm of human affairs itself” (HC, 191). The Greek *polis* and the Roman *res publica* were once precisely the spaces erected against the futility of individual life, they were that kind of “forms of government” which provided men with the space of appearances where they could act, with the kind of theatre where freedom could appear (BPF, 154).

Secondly, and apart from this feeling or sensation of reality, the word “public” signifies the world itself, in so far as it is common to all of us and distinguished from our privately owned place in it. For what is a *world*? The world here is not identical with the earth or with nature; it is essentially a human artefact. As a fabrication of human hands, it relates and separates simultaneously, it gathers people together and prevents them, so to speak, falling over each other. Generally speaking, the world is a non-natural environment produced by the activity of *homo faber*, which provides a relatively stable, durable, and tangible framework for the human life. One could characterise this environment by the word “home”. There is another important function: this permanence gives the world its relative independence from individual human beings, and turns it into an “object”, that is, into something which is “thrown or put against”—against which, in turn, human beings can retain their sameness, their identity (e.g. by being related to the same chair and the same table). Without a world between men and nature there can only be an eternal movement, a continuous process of biological life, but no objectivity.¹⁵²

¹⁵² In the conversation with Günter Gaus (“What Remains? The Language Remains”, 1964), Arendt agrees on the notion of “world” (in the sense of a space for politics) having a more extended meaning: “I comprehend it now in a much larger sense, as the space in which things become public, as the space

The common world can survive, that is, transcend and outlast the lives of individuals and generations only to the extent that it appears in public—it is precisely the publicity of the public realm which preserves it from the oblivion of time, and secures its common-ness and its reality. However, this worldly reality is guaranteed (that is, its appearance is true and reliable) not primarily by the “common nature” of men but to the extent that in the differences and varieties of perspectives the sameness of the object can still be discerned. The sameness in utter diversity, the variety in identity—this is the basic experience within a public realm and the one which constitutes the meaning of public life. From the political point of view, the end of common world comes about either when this objectivity, this sameness of the object, is lost (as happens under the rule of tyranny which does allow private standpoints but abolishes the public realm, turning it into an empty desert), or when it is seen only under one aspect and is permitted to present itself in only one perspective (which is what totalitarianism aims at, pressing individual men, as it were, by a band of iron so tightly together as to turn them into “One Man” of gigantic dimensions, destroying any possibility of a space between them altogether).

In other words, this public realm originates in the human condition of plurality, which, according to Arendt, is the basic condition of both action and speech, and thus by implication, of politics. If the public realm as a space of appearance is characterised by inherent incommensurability of different individual positions within it, and their respective point of views, then no yardstick can be provided for it either by the productivity of labouring process or by the utilitarian instrumentalism of fabrication. Every activity having its proper place within the world (“there are things”, says Arendt, “that need to be hidden and others that need to be displayed publicly if they are to exist at all”), action, in distinction from labour (which sustains the necessities of biological life and is therefore prepolitical) or work (which is

in which one lives and which must look presentable. In which art appears, of course. In which all kinds of things appear” (EU, 20).

basically apolitical, requiring public space only for the display of its end products, while the creative process itself remains hidden from the public), is not even imaginable without the existence of a public realm.¹⁵³

Commenting on the profound meaningfulness inherent in the many political metaphors derived from the theatre, Arendt goes on to illustrate this insight by the Latin word *persona* which originally signified the mask ancient actors used to wear in play (cf. OR, 106-9). To be sure, an actor is not the only figure who can lay claim to the exclusive prerogative within the public realm, and we have already indicated the crucial role that the audience plays in this context.¹⁵⁴ Nevertheless, as an embodiment of action, and therefore an essential part of a virtually political space, “the personality of an actor” does require some closer look.

¹⁵³ In her article “The Pariah and Her Shadow. Hannah Arendt’s Biography of Rahel Varnhagen”, Benhabib explicitly asks: “where” is the world, and “who” is it composed of? She finds Arendt’s most explicit statement on this issue from her Lessing-essay “On Humanity in Dark Times” (1960): “But the world and the people who inhabit it are not the same. The world lies between people, and this in-between ... is today the object of the greatest concern and the most obvious upheaval in almost all the countries of the globe. Even where the world is still halfway in order, or is kept halfway in order, the public realm has lost the power of illumination that was originally part of its very nature. ... [This] withdrawal from the world need not harm an individual; ... But with each such retreat an almost demonstrable loss to the world takes place; what is lost is the specific and usually irreplaceable in-between which should have formed between this individual and his fellow men” (Arendt 1968, 4).

¹⁵⁴ Indeed, the question could be raised: what about those people who come to look at this enactment of freedom as spectators, whose presence provides the necessary publicity for words and deeds performed by political actors, and who, at the end of the day, will weave these events and incidents into a story to be told, evaluated, and remembered? All this introduces another consideration which, too, bears consequences (albeit indirect ones) on politics and political activity. In a way, its relevance is suggested by Arendt at the very end of *The Human Condition*, where she brings the whole book to the conclusion by saying that “if no other test but the experience of being active, no other measure but the extent of sheer activity were to be applied to the various activities within the *vita activa*, it might well be that thinking as such would surpass them all” (HC, 325). At the time she indeed dismisses this conjecture as a metaphysical fallacy—the movement of thought is by its nature something which can dispense with all and any limits or obstacles, unlike any activity which is related to the bodily

An actor should be understood in its twofold sense: firstly, as the one who acts, to be sure (i.e., the one who accomplishes or carries out a genuinely political activity), but also, secondly, as the one who acts out, who plays the role of somebody or something else. The actor carries a persona which, at any event, originally meant the actor's mask that covered his individual "personal" face and indicated to the spectator the role and the part of the actor in the play. The mask as such had obviously two functions: "it had to hide, or rather to replace, the actor's own face and countenance, but in a way that would make it possible for the voice to sound through" (OR, 106). The Roman citizen (as distinguished from a private individual in Rome) had a *persona*, or a legal personality, as if created by the law—"it was as though the law had affixed to him the part he was expected to play on the public scene" (OR, 107). The implication here is rather clear: "Without his persona, there would be an individual without rights and duties, perhaps a 'natural man' ... but certainly a politically irrelevant being" (OR, 107)¹⁵⁵—the implication that can have, as we will see from Arendt's book on totalitarianism, deadly consequences for the "persons" involved. When one stepped on the stage, one left behind his private self, his individual concerns; the only authentic part that remained was one's own voice... In this light we can see that this crucial phenomenon of appearing was not so much about the "disclosure of who one really is," the claim by Arendt that is often interpreted (and denounced) in essentialist terms—as if it meant showing one's "true being", disclosing one's "inner self," or revealing one's "unique identity," and thus implying something like a self-expression (hence the frequent denunciations of Arendtian expressivist

existence. Nevertheless, metaphysical "fallacies" do contain important hints of what this curious activity called thinking may be all about, and Arendt's growing interest in thinking culminates in an inquiry into *The Life of the Mind*, comprising the three mental activities of thinking, willing, and judging—the last part, however, remained essentially unfinished. There exist, in addition, an extensive treatment of this issue in Arendt's *Lectures On Kant's Political Philosophy*, but its detailed discussion would imply going well beyond the scope of the present undertaking.

¹⁵⁵ As Arendt claims elsewhere, man as *homo faber*, as well as "men, who are always involved with each other through action and speech, are by no means merely natural beings" (Arendt 1987, 366).

model of action). Rather, it implies the possibility of the “disclosure of who one wanted to be,” in the eyes of the others. It implied, in other words, a certain degree of impersonality.¹⁵⁶

In a very illuminating essay, “Theatricality and the Public Realm”, Dana Villa discusses the two models of theatrical self-presentation that Arendt juxtaposes to the “corrupt” playacting of court society (and of *ancient régime* in general) that was characterised by hypocrisy (which Robespierre, for one, so despised). These two models, as unlikely as their combination may seem, are represented by Socrates and Machiavelli: neither of them, as Arendt stresses, equated the theatrical presentation of self with hypocrisy. Indeed, “playacting”—the idea of a distinct public self, or the view of oneself as an actor performing for an internalized audience—had yet to gain the connotation of deceit or corruption. Socrates urged his interlocutors to “Be as you would wish to appear to others”; and according to Arendt, by this he meant “appear to yourself as you wish to appear to others.” Machiavelli, on his part, taught “Appear as you may wish to be,” which again Arendt paraphrases: “Never mind how you are, this is of no relevance in the world and in politics, where only appearances, not ‘true’ being, count; if you can manage to appear to others as you would wish to be, that is all that can possibly be required by the judges of this world” (OR, 101). According to this reading, both Socrates and Machiavelli thought of acting in a theatrical sense that did not *obscure* truth, but rather enabled it to appear.¹⁵⁷

This is not to make a minor point. For as I hope, it will help to clarify a crucial, controversial, and much-discussed issue in Arendt that concerns the nature of the public-private distinction she draws in her writings. The argument I would like to propose is that the

¹⁵⁶ It could well be suggested that such impersonality implies a certain promise. For promising concerns not what one might be inclined to do but what one has agreed one ought to do. In keeping promises one becomes, in public, something that might be different from what one “privately” is.

¹⁵⁷ Cf. the quote from Franz Kafka, with which Arendt begins her essay “Understanding and Politics”: *Es ist schwer, die Wahrheit zu sagen, denn es gibt zwar nur eine; aber sie ist lebendig und hat ein lebendig wechselndes Gesicht.*

public and the private should not be regarded as mutually exclusive ontological categories, but rather as two different perspectives or outlooks towards the same world: the boundary between the public and the private is something which on the metaphorical level (and metaphors are the daily bread for all conceptual thought, as Arendt claims) is demarcated by the very same *persona*. It is not, consequently, that personal cannot become political as such, or that social issues *per se* are not allowed to enter the public realm; the point is rather in the way the matter is presented. Namely, it had to be presented in an impersonal manner and in such a way that the principle (which animates this action, as it were, from the outside) will shine through and become visible to everybody. For in case an action remains on a highly personal or idiosyncratic level, it will simply be not understood by others (there will be no identification), and the *Öffentlichkeit* around this issue, so-to-say, disintegrates or dissolves. This indicates that the actor has stopped playacting and dropped its mask; and this unmasking of the “person,” this deprivation of personality, either (in the best case) leaves behind the “natural” human being, or (in the worst scenario) leaves nothing behind the mask, “because the hypocrite is the actor himself in so far as he wears no mask. He pretends to *be* the assumed role...” (OR, 107).

The following extensive reference, coming almost as Arendt’s last word, nicely attests to this involuntary self-disclosure that is inherent in action:

The Roman mask corresponds with great precision to our way of appearing in society where we are not citizens, equalized by the public space established and reserved for political speech and political acts, but where we are accepted as individuals in our own right and yet by no means as human beings as such. On the stage which is the world we always appear and are recognized according to the roles which our professions assign to us—as physicians or lawyers, as authors or publishers, as teachers or students, and so on. It is through this role, sounding through it, as it were, that

something else manifests, something entirely idiosyncratic and undefinable and still unmistakably identifiable, so that we are not confused by a sudden change of roles—when for instance a student arrives at his goal which was to change into a teacher, or when the hostess, whom we socially know as the physician, serves drinks instead of taking care of her patients. In other words, the advantage of adopting the notion of *persona* for my considerations lies in the fact that the masks or roles which the world assigns to us, and which we must accept and even acquire if we wish to take part in the world's play at all, are exchangeable; they are not inalienable in the sense in which we speak of “inalienable rights” and they are not a permanent fixture annexed to our inner self in the sense in which the voice of conscience, as most people believe, is something the human soul constantly bears with itself.

It is in this sense that I can come to terms with appearing here as a “public figure” for the purpose of a public event. It means that when the events for which the mask was designed are over, and I have finished using and abusing my individual rights to sound through the mask, things will snap back again; and I—greatly honored and deeply thankful for this moment—shall be free not only to exchange roles and masks as they may be offered by the great play of the world but even to go through it in my naked “thisness”, identifiable, I hope, but not definable and not seduced by the great temptation of recognition which, in no matter what form, can only recognize us *as* such and such, that is, as something which we fundamentally are *not* (Arendt 1975, 13-14).

What Arendt articulates here is indeed a rather peculiar situation which attests to the involuntary self-disclosure that is inherent in action. On the one hand, *persona* implies a public role-playing which should be taken as an essentially social phenomenon. It protects individual's inner self and its inherent vulnerability from the harsh and intensive light of

publicity, *and* it renders the embodied personality understandable to others. In this sense, *persona* constitutes a protective shield similarly to the private realm which provides the only reliable hiding place from the common public world—that is, from its very publicity.¹⁵⁸ Its artificiality and conventionality makes it possible for the self to put on a public mask and to be judged by criteria appropriate to their public role. Yet on the other hand, play-acting as the impersonation of some character implies, of course, *impersonality*—and this, according to Arendt, is the hallmark of *political* action. The self-conscious and authentic expression of the self, if it ever existed, is politically irrelevant; in the real of human affairs, being and appearance are indeed one and the same.¹⁵⁹ To be sure, every deed has its motives as it has its goal and its principle; but the act itself, though it proclaims its goal and makes manifest its principle, does not reveal the innermost motivation of the agent—for the moment the display of motives begins, hypocrisy begins to poison all human relations (OR, 98). This is just another way of saying, as Arendt does, that the only thing which animates all genuinely political action should be *care for the world*: “The moment I act politically I’m not concerned with me, but with the world. And that is the *main* distinction... Whether the criterion is glory—the shining out in the space of appearances—or whether the criterion is justice, that is not the decisive thing. The decisive thing is whether your own motivation is clear—for the world—or, for yourself, by which I mean for your soul” (Arendt 1972, 311).¹⁶⁰

¹⁵⁸ “A life spent entirely in public, in the presence of others, becomes, as we would say, shallow. While it retains its visibility, it loses the quality of rising into sight from some darker ground which must remain hidden if it is not to lose its depth in a very real, non-subjective sense” (HC, 71).

¹⁵⁹ Cf. the similar emphasis by Villa: “The *last* thing Arendt wants to give us is a theory that identifies political action with self-expression;” instead, Arendt has in mind “the kind of impersonality fostered by a theatrical conception of the self as a performer on the public stage” (Villa 1999b, 139).

¹⁶⁰ Thus Arendt praises Machiavelli for upholding precisely this attitude, expressed in the letter to his friend Vettori: “I love my native city more than my own soul” (*The Letters of Machiavelli*, ed. Allan Gilbert, New York, 1961; no. 225). In the *Histories of Florence* (III, 7), Machiavelli praises in similar words those Florentine patriots who dared to defy the Pope, showing thus “how much higher they

Thus, the disclosure of the identity of the *agent* becomes possible only in acting and speaking, for only in such manner “men show who they are, reveal actively their unique personal identities and thus make their appearance in the human world. This disclosure of ‘who’ in contradistinction to ‘what’ somebody is ... is implicit in everything somebody says and does” (HC, 179).¹⁶¹ The only “authenticity” in the public realm is that you play your role as if it were you—indeed this is what you ultimately are, for this is all that matters in the eyes of the others. Because one is not able to know oneself anyway, one is not able to dispose of this “who” in the same manner as one can dispose one’s qualities (individual abilities and talents, deficiencies and shortcomings, etc.).¹⁶² To be sure, this disclosure of “who” always remains hidden from the person himself—like the *daimōn* in Greek religion who accompanies man throughout his life, always looking over his shoulder from behind and thus visible only to those he encounters (HC, 179-80). Curiously, however, even the others who “see and hear,” and to whom this “who” appears so clearly and unmistakably, are quite likely to fail in this respect: “The moment we want to say *who* somebody is, our very vocabulary leads us astray into saying *what* he is; ... we begin to describe a type or a ‘character’ in the old meaning of the word, with the result that his specific uniqueness escapes us” (HC, 181). Moreover, who somebody essentially *is*, we know only after they are dead (*nemo ante mortem beatus esse dici potest*). This is also the reason why nobody can be the author or producer of

placed their city than their souls.” Arendt adds in a note: “this decision indeed has always been crucial decision for all who devoted their lives to politics” (OR, 286).

¹⁶¹ For Arendt, action and speech are so closely related because the primordial and specifically human act must always also answer the question asked of every newcomer: “Who are you?” Without speech, action loses the actor, and the doer of deeds is possible only to the extent that he is at the same time the speaker of words, who identifies himself as the actor and announces what he is doing, what he has done, or what he intends to do (Arendt 1987, 371).

¹⁶² “... as I always have believed that no-one can know himself, because no-one *appears* to himself as he appears to others and that only poor Narcissus will let himself be deluded by his own reflected image, pining away from love of a mirage (Arendt 1975, 6).

his or her own story. Within the realm of human affairs in general, there are indeed many actors and speakers yet no recognizable author; as Arendt maintains, “the real story in which we are engaged as long as we live has no visible or invisible maker because it is not made” (HC, 186)

The point of the story is that the manifestation of the “who” comes to pass in the same manner as the notoriously unreliable manifestations of ancient oracles, which, according to Heraclitus, “neither reveal nor hide in words, but give manifest signs” (cf. HC, 182). This comparison is telling, for the oracle was in the ancient Greece a person through whom a god was thought to speak. Similarly, the only recognizable and even unmistakable feature which in the constant interchange of *personae* always remains the same and “sounds through” is one’s own voice (and by extension, speech and articulation—that is, something which transcends mere physical visibility as well as sheer audibility, in order to be manifest at all). When Arendt adds that Socrates likened his *daimōn* to the oracles and insisted that both should be used only for human affairs, then it becomes clear in what sense the voice can be seen as “giving manifest signs”—voice or speech accompanies actions just as the *daimōn* who accompanies each man throughout life, who is his distinct identity, “always looking over his shoulder from behind and thus visible only to those he encounters” (HC, 179-80). The voice tries to give an account and to make sense of “what is going on,” but paradoxically, always remains distinctively behind the words that are uttered.¹⁶³ For the one who has thrown one’s life and one’s person into the “venture into the public realm,” and has abandoned one’s own self to action, really never knows what he or she is doing:

¹⁶³ “Only man can *express* otherness and individuality, only he can distinguish himself and communicate *himself*, and not merely something—thirst or hunger, affection or hostility or fear. In man, otherness and distinctness become uniqueness” (Arendt 1987, 371).

One exposes oneself to the light of the public, as a person. Although I am of the opinion that one must not appear and act in public self-consciously, still I know that in every action the person is expressed as in no other human activity. Speaking is also a form of action. That is one venture. The other is: we start something. We weave our strand into a network of relations. What comes of it we never know. We've all been taught to say: Lord forgive them, for they know not what they do. That is true of all action. Quite simply and concretely true, because one *cannot* know. That is what is meant by a venture. And now I would say that this venture is only possible when there is trust in people. A trust—which is difficult to formulate but fundamental—in what is human in all people. Otherwise such a venture could not be made (EU, 23).

Once we have mentioned an enterprise of venturing into the public space which indeed implies a dangerous and risky course of action with uncertain results yet with inherent and unheard of possibilities, it would be tempting to stick to the dramaturgical register and follow the two particular characters, the two exceptional cases of “political actors,” as it were, from the borderline of political space. In other words, to examine the exemplary political *dramatis personae* of Schmitt and Arendt: namely, the pirate and the pariah. For they might help to shed some additional light on the very nature and conditions of political realm at whose limits or margins they, in their irreducible singularity, seem to operate. Indeed, their mere existence transforms or transfigures (they are transitional figures) the very contours of political space, preventing its final closure. Neither of them allows proper inclusion into the legal structure of a political edifice, which really implies a scaffold to them; they are both literally “outlaws”—the law does not apply to them, since they are officially robbed of their legal *persona*. Moreover, they are bereft of any political status whatsoever, for they are not merely stateless persons—in terms of citizenship rights, for they “are deprived not of the right to freedom but of the right to action” (OT, 296); ultimately, they are not even allocated a place within the

public realm: both are excluded from this realm, the pirate externally, the pariah internally, and consequently, both are doomed to struggle for their very survival.¹⁶⁴

As Arendt mentions in her Eichmann-book, the pirate “is an outlaw because he has chosen to put himself outside all organized communities, and it is for this reason that he has become ‘the enemy of all alike’ (*hostis humani generis*)” (EJ, 236). The pariah, on the other hand, is the outsider and the outcast who does not fit in, and who either cannot or chooses not to erase the fate of difference; yet the self-conscious pariah transforms difference from being a source of weakness and marginality into one of strength and defiance. Benhabib explains in this connection: “The complete pariah would be the total outsider, the marginal bordering on suicide, insanity, or criminality. The self-conscious pariah is one who lives with difference and distinctness in such a way as to establish her difference in the ‘eyes’ of society. The self-conscious pariah requires visibility, requires to be seen ‘as other’ and as ‘different,’ even if only by a very small group, by a community of like-minded friends. Paradoxically then, the self-conscious pariah must both reject and affirm the sphere of the social” (Benhabib 1995, 16-7). Due to the present limitations of space, however, I should leave their more detailed discussion for another occasion. And to be sure, the abovementioned characters are not the only ones whose very presence at least problematizes the existing political spaces and their *nomoi*; for in this enterprise, they are accompanied by such figures as the partisan and the terrorist, on the one side, and the parvenu and the refugee, on the other.¹⁶⁵

¹⁶⁴ One could argue that the *ship* constitutes one of the extreme forms of an *Öffentlichkeit*—there is virtually no space left for privacy, no place to hide oneself, and no way to escape this predicament—the fact of a mutual dependence *in extremis*... Indeed, to be excluded from this “community” means to be drowned into an open sea.

¹⁶⁵ Schmitt’s discussion of the former could be found in his “remarks on the concept of the political”, *Theorie des Partisanen*, as well as in *Land und Meer*—the story about the heroic time of sea-robbers, and about the elementary change in spatial perception, accomplished by pirates and whale-hunters. On the Arendt’s side, see *Rahel Varnhagen: The Life of a Jewish Woman*, and her essay-collection *Jew as Pariah*.

These *personae* are not an integral part of some political system; they are denied something which a political space otherwise provides for—they *lack* a political status (which is, the human status *par excellence*). Either they are not citizens, or their existence as such is negated in some substantial sense. Their interest, in the sense of being-in-between, has no place on earth—at least not within the recognized and accepted legal-political spaces. Yet their presence continuously subverts the established boundaries and necessitates ultimately their entire reconsideration. Thus, for instance, one could see Arendt as overturning the condition of refugee and person without a country (in which she herself was living) in order to propose this condition as the paradigm of a new historical consciousness. The refugee who has lost all fights, yet stops wanting to be assimilated at any cost to a new national identity so as to contemplate his condition lucidly, receives, in exchange for certain unpopularity, an inestimable advantage: “For him history is no longer a closed book, and politics ceases to be the privilege of the Gentiles. He knows that the banishment of the Jewish people in Europe was followed immediately by that of the majority of the European peoples. Refugees expelled from one country to the next represent the avant-garde of their people.”¹⁶⁶

Contemporary resonance is signalled here by Giorgio Agamben, in whose texts the problematic of political space acquires quite visible prominence, and who in an essay “Beyond Human Rights” (a sort of counterpart to Arendt’s “We Refugees”) imaginatively describes this new coming spatial configuration:

European space would thus mark an irreducible difference between birth [*nascita*] and nation in which the old concept of people (which, as is well known, is always a minority) could again find a political meaning, thus decidedly opposing itself to the concept of nation (which has so far unduly usurped it). This space would coincide neither with any of the homogeneous national territories nor with their *topographical*

¹⁶⁶ See Arendt’s article “We Refugees,” published in *The Menorah Journal*, 1943.

sum, but would rather act on them by articulating and perforating them *topologically* as in the Klein bottle or in the Möbius strip, where exterior and interior in-determine each other. In this new space, European cities would rediscover their ancient vocation of cities of the world by entering into a relation of reciprocal extraterritoriality. ... Only in a world in which the spaces of states have been thus perforated and topologically deformed and in which the citizen has been able to recognize the refugee that he or she is—only in such a world is the political survival of humankind today thinkable (Agamben 2000, 25-26).

Agamben insists that the refugee should be considered for what he is—nothing less than a border concept that radically calls into question the principles of the nation-state, and the one, moreover, who in the context of the imminent decline of the nation-state (and the concomitant corrosion of traditional legal-political categories) is perhaps the only imaginable figure of the people in our day.

4. We the People: Populism or Democracy?

There is a wide agreement that the central task of political theory should consist in articulating the question of democracy. Similarly, it has been argued that the predicament of the modern politics derives to a great extent from the so-called “democratic revolution.” This revolution has established the general conviction that the ultimate source of political legitimacy should reside in the *people*—that is, in the entire body of the citizens. In spatial terms, it has implied at least the possibility that the people could, in one way or another, fill the political space left

empty once the sacred body of the king was expelled.¹⁶⁷ The problematic nature of such substitution should have been apparent from the beginning, and namely “that the so-called will of a multitude (if this is to be more than a legal fiction) is ever-changing by definition, and that a structure built on it as its foundation is built on quicksand” (OR, 163). Yet the concept of the nation-state, which was the eventual outcome of this “revolution” on the Continent, was indeed, at least in principle, based upon a homogeneous population’s active consent to its government—*le plébiscite de tous les jours*, as Ernst Renan put it in his classical essay, *Qu’est-ce qu’une nation?* (1882). But apart from the obvious political difficulties in ensuring such “daily referenda,” let alone its technical impracticability, there are at least two further, and more serious, problems (or rather, paradoxes) associated with this kind of development. Claude Lefort, for instance, explicitly recognizes the problematic nature of the term *people*:

The legitimacy of power is based on the people; but the image of popular sovereignty is linked to the image of an empty place, impossible to occupy, such that those who exercise public authority can never claim to appropriate it. Democracy combines these two apparently contradictory principles: on the one hand, power emanates from the people; on the other, it is the power of nobody (Lefort 1986, 279).

What it says, essentially, is that no political party or movement, no interest group, union, or association could ever claim to represent the interests of the people in its entirety; every political representation is haunted by a certain “residue” or “leftover” which it is never able to accommodate or even to account for. And one of its reasons leads us right to the nature of the second problem: namely, that there is simply no such thing as the People—an entity that

¹⁶⁷ What else did even Sieyès do but simply put the sovereignty of the nation into the place which had been vacated by a sovereign king? (see OR, 156).

could be defined naturally in its own terms. The paradox of democracy consists, therefore, in that it turns the locus of power into an empty place which it is subsequently unable to fulfil in any genuinely satisfying manner—democracy simply does not live up to its promise (for it cannot deliver this *We the People* in ways which could not be immediately open to contestation).¹⁶⁸ Consequently, the existence of a certain type of exclusion is something that politics cannot do without. The very idea of the *demos* simultaneously implies both a logic of inclusion within and exclusion without. It is so because there needs to be a definition of who constitutes the body of citizens, i.e., “the people”.¹⁶⁹

In her book *Wittgenstein and Justice*, Hanna Pitkin argues that the central question in political discourse is the identity of the “we” that is going to be created through a specific form of collective action:

In political discourse’s problem of “what shall we do?” the “we” is always called into question. Part of the issue becomes, if we pursue this or that course of action open to us, who could affirm it, who could regard it as done in his name? Who will still be with “us” if “we” take this course of action? (Pitkin 1993, 208).

One possible way of grasping this problem, as Schmitt also suggested, is to conceive the people (*Volk*) in essentially *negative* terms—as the ones who do not have a share in the government.¹⁷⁰ Indeed, throughout the history, the term “people” had referred not only to

¹⁶⁸ Hence, Lefort advances in this context his conception of democracy as essentially without a centre; see “The Question of Democracy” (Lefort 1988, 17-20).

¹⁶⁹ This is not to deny, however, that “the people” is something that is discursively constructed differently at different moments. This process of identity-construction is never final, and is never unproblematic, but always contestable and contested.

¹⁷⁰ Agamben, in an essay “What Is A People?”, advances a similar claim: “Any interpretation of the political meaning of the term *people* ought to start from the peculiar fact that in modern European languages this term always indicates also the poor, the underprivileged, and the excluded. The same

those who did not rule but, moreover, who were excluded from the public realm altogether. Thus, according to Arendt, not until the modern times it was commonly understood that “while the people might be admitted to have the right to decide who should *not* rule them, they certainly were not supposed to determine who *should*, and even less do we ever hear of a right of people to be their own rulers or to appoint persons from their own rank for the business of government” (OR, 40).¹⁷¹ What the modern phenomenon of revolution actually signified, in terms of ancient conditions, was precisely “as though not the people of Rome or Athens, the *populus* or the *demos*, the lower orders of the citizenry, but the slaves and resident aliens, who formed the majority of the population without ever belonging to the people, had risen and demanded an equality of rights” (OR, 40). In other words, “liberation in the revolutionary sense came to mean that ... the low and the poor, all those who had always lived in darkness and subjection to whatever powers there were, should rise and become the supreme sovereigns of the land” (OR, 40).

It has been argued that in Arendt’s vocabulary, “the people” was an honorific term, and that she often expressed her sympathies for informal political action. Thus, “it was experience ... that taught the men of the Revolution the real meaning of the Roman ‘*potestas in populo*’, that power resides in the people” (OR, 178). On the other hand, and beginning from *The Origins of Totalitarianism* (1951), Arendt remained highly distrustful of almost all instances of popular mobilizations—she seems to be suspicious of almost all cases in which large numbers

term names the constitutive political subject as well as the class that is excluded—de facto, if not de jure—from politics” (Agamben 2000, 29).

¹⁷¹ As Arendt adds: “Among the rights, the old privileges and liberties of the people, the right to share in government was conspicuously absent” (OR, 41). Even the famous revolutionary demand of representation for the purposes of taxation does not qualify for the right to a share in government—as such, it is still an essentially negative safeguard: “representation is no more than a matter of ‘self-preservation’, or self-interest” (OR, 69).

of people made their presence felt in politics. Margaret Canovan identifies such an apparently puzzling feature in Arendt's thought as the paradox of her *populism*, for "while she welcomed direct action by the people, she also feared and deplored almost all actual cases of grassroots mobilization" (Canovan 2002, 403).¹⁷² Arendt's own solution was to sharply distinguish between the "genuine" people on the one hand, and various other collectivities, such as the mob or the masses, on the other. As Canovan argues, however, it is not easy to find in Arendt's writings the clear criteria for distinguishing the people from their many imitators. While Canovan rightly indicates that *power* can be generated by whichever multitude for whatever purposes, being therefore liable to the greatest abuse, for indeed, "power springs up whenever people get together and act in concert" (OV, 52), she seems unaware that the clue is provided by Arendt *ibidem*—in insisting that power derives its legitimacy from the initial getting together of people (curiously enough, Canovan does not even mention this possibility). Yet this issue is worth closer examination, for the notion of the people is intimately connected with the public realm (recall Schmitt: *Volk* and *Öffentlichkeit* belong together), and the paradox presented by Canovan might well illuminate yet another important aspect of Arendtian political space.

Let us first examine the problematic sides of power. There are, basically, two aspects in which the power-problem in democratic engine becomes manifest and produces serious deadlocks. In the book *On Revolution*, Arendt refers to Thomas Jefferson who had "at least a foreboding of how dangerous it might be to allow the people a share in public power without providing them at the same time with more public space than the ballot box and with more opportunity to make their voices heard in public than election day" (OR, 256). What Jefferson perceived to be the mortal danger to the republic was "that the Constitution had given all power to the citizens, without giving them the opportunity of *being* republicans and

¹⁷² Earlier, Canovan had argued for a "deep and serious contradiction" between Arendt's elitist and democratic side (see Canovan 1978, 5-6).

of *acting* as citizens.” In other words, Arendt continues, “the danger was that all power had been given to the people in their private capacity, and that there was no space established for them in their capacity of being citizens” (OR, 256). This is a similar reproach to the one Schmitt had launched against the liberal understanding of the parliamentary democracy that has entirely privatized the activities of citizenship. We will see later that on these grounds Arendt, too, criticizes the liberal democracy, and defends a vision of virtuous political “elites”.

Another, even more troublesome aspect concerns the usurpation of power by ohlocratic (mob rule) tendencies. In *The Human Condition*, Arendt indicates this possibility as follows: “Power corrupts indeed when the weak band together in order to ruin the strong, but not before. ... Power indeed can ruin all strength and we know that where the main public realm is society, there is always the danger that, through a perverted form of ‘acting together’—by pull and pressure and the tricks of cliques—those are brought to the fore who know nothing and can do nothing” (HC, 203). As Canovan perceptibly notices, a large proportion of *The Origins of Totalitarianism* is concerned with the power generated by individuals moving in concert, yet this movement is far from accumulating a genuine power-potential of the people. In connection to the phenomenon of anti-Semitism, for example, Arendt speaks of “the fundamental error of regarding the mob as identical with rather than as a caricature of the people” (OT, 107). These individuals, as a result of having lost their place in the class structure, are full of resentment against ordered society, and are easily mobilized for violence by demagogues. In the section on “Imperialism”, Arendt is concerned with those “superfluous men” who had become part of the imperialist mob, instead of choosing an alternative and joining “the workers’ movements, in which [as Arendt claims] the best of the superfluous men ... established a kind of countersociety through which men could find their way back into a human world of fellowship and purpose” (OT, 189).¹⁷³

¹⁷³ Arendt seems to imply here that the turn-of-the-century workers’ movement was actually the

Having been ousted by society, these “social outcasts” continued their invisible, “phantom-like” existence within the social realm without actually sharing a common human “world” with others anymore. They were socially uprooted and, consequently, were liable to superfluousness: “To be uprooted means to have no place in the world, recognized and guaranteed by others; to be superfluous means not to belong to the world at all” (OT, 475). Their political space, I would suggest, is one of a *deserted landscape*. To be precise, Arendt herself offers these different topographical figures of “public space,” when she compares various forms of political rule at the end of *The Origins of Totalitarianism*. Thus, constitutional (lawful) government is likened to moving within a space where the law is like the hedges erected between the buildings and one orients oneself upon known territory. Tyranny is like a desert; under conditions of tyranny one moves in an unknown, vast and open space, where the will of the tyrant occasionally befalls one like the sandstorm overtaking the desert traveller. Totalitarianism has no spatial topology: it is like an iron band, compressing people increasingly together until they are formed into one (OT, 466).¹⁷⁴ Indeed, this lack of “spatial topography” in the latter should appear to us as a striking anomaly, and since totalitarianism represents, according to Arendt, the central political experience of the twentieth century, it is important to understand what precisely this phenomenon implies in terms of political space.

authentic people, perhaps even the sole carrier of a genuine political action. Compare Arendt’s comment that “from the revolutions of 1848 to the Hungarian revolution of 1956, the European working class, by virtue of being the only organized and hence the leading section of the people, has written one of the most glorious and probably the most promising chapter of recent history” (CH, 215 ff.).

¹⁷⁴ This interesting and suggestive comparison was brought to my attention by Seyla Benhabib’s article “Feminist Theory and Hannah Arendt’s Concept of Public Space” (Benhabib 1993).

It has been Arendt's great insight that totalitarianism should be regarded as nothing less than an entirely new form of political regime. Indeed, the unprecedented novelty of the totalitarian form of government should not be confused (or even reduced) to the historically more familiar phenomenon of tyranny. The latter has always denoted a lawless government where power—if this term is appropriate here at all—is wielded by one man: “Arbitrary power, unrestricted by law, yielded in the interest of the ruler and hostile to the interests of the governed, on one hand, fear as the principle of action, namely fear of the people by the ruler and fear of the ruler by the people, on the other—these have been the hallmarks of tyranny throughout our tradition” (IT, 306). The anomalous nature of totalitarianism reveals itself in abolishing the age-old distinction between the lawful rulership and the arbitrary volition, which throughout the history has functioned as a cornerstone for the theoretical understanding of politics; that is to say, it has “exploded the very alternative ... between lawful and lawless government, between arbitrary and legitimate power” (IT, 306). No one has ever before doubted that lawlessness and arbitrary power belonged together; the totalitarian regime, however, by defying all positive laws including those that it has established, lays claim to a peculiar “totalitarian lawfulness”. Indeed, as Arendt observes, “it is the monstrous claim of totalitarian rule that far from being lawless it goes to the source of authority, from which all positive laws received their ultimate legitimation” (IT, 306). This new source of authority manifests itself as a “law of movement” (that is, either as a law of Nature or of History—both of these are now conceived as a movement); as a result, “there is no longer a transcendence of law, and consequently there is no longer a discrepancy between the supreme law and positive laws” (Lefort 2002, 451).

In other words, totalitarian government elevates movement to the status of law by means of effacing the distance between rulers and ruled. Whereas law provides for a much needed stability in the face of the arbitrariness inherent in political action and rooted in human natality, then totalitarian movement dispenses with the positive law altogether—in this sense,

legal stability and a totalitarian movement cannot be reconciled. Indeed, “positive laws in constitutional government are designed to erect boundaries and establish channels of communication between men born in it” (IT, 308). As against this tangible legal space, movement represents a new way of holding individuals together without gathering them round a stable world; namely, it “provides for each of its layers ... the fiction of a normal world along with a consciousness of being different from and more radical than it” (BPF, 99). Moreover, since movement conceives the nation as a body driven by one will, it can also change direction at any time without losing its identity. For that reason, movement (as distinguished from motion that is a prerequisite of worldly freedom) does not require in-between space at all¹⁷⁵—people are simply set in motion and held together by a (racist, ethnic, religious, etc.) ideology.¹⁷⁶

Totalitarian government does not need any principle for action, and even fear, the ruling principle of tyranny, becomes here useless. Indeed, the reign of movement reveals its nature in terror; but terror has lost its “purpose”, it is no longer the means to frighten people. Terror merely executes the law of movement by transforming itself into a law of killing. It thus undertakes to eliminate forever the members of the declining classes or any human beings it deems unfit to live: everyone ought to be prepared to assume both the role of

¹⁷⁵ Thus, Arendt argues, in the Third Reich, the Führer’s words had the force of law (*Führerworte haben Gesetzeskraft*); as distinguished from a legal order, “the latter’s validity was not limited in time and space, which is the outstanding characteristic of the former” (EJ, 133).

¹⁷⁶ Arendt’s regards ideology as an attempt to give to the realm of human affairs the order, integration, and consistency of a fictional narrative, which corresponds to a new way of thinking inaugurated by totalitarian regime (see OT, 468-74). The essence of ideology (“the logic of an idea”) reveals itself in three aspects: it aspires to total explanation; tries to achieve immunity to experience; and displays logical consistency from premises (Lefort 2002, 452). This perverted form of thinking thus characterized Adolf Eichmann, for example, who “thought of himself as ‘idealist’—a man who *lived* for his idea and who was prepared to sacrifice for his idea everything and, especially, everybody”; an idealism which was accompanied by “his almost total inability ever to look at anything from the other fellow’s point of view” (EJ, 43).

executor and the role of victim. But total terror leaves no arbitrary lawlessness behind it, for as argued above, it simply

substitutes for the boundaries and channels of communication between individual men a band of iron which holds them so tightly together that it is as though their plurality had disappeared into One Man of gigantic dimensions... By pressing men against each other, total terror destroys the space between them... It destroys the one essential prerequisite of all freedom which is simply the capacity of motion which cannot exist without space (OT, 466).

It is not difficult to recognize in this “One Man of gigantic dimensions” the notorious figure of the mighty Leviathan who has entirely monopolized the political domination and completely eliminated worldly power—if only because a power that exclusively belongs to the single individual is no power at all. Similarly, as Arendt argues, it is by no means merely a matter of misguided theory that the French concept of *le peuple* has carried, from its beginning, the connotation of a multiheaded monster, a mass that moves as one body and acts as though possessed by one will (see OR, 94). For the political trouble which misery of the people holds in store is that manyness can in fact reduce plurality and assume the guise of oneness. “The *malheureux* whom the French Revolution had brought out of the darkness of their misery were a multitude only in the mere numerical sense” (OR, 94); as a result, this multitude was conceived in the image of one supernatural body driven by one superhuman, irresistible general will.¹⁷⁷ And once the enduring unity—as well as the identity—of the

¹⁷⁷ Beside the consideration that the will is naturally an unpolitical phenomenon, for it essentially excludes all processes of exchange of opinions as well as an eventual agreement between them, this Rousseauian *volonté générale* was nothing else than what bound the many into one.

political body is founded on the unanimously understood will of the people themselves¹⁷⁸, there disappear any need for the worldly institutions, and for public realm in general, which this people would have in common and which could bring them together (unite them in their difference).¹⁷⁹

From the viewpoint that contemplates politics (and more or less all human affairs) under the dual category of society and individual, “men became mere parts of a society that conditioned or determined the individuals, as the whole determines its parts” (IT, 304). It thus indicates the emergence of new circumstances that will determine the fate of modern politics, for as Arendt claims, mass society clearly comes about when “the mass of the population has become incorporated into society” (quoting Edward Shils in BPF, 198).

Unlike the mob earlier, the masses confront us with an entirely different phenomenon. One could say that the former is a psychological notion, while the latter is a sociological category—neither of them, for Arendt, is the political concept. Margaret Canovan acknowledges difficulties in telling the difference between the masses and the mob in

¹⁷⁸ It is interesting to note that politically speaking, such general will (which binds together conflicting interests) presupposes the existence and relies upon the unifying power of the common national enemy: “Only in the presence of the enemy can such thing as *la nation une et indivisible* ... come to pass” (OR, 77). This enemy could be understood as an external hostility, or danger that threatens the borders of the nation; Rousseau, however, attempted to provide for such a unifying principle *within* the nation itself (to unify the nation from within), by identifying it in the particular will and interest of each and every citizen—as a result, the common interest appears in the guise of the common enemy. Consequently, “the oneness of the nation is guaranteed in so far as each citizen carries within himself the common enemy as well as the general interest which the common enemy brings into existence; for the common enemy is the particular interest or the particular will of each man” (OR, 78). The totalitarian notion of permanent revolution finds here its counterpart in each individual’s constant rebellion against him- or herself.

¹⁷⁹ Together with that, moreover, “totalitarian domination, but no other government, not even absolute despotism or modern dictatorships, has succeeded in destroying this private social sphere, this refuge of individual liberty” (OT, 424).

Arendt's theory, suggesting that it seems to have a lot to do with the sheer scale of the crises that generated them (Canovan 2002, 407).¹⁸⁰ Yet, one possibility would be to regard the mob as still something whose nature could well be theorized within the old framework of the tyranny; the masses, on the contrary, relate to the central political experience of the twentieth century and belong to the modern conditions of a totalitarianism (as well as, rather disquietingly, of a democracy). While the mob could be seen as just a shapeless horde, chaotically moving around (and dispersing as suddenly as it came together), then the masses operate within the rigid structure, and are subjected to a permanent and unitary movement. Indeed, as Arendt claims, totalitarian movements involved large numbers of individuals acting together on a long-term basis, and they generated real power (OT, 387-8, 418). Thus, the totalitarian regimes, so long as they are in power, and the totalitarian leaders, as long as they are alive, "command and rest upon mass support" (i.e., upon the sheer force of numbers) up to the end (OT, 306). Yet this new power, as conceived by totalitarianism, lies exclusively in the force produced through organization; in other words, the totalitarian movements aim at and succeed in organizing masses—neither classes, nor citizens with opinions about, and interests in, the handling of public affairs. Moreover, totalitarian rule gives credence to the idea that all things can be organized in a society, for it is "not the passing successes of demagoguery that win the masses, but rather it is the visible reality and power of living organization" (OT, 318).

¹⁸⁰ She suggests that one characteristic feature of the mob is that its members were *déclassé*; the masses, on the other hand, have experienced the collapse of the entire class structure (in a sense, they are living the dream of the classless society). Arendt: "The masses share with the mob only one characteristic, namely, that both stand outside all social ramifications and normal political representation" (OT, 314). Yet, their apolitical character came to light only when "the class system broke down and carried with it the whole fabric of visible and invisible threads which bound the people to the body politic" (OT, 314). Thus, "the chief characteristic of the mass man is not brutality and backwardness, but his isolation and lack of normal social relationships" (OT, 317).

For Arendt, the main means of totalitarian domination is precisely an “organization”, for totalitarianism in power holds the people together because of its ability to organize society—its success resides in its capacity to provide atomized and isolated individuals with a kind of pseudo-world. She claims that the true goal of totalitarianism “is not persuasion, but organization, the accumulation of power without the possession of the means of violence” (OT, 320). As Claude Lefort rightly emphasises, Arendt had grasped an essential feature of a totalitarian system by characterising it as functioning through the domination from *within*:

Totalitarianism is never content to rule by external means, namely, through the state and a machinery of violence; thanks to its peculiar ideology and the role assigned to it in this apparatus of coercion, totalitarianism has discovered a means of dominating and terrorizing human beings from within. In this sense, it eliminates the distance between the rulers and the ruled” (OT, 325).

These last words are telling, for the identity of the rulers and the ruled is presented (for instance, by Schmitt) as the very principle of (pure) democracy—as opposed to the principle of representation. This identification is often conceived in personalistic terms, whereby people receive their identity in the shape of the Leader: “Without him they would lack external representation and remain an amorphous horde; without the masses the leader is a nonentity” (OT, 325).

However, organization does not account for the process of identification that men and women make with the leader, or the feeling of community of “the people as One”. Thus, Lefort goes on to argue that in fact, the notion of organization has nothing to do with the attempt to integrate the ruler and the ruled into “One” body, and that Arendt, consequently, “fails to make a distinction between organization and *incorporation*” (Lefort 2002, 450). The latter function is performed in a totalitarian regime by the party, which lays claim to the

ultimate source of authority; not so much an organization, the party “presents itself as above all by reason of its monstrous pretension to be an emanation of the people and also that which causes the people to be a unity, a *people as One*” (*ibid.*, 453-4). Arendt thus characterises the relationship between party and movement during the Nazi era: “It is the task of the Party ... to hold the movement together and give it support and direction” (quoted in OT, 259, n. 97). The party is a body closed in itself, it is not localizable in space and time. Here, the pattern of a substantial community is reproduced so that no independent or spontaneous action would be possible: “The ideology of movement attempts to deny that history is open to unpredictable events; this ideology makes impossible any change in the style of existence, in social relationships, or in ways of thinking” (Lefort 2002, 454).

Incorporation, curiously, refers to the notion of a collective body (rather than that of a rational society), and appeals to a program of a social prophylactics.¹⁸¹ The latter already implies the introduction of the notion of “objective enemy” (as opposed to real enemies), whose identity changes according to the prevailing circumstances—that is, according to the logic of a movement, whose advance constantly meets with new obstacles that have to be eliminated. In legal terms, the change from the suspect to the objective enemy signals the entirely new dynamics introduced by the totalitarian regime that moves from suspected offence to the possible crime to the completely random and routine victimization and liquidation of entire categories of “undesirables” simply declared unfit to live: “So far as one may speak at all of any legal thinking within the totalitarian system, the ‘objective opponent’ is its central idea” (OT, 425).¹⁸² Once the notions of innocence and guilt become

¹⁸¹ Lefort aptly remarks that in these two totalising aspects (gigantic rational machine, and collective living organism), the main figures of the enemy of the people are the *saboteur* and the *parasite*, respectively.

¹⁸² Thus, Hans Frank made a typical differentiation between a person “dangerous to the State” and a person who is “hostile to the State”; Reinhard Heydrich regarded his opponents “not as individuals but as carriers of tendencies endangering the state and therefore beyond the pale of the national

indistinguishable and irrelevant, the security markers of legal space collapse and one discovers oneself within the zone of indeterminacy where the absolute arbitrariness of power signifies the total perversion of law. As a result, political space begins to assume rather threatening contours, and Arendt is very sharp in discerning the link that subsists between totalitarian rule and the particular condition of life that is the camp: “The supreme goal of all totalitarian states is not only the freely admitted, long-ranging ambition to global rule, but also the never admitted and immediately realized attempt at total domination. The concentration camps are the laboratories in the experiment of total domination, for human nature being what it is, this goal can be achieved only under the extreme circumstances of human made hell” (EU, 240).

Chapter 12 of *The Origins of Totalitarianism*, “Totalitarianism in Power”, thus expands Arendt’s interpretative thesis that the camps are the “guiding social ideal of total domination in general” and that “these camps are the true central institution of totalitarian organizational power” (OT, 438). These camps reveal elementary truths about the totalitarian exercise of power and about the structure of totalitarian ideology, representing the paradigmatic instance of a space where the simple fact of human survival is all that matters.¹⁸³ Namely, what comes to light in the camps is the central assumption that supports totalitarian domination (and that common sense simply refuses to admit)—the principle, that is, according to which *everything*

community” (quoted in OT, 424, n. 96).

¹⁸³ More recently, Agamben has radicalized this insight by arguing that the camp should be regarded not primarily as a historical fact or some sort of an anomaly, but “rather in some sense as the hidden matrix and nomos of the political space in which we still live” (Agamben 2000, 37). He thus emphasises the constitutive nexus between state of exception and concentration camp: “*The camp is the space that opens up when the state of exception starts to become the rule.* In it, the state of exception, which was essentially a temporal suspension of the state of law, acquires a permanent spatial arrangement that, as such, remains constantly outside the normal state of law” (*ibid.*, 39).

is possible: “This consistent arbitrariness negates human freedom more efficiently than any tyranny ever could” (OT, 433).¹⁸⁴

Arendt traces this development back to the decline of the nation-state which, paradoxically, also signified the end of the rights of man, for what the former made evident was the fact that mere humanity as such is no guarantee of one’s juridical status as subject of rights: “The Rights of Man, supposedly inalienable, proved to be unenforceable ... whenever people appeared who were no longer citizens of any sovereign state” (OT, 293). In the condition of a completely organized humanity, as Arendt calls it, indeed, “treaties of reciprocity and international agreements have woven a web around the earth that makes it possible for the citizen of every country to take his legal status with him no matter where he goes” (OT, 294); given these circumstances, however, the loss of home and political status simply became identical with expulsion from humanity altogether. The destruction of that legal personality which protects man no matter where he or she goes transforms individuals into “superfluous” and, consequently, dispensable human beings. Moreover, as Arendt emphasises, “the loss of citizenship deprived people not only of protection, but also of all clearly established, officially recognized identity” (OT, 187). Significantly, those people lost the very qualities which make it possible for other people to treat them as fellow-men—they were placed in a situation where their treatment by others did not depend on what they did or did not do. For to destroy human identity—and that means, individuality—is to destroy spontaneity, man’s power to begin something new out of his own resources: “Total power can

¹⁸⁴ What totalitarian experiment has unfortunately proven, according to Arendt, is this inner affinity between the arbitrariness inherent in all beginnings, and human potentialities for (unheard-of) crimes. Note her remark concerning the experience of totalitarianism: “And if you go through such a situation [as totalitarianism] the first thing you know is the following: you *never* know how somebody will act. You have the surprise of your life!” (Arendt 1972, 314).

be achieved and safeguarded only in a world of conditioned reflexes, of marionettes without the slightest trace of spontaneity” (OT, 457).¹⁸⁵

Their situation thus indicates not only the loss of specific rights but, primarily, the loss of a community willing and able to guarantee any rights whatsoever which, by implication, also entails the loss of the relevance of speech, and the loss of all human relationship:

the fundamental deprivation of human rights is manifested first and above all in the deprivation of a place in the world which makes opinions significant and actions effective ... We became aware of the existence of a right to have rights ... and a right to belong to some kind of organized community, only when millions of people emerged who had lost and could not regain these rights because of the new global political situation (OT, 296-7).

Those rightless people, to be sure, “were not considered and hardly pretended to be active enemies” (OT, 295); they simply no longer belonged to any community whatsoever. Such people live and die without leaving any trace, and without having contributed anything to a common world (since words and deeds, opinions and actions are being denied them), they end up sinking into those “veritable holes of oblivion” which in fact constitute the concentration camp society. What Arendt indicates as a *right to have rights* means essentially to live in a framework where one is judged by one’s actions and opinions; in the absence of this fundamental right, people are “deprived not of the right to freedom, but of the right to action; not of the right to think whatever they please, but of the right to opinion” (OT, 296). What these people are bereft of, in other words, is an authentically political space where freedom can appear and create a worldly reality of its own.

¹⁸⁵ Thus, in the camp itself, “every attempt was made to prevent suicides which are, after all, spontaneous acts” (OT, 455, n. 161).

5. The Islands of Freedom

After this rather bleak vision, what are the odds of human survival—not primarily as a species, to be sure, but as active agents of political freedom? And however slight these chances might be, what kind of spatial configuration they could possibly actualize, and what particular form of government they would likely imply? For as Arendt indeed admits: “The periods of being free have always been relatively short in the history of mankind” (BPF, 169). It would be fair to argue that Arendt’s historical investigations revolved about two extreme cases: the annihilation of political freedom under totalitarian rule and the revolutionary founding of political freedom—*constitutio libertatis*, as she used to call it. It is true that genuine examples of action by the People seemed to Arendt extremely uncommon; and she was well aware that the instances of public power were unlikely to inspire an extensive and lasting pattern of existence, for “the political way of life has never been and will never be the way of life of the many” (OR, 275). Nevertheless, she enthusiastically cites “those rare and yet decisive moments when during the process of a revolution it suddenly turned out that these people, if not led by official party programs and ideologies, had their own ideas about the possibilities of democratic government under modern conditions” (HC, 216).

Arendt’s consistent preoccupation with revolutionary phenomena is not accidental; indeed, as she argues, “revolutions are the only political events which confront us directly and inevitably with the problem of beginning” (OR, 21). Moreover, it is precisely in these historical junctures that the experience of a new beginning coincides directly with the idea of freedom. According to Arendt, in the course of the eighteenth-century revolutions “men began to be aware that a new beginning could be a political phenomenon” (OR, 46)—that is, the result of their deliberate and conscious action. In other words, they came to experience what Arendt regards as “the most elusive and yet the most impressive facet of modern

revolutions” (OR, 46), namely, the revolutionary spirit, as it is identified with the principles which originally inspired the men of the revolutions: “these principles ... we have called them public freedom, public happiness, public spirit” (OR, 221). Yet, as soon as revolutionary activity reached its willy-nilly end, these inspiring principles themselves immediately vanished in its trace—due to the fact that they came to inspire, as it were, from without, and were manifest in the world as long as the action lasted, but no longer. The public spirit thus disappeared or, in Arendt’s words, became the lost treasure:

The history of revolutions ... which politically spells the innermost story of the modern age, could be told in parable form as the tale of an age-old treasure which, under the most varied circumstances, appears abruptly, unexpectedly, and disappears again, under different mysterious conditions, as though it were a *fata morgana*. ... Unicorns and fairy queens seem to possess more reality than the lost treasure of the revolutions (BPF, 5).

To be true, this course of events was to be anticipated, and the loss itself was perhaps even inevitable in terms of political reality. As Arendt tries to explain in the closing chapter of her book *On Revolution*, entitled “The Revolutionary Tradition and Its Lost Treasure”, there is something inherently paradoxical in the very attempt at the foundation of freedom. For once the revolution occurred, it was confronted with the twofold task of establishing the constitution and, simultaneously, preserving the spirit of freedom which set this revolution in motion to begin with: “The object of the revolutionary spirit is to perpetuate itself by founding a polity in which political participation is continuous and normal” (Shklar 1977, 85).

Yet, these two complementary tasks turned out to be largely incongruous; and while the foundation of a new body politic was, at least on the American continent, more or less successfully accomplished, it nonetheless took place at the expense of the spirit out of which

the act of foundation originally sprang. The overwhelming concern of the revolutionaries with the framing of a constitution which would lay down the boundaries for this new political realm and define the rules within it—that is, their preoccupation with the permanence, stability, and endurance of the revolutionary achievement—frustrated almost from the beginning that very “pursuit of public happiness” which “consisted in 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” (OR, 127). Thus, as a result of the establishment of a republic, “there was no space reserved, no room left for the exercise of precisely those qualities which had been instrumental in building it” (OR, 232). In its aftermath, one could only witness the sad fact that the end of revolution and the introduction of constitutional government spelled the end of public freedom, or otherwise concur with Thomas Jefferson that “the Revolution, while it had given freedom to the people, had failed to provide a space where this freedom could be exercised ... since the Constitution itself provided a public space only for the representatives of the people, and not for the people themselves” (OR, 235, 238).

This was also the reason why Arendt criticized the Founders for having introduced a system of representative government which meant, as a matter of fact, that “the people are not admitted to the public realm”. She charged the Constitution with having caused the withering of the “revolutionary spirit” because it had failed “to incorporate the townships and the town-hall meetings, the original springs of all political activity in the country” into the new political order (OR, 239). Since “political freedom, the very substance of a free republic, generally speaking, means the right ‘to be a participator in government’, or it means nothing” (OR, 218). Yet, what ultimately happened in the course of the post-revolutionary political development was that the attention shifted almost exclusively toward the question of representation, and the victory for a single faction became more important than preserving freedom of action for all. As a result, there was no space established for the people in their

capacity of being citizens (OR, 253). Perhaps one should conclude that interest-representation—in itself a mere substitute for direct political action—is indeed the sole substance of politics given the conditions of modernity. Or in Arendt’s corresponding words: “The most the citizen can hope for is to be ‘represented’, whereby it is obvious that the only thing which can be represented and delegated is interest, or the welfare of the constituents, but neither their actions nor their opinions” (OR, 268)—for the simple reason that these latter are now non-existent.¹⁸⁶ Thus the notion of sovereignty was reintroduced, as it were, through the back door, confirming Arendt’s diagnosis that “what we today call democracy is a form of government where the few rule, at least supposedly, in the interest of the many” (OR, 269).

Far from constituting a desirable state of affairs, however, this revolutionary outcome appears in fact self-defeating or at least prone to corruption and perversion, that is, open to the misuse of public power by private individuals. Recalling once again Thomas Jefferson, Arendt intimates as to how dangerous it might be to allow the people a share in public power without providing them at the same time with more public space than the ballot box and with more opportunity to make their voices heard in public than election day (OR, 253).¹⁸⁷ But before concluding this exposition with the brief consideration of that unique democratic perspective espoused by Arendt, it would be instructive to remind ourselves of the alternative political spaces that fleetingly, but consistently, embodied—in a similar manner to the abovementioned townships and meeting halls—the revolutionary spirit of public freedom.

For surely, such spaces did appear as recurrent phenomena in the history of revolutions. Arendt identifies these genuine manifestations of revolutionary freedom and public spirit in the spontaneous organizations of ordinary people, such as the revolutionary

¹⁸⁶ For it was precisely the merit of the council-system, as opposed to the representational space of party-politics, that it institutionalized “the average citizen’s capacity to act and to form his own opinion” (OR, 264).

¹⁸⁷ On the issue of voting, Arendt seems to side with Schmitt in regarding secret ballot as a “power ... given to the people in their private capacity” (OR, 256).

societies of France in 1789, the sections of the Paris Commune in 1871, the soviets in Russia in 1917, the *Räte* in Germany in 1918, the workers' councils in Hungary of 1956, and so on. What one could witness in all these instances, was the periodical appearance of essentially the same kind of organization which emerged "whenever the people have been permitted for a few days, or a few weeks or months, to follow their own political devices without a government (or a party program) imposed from above" (Arendt 1958, 28). Arendt calls this "new and wholly untried form of organization" by the name of the council-system which, as distinguished from revolutionary parties and ideologies, she considered as the only true outgrowth of the revolutions themselves—"the only democratic system which in Europe, where the party system was discredited almost as soon as it was born, was ever really popular" (*ibid.*, 32). As such, they constituted the only truly democratic alternative to the political order of the day, that is, "the only alternative of democratic electoral representation to the one presented by the Continental multi-party system with its insistence on class interests on the one hand and ideology, or *Weltanschauung*, on the other" (*ibid.*, 29-30).¹⁸⁸

But while the historical origin of the party system lies in Parliament, "the councils were born exclusively out of the actions and spontaneous demands of the people" (*ibid.*, 30). The sole outstanding common characteristic of these new power structures was the spontaneity of their coming into being; and they consciously and explicitly desired the direct participation of every citizen in the public affairs of the country. They aspired, in other words, to make the 'country' a living presence in the midst of its citizens. It is true that so far they have always been defeated, once representation became the issue at stake: "Action and

¹⁸⁸ As Arendt adds, councils were truly the only political organs for people who belonged to no party and followed no party agenda; in fact, "what the councils challenged was the party system as such" (OR, 265). Indeed, the conflict between the modern party system and the new revolutionary organs of self-government "has actually always been a conflict between parliament, the source and seat of power of the party system, and the people, who have surrendered their power to their representatives" (OR, 248).

participation in public affairs, a natural aspiration of the councils, obviously are not signs of health and vitality but of decay and perversion in an institution whose primary function has always been representation” (OR, 271-2). Moreover, since all those popular organs of self-government (the communes, the councils, the *Räte*, the *soviets*, etc.) have always unexpectedly emerged from within the people as entirely spontaneous places of action and order, they were thus neither properly understood nor particularly welcomed: “The point is that the councils have always been undoubtedly democratic, but in a sense never seen before and never thought about” (Arendt 1958, 30). This fact accounts for the almost universal failure of political actors and thinkers to understand “to what extent the council system confronted them with an entirely new form of government, with a new public space for freedom which was constituted and organized during the course of the revolution itself” (OR, 249). Consequently, these spaces were bound to become superfluous once the spirit of the revolutionary party prevailed.

This cannot but raise the hard question: should freedom in its most exalted sense as freedom to act be the price to be paid for foundation? Should one really conclude that nothing threatens the very achievements of revolution more dangerously and more acutely than the spirit which has brought them about? This predicament implies here the basic paradox: how to preserve or maintain this constitutive moment alongside constituted power? As it appears, constitutive power is indeed irreducible neither to any form of constituted power, nor, for that matter, to the principle of sovereignty itself. According to Antonio Negri, for example, constitutive power “is the act of choice, the punctual determination that opens a horizon, the radical enacting of something that did not exist before and whose conditions of existence stipulate that the creative act cannot lose its characteristics in creating. When constituting act sets the constituting process in motion, every determination is free and remains free.” In a similar vein, one could regard Arendt’s notion of power as reflecting precisely this inexhaustible and uncontainable nature of the political being-together which more often than

not is characterized by its negativity vis-à-vis the constituted realm of politics (which confines the political stage to duly elected officials at the central government).

This logic of negativity or deprivation is, for example, suggested by Arendt with respect to once decisive instance of such popular appearance, namely, the labour movement whose political significance was something altogether different before they became just another pressure group:

the time is past when, as for nearly a hundred years, it could represent the people as a whole—if we understand by *le peuple* the actual political body, distinguished as such from the population as well as from society. ... The labour movement, equivocal in its content and aims from the beginning, lost this representation and hence its political role at once wherever the working class became an integral part of society... (HC, 219).¹⁸⁹

The prospects for the direct regeneration of democracy could thus be found in what Jefferson proposed as the “schemes of recurring revolutions”, that is, in an exact repetition of the whole process of action. The alternative, as Arendt suggests, would be to “‘preserve the spirit of resistance’ to whatever government [the people] have elected, since the only power they retain is ‘the reserve power of revolution’” (OR, 237-8). This idea also resurfaces in her later essay “Civil Disobedience” (1970) where the withdrawal of consent is considered as a principal feature of a “revolutionary” politics (see Arendt 1969, 82-102).¹⁹⁰ In either case,

¹⁸⁹ By the same token, Arendt had argued before, “the national liberation movements of the East were revolutionary in much the same way as the workers’ movements in the West; both represented the ‘unhistorical’ strata of Europe’s population and both strove to secure recognition and participation in public affairs” (OT, 271).

¹⁹⁰ This “spirit of resistance” has been realized in various forms: the French and Danish resistance to the Nazis; in America, the Civil Rights movement, and the whole antiwar movement; the dissident

however, if we equate these spaces of freedom with the political realm itself, as Arendt argues, “we shall be inclined to think of them as islands in a sea or as oases in a desert” (OR, 275). It is precisely on these grounds that Arendt asserts “the bitter need of the few to protect themselves against the many, or rather to protect the island of freedom they have come to inhabit against the surrounding sea of necessity” (OR, 276)—to protect it, that is, against the rising tide of the social questions (informed, as these are, by variety of private interests, economic concerns, welfare issues, administrative measures, technical considerations, etc.). These islands or “elementary republics”, in other words, constitute a topographical equivalent for the “relationship between a ruling élite and the people, between a few, who among themselves constitute a public space, and the many, who spend their lives outside it and in obscurity” (OR, 277).

These last words cannot but raise the question as to the Arendt’s alleged elitism, or her essentially aristocratic (republican) mindset. Jeffrey C. Isaac, for example, observes that Arendt’s work is almost always considered elitist and thus anti-democratic. Nonetheless, as Isaac argues, Arendt defended a unique conception of grass-roots democracy, and hence “her conception of elites is distinctively democratic rather than anti-democratic” (Isaac 1994, 156). It is true that Arendt was quite clearly against mass democracy in that she insisted on the deep tension between mass behaviour and meaningful citizenship; thus it makes sense to distinguish between mass-democracy on the one hand, and grass-roots democracy on the other. The latter is characterised as a system of elites, premised upon the *insulation* of politics from the masses. The reason is that equality requires limits in order to operate; “equality itself is by no means a universally valid principle but, again, applicable only with limitations and even within spatial limits” (OR, 275).

movements for democracy and against communism in East-Europe (e.g., Charter 77); also environmental activist groups like Greenpeace, etc. On these grounds it has even be claimed that the resistance experience was arguably *the* model of modern politics for Arendt (see Isaac 1993, 537).

Indeed, Arendt's elites are counterposed to the masses—but this difference is not in kind but rather in the *attitude* of those who participate: “Who is a member of an elite and who is a member of the mass is not a question that can be answered once and for all. At different times and for different reasons, some people will become politicized in the face of the disengagement of most others” (Isaac 1994, 159). The criterion here being solely that there is none among them who would misuse his power or think only of his personal position: “Whoever misuses power or perverts it into violence, or is only interested in his private affairs and without concern for the common world, is simply not fit to play a role in political life” (Arendt 1958, 31). The argument about insulating politics from the masses, then, is not antidemocratic: “The point is not to exclude a class of people but to establish boundaries that keep out the impersonality and routine characteristic of mass society” (Isaac 1994, 159). By such self-exclusion the dynamics of the political is preserved intact, and this kind of exclusion is perfectly legitimate for it is exclusively based on the principles of self-selection, personal trust, and concern for the world: “Those who organized themselves were those who cared and those who took the initiative... Their title rested on nothing but the confidence of their equals, and this equality was not natural but political” (OR, 278).

It would be more just, therefore, to regard Arendt as a radical democrat who entertained a peculiar blend of participatory democracy and elitist structures which is explicitly articulated, for example, in the following passage:

The joys of public happiness and the responsibilities for public business would then become the share of those few from all walks of life who have a taste for public freedom and cannot be ‘happy’ without it. Politically, they are the best, and it is the task of good government and the sign of a well-ordered republic to assure them of their rightful place in the public realm. To be sure, such an ‘aristocratic’ form of government would spell the end of general suffrage as we understand it today; for only

those who as voluntary members of an 'elementary republic' have demonstrated that they care for more than their private happiness and are concerned about the state of the world would have the right to be heard in the conduct of the business of the republic. ... The exclusion, moreover, would not depend on an outside body; if those who belong are self-chosen, those who do not belong are self-excluded. And such self-exclusion, far from being arbitrary discrimination, would in fact give substance and reality to one of the most important negative liberties we have enjoyed since the end of the ancient world, namely, freedom from politics... (OR, 279-80).

Indeed, Arendt was well aware of the elementary coincidence of freedom and a limited space: "Freedom, wherever it existed as a tangible reality, has always been spatially limited" (OR, 275). The implications of this tenet for the idea of political space could not but remind us of the urgent need to reflect on these specific conditions which in fact constitute an immanent structure of this in-between space. As we have already seen, the human-being-together becomes spatially manifest only insofar as it forms relationships which themselves constitute the space wherein the different individuals relate to and have intercourse with each other. On the face of the obvious lack of those public spaces to which the people at large would have entrance and from which they would visibly (and audibly) appear as free political subjects, the recovery of the Arendtian lost treasure should become the matter of paramount importance—for at stake is the very survival of the revolutionary spirit. The clue to this endeavour is, in effect, provided by Arendt herself when she indicates that this treasure has thus far remained nameless or, rather, that it once had a name long since forgotten and lost: "The name in America was 'public happiness', which, with its overtones of 'virtue' and 'glory', we understand hardly better than its French counterpart, 'public freedom'; the difficulty for us is that in both instances the emphasis was on 'public' (BPF, 5). These last words by Arendt constitute a perfect testimony to the importance of recognizing the crucial nexus between the

concept of the political and the notion of publicity (*Öffentlichkeit*). The preliminary articulation of their relationship, by means of the idea of political space, has likewise been the main purpose of this thesis.

Conclusion

The purpose of these concluding remarks is to throw some additional light on the efforts that constitute the present thesis—to delineate once more the basic contours of the idea of political space, and to formulate once again those insights that have informed this research of mine. The following remarks will in general touch upon the underlying problem-field that has motivated this whole inquiry, and that has resulted in the conception of *political space* as a device for theorizing the political and a way to think about the fundamental condition of human-living-together. Secondly, these remarks will try to spell out the relevance of the thinkers under discussion here, and will briefly re-present those basic arguments which have been found crucial with respect to their political thought. The final remarks will attempt to indicate certain parallel theoretical routes and trends which I have found supportive of my argument, and which have testified to the importance and relevance of this particular type of inquiry undertaken here.

The basic concern that informed the present study could be summarized in the following question: *What is the political?* It was understood here that this question cannot be given any essentialist or foundationalist answer that could enable one to demarcate the sphere of politics within the overall scheme of human endeavours; nor was it considered possible to provide some specific content to the political activity proper. Rather, instead of focussing on identifying a particular “substance” of politics, the attempt was made to consider the very possibility of political phenomena. In this regard, it became necessary to reformulate the project in terms of an inquiry into the (constitutive) conditions of the political, and to ask instead the following questions: What makes political experience possible? What kind of

structure does the field of human interaction presuppose for political activity to generate its specific meaning? What is this conceptual logic, or effective principle, according to which the political starts to make sense—starts to correspond to the actuality of human life? The point, in other words, was to realise what precisely needs to be assumed in order to formulate, and sufficiently answer, these type of questions in the first place.

Considering what has been said above, the idea of political space was employed with the twofold purpose in view, that is, in order to *both* designate the general conditions for the emergence of political phenomena *and* emphasise the fundamentally spatial character of politics.¹⁹¹ In the widest possible sense the entire human existence on earth is a spatial existence, since the most fundamental *conditio humana* is to have one's own place in the world. Being deprived of this place, or not having it "in the first place", means to be banished from the (human) world altogether; ultimately, it signifies the disappearance of human-being as such, and the effacement of all things human. In other words, space could be regarded as the possibility of the human world; it is peculiarly human way of perceiving their existential condition as the one of Being-in-the-world (which always already means: taking-place). What renders this latter consideration problematic, and thus anticipates our first move toward the political, is the fact that this status of Being-in-the-world is necessarily accompanied by Being-with (*Mitsein*), in its specifically human way of having a relation-to (each other). The political condition first arises, therefore, from the predicament that "man is not alone in the world", that they are destined to live together and share in the world that is fundamentally the one of pluriverse. Political space, in its most fundamental sense, designates precisely this possibility of being together—which is also the fundamental fact of human existence.

¹⁹¹ In addition, the idea of political space was meant to recall all those various spatial implications that any reflection on politics potentially generates. Indeed, the idea of political space as it is conceived here tries to bring together and integrate those different spatial connotations that every politically informed human life necessarily displays.

Here, one could confront the “impossible” relationship between Schmitt and Arendt with the one between Arendt and Heidegger. This latter theme (the intellectual influence of Heidegger on Arendt) has become a veritable subfield in its own right—and there is no denial that this is indeed an intriguing and important issue. Thus, Richard Bernstein: “Arendt’s political thinking can be understood as a trenchant critical response to Heidegger” (Bernstein 2002, 304). Thus again, Dana Villa, who devotes an entire book to the learned discussion of Arendt and Heidegger: “the fact remains that her political theory, more than any other, ‘recovers’ Heidegger’s thought for that task of rethinking the political” (Villa 1996, 13). But precisely how should we understand this recovery—the “recovery of the public world”, as a famous conference title dedicated to Arendt’s work has aptly called it? I am far from thinking that matters stand very easy with Heidegger, but teasing out political implications of his work is well beyond, and beside, the present task. Yet, to follow Arendt, and in order to move forward—we need to make distinctions. In the present case, this distinction would be that Heidegger disowns his crucial insights concerning the public character of the world, or rather, conceives it exclusively in negative terms, equates it with the banality of everyday life, reduces all human plurality to the anonymous “they” (*das Man*), and thus devaluates the active engagement with the world as it is. This tendency, moreover, is not accidental, and as Jeffrey Andrew Barash has argued: “For Hannah Arendt, Heidegger’s neglect of the political dimension of human existence in *Being and Time*, far from designating a simple omission in his thinking, represents one of its salient characteristics” (Barash 1996, 252).

What does all this have to do with Schmitt? Whence the need to answer his challenge to rethink the classical, traditional framework of politico-juridical concepts in a new, even revolutionary, manner? After all, Arendt’s political thinking was already claimed to be a profound response to Heidegger’s provocation; and there can be no denial that “Arendt takes over many Heideggerian themes, tropes, and insights and develops them in novel ways” (Bernstein 2002, 317). Arendt thus invests the Heideggerian interpretation of being-in-the-

world with a much more radical political significance, and offers an exhaustive phenomenological analysis of what goes on in the public realm. Why evoke Schmitt at this place? Of course, one could possibly observe certain conceptual parallelisms between Arendt and Schmitt, such as agonism-antagonism, excellence-exception, action-decision, or even power-acclamation; one could also discover similar anti-essentialist arguments in favour of publicity, plurality, and visibility of the political realm; one could even imagine the entire logical square of extreme political personae discussed by Arendt and Schmitt (pariah-parvenu-partisan-pirate), and so forth, without mentioning their critical thrust against various problematic trends within the political modernity itself. But if this enumeration were all there is, indicating hardly more than occasional and deceptive analogies, the following objection by Peter Baehr would quite rightly be in order:

The main inadequacy of such a catalogue, however, is that its plausibility resides not in any congruence of substantive arguments or propositions, but only in the very formal and general level at which the comparisons are pitched. As such, it hides more than it reveals. Carl Schmitt, too, insisted on the independence of the political, but no observer is going to claim credibly that Arendt was a Schmittian (Baehr 2001, 324).

But the point, of course, is not to uncover Arendt as a Schmittian, or vice versa, for that matter. The point, rather, is to demonstrate the fundamental structural similarity that informs their respective analyses of the political—the similarity, moreover, which ultimately renders Schmitt and Arendt incompatible. This may sound paradoxical, but between these two political visions, thrown apparently in crossing directions, a space emerges, or is opened up, where the concept of the political finds its proper abode. The combination of common ground and stark opposition is peculiar indeed, yet corresponds precisely to the groundless nature of

the political—there is but a name (the political), and behind or beyond it, an essentially unrepresentable object, that is, an infinite possibility of meanings.

Along these lines, for example, Mika Ojakangas has claimed that “the *structure and logic* of Arendt’s thought follow the coordinates of Schmitt’s decisionism.” What is remarkable, in other words, is not so much the common content of their critiques of modernity as the fact that “Arendt’s notion of action occupies the same structural place and has the same function regarding her system of thought in general as the notion of decision in Schmitt’s thought” (Ojakangas 2004, 58). In a similar manner, Andreas Kalyvas has argued that Schmitt’s concept of the decision and Arendt’s notion of action represent in fact two variations on a single theme, namely, the event as miracle: “In that sense, they can both be described as thinkers of the singular event. While Arendt uses the term ‘miracle’ to portray the indeterminate and spontaneous dimension of the free act, Schmitt deploys the same term to characterize the radical and disruptive effects of the decision” (Kalyvas 2004, 324). Moreover, in emphasizing the radical novelty, initiating power and constitutive role played either by decision or action, both thinkers call attention to its boundlessness, arbitrariness, and contingency. Although these observations remain rather cursory, and collateral with respect to their authors’ main arguments, nevertheless, such attempts to identify similarities, and thus to uncover the topological frame of the political, strike at the heart of the matter.

Indeed, the figure of a miracle is not the only point of convergence. Such overlappings are still more numerous and varied, even if their analyses are still in initial stages. Above all, the concept of the political itself requires an attentive reading—a reading which would pay justice to its inherently polemical nature which is able to accomodate such divergent perspectives as those of Schmitt and Arendt. Here, it would be mistake to object that, given the radically opposite conceptions of the political, “they are not talking about the same thing”. Firstly, one could seriously doubt that there ever exists such an entity as “the same thing” (i.e., in the present case, the determinable substance of politics). The

impossibility of providing an exhaustive definition of the concept is precisely what makes it political. According to Schmitt: “One of the most important manifestations of humanity’s legal and spiritual life is the fact that whoever has true power is able to determine the content of concepts and words. Caesar dominus est supra grammaticam. Caesar is also lord over grammar” (PB, 202). Therefore, secondly, one should “render to Caesar what is Caesar’s”, namely, admit that “all things with two sides make their real appearance only in struggle” (Arendt 2005, 166)¹⁹², that the agonistic spirit pervades all political speech, and that, consequently, “all political concepts, images, and terms have a polemical meaning. ... Above all the polemical character determines the use of the word political...” (CP, 30-32). This seems to be the price to be paid for the fact of pluralism.

In that case, however, what becomes of the truth itself? Can it be regained, in one way or another, from this purely relational terrain of language, as it appears? In other words, is there any prospect that once we look at Arendt and Schmitt *sine ira et studio*, we could hope to arrive at some higher synthesis or any other dialectical reconciliation vis-à-vis their confrontation? Is it plausible to assume, here as everywhere, that “the truth lies somewhere in between”? Well, yes, but with one proviso—that this *in between* should be taken to indicate an irreparable gulf or ultimate incommensurability, rather than some Aristotelian golden mean. The crucial thing is to understand that there is no neutral ground, nor any meta-language, that could enable us to balance or to arbitrate between these two partial standpoints. As I have already suggested, the very relationship between Arendt and Schmitt is marked by the radical *impossibility*, and this antagonistic nexus, precisely, is what constitutes, or opens the possibility for, the concept of the political. Indeed, every political phenomenon finds itself thus affected, over-determined, as it were, by this double bind—which also means that it is not possible to remain neutral towards it. The ultimate challenge thus becomes to think this

¹⁹² Recall here the oft-repeated Heraclitus’ statement that “strife is the father of all things”, *polemos patēr pantōn* (fragment B 53).

intermediate space, this proper locus of the political, and try to imagine or invent an appropriate conceptual device that would at least render this unwonted situation intelligible.

Slavoj Žižek has recently made an interesting use of the term “parallax gap” to account for the situation where we are confronting “two closely linked perspectives between which no neutral common ground is possible” (Žižek 2006a, 4). According to *Webster’s*, a parallax is “the apparent displacement of an observed object due to a change in the position of the observer”. The genuine parallax, however, emerges when we have two entirely different viewpoints towards the same object, so that the object itself becomes unrecognizable—in which case we naturally tend to argue that “people must be talking about different things”. But the twist is that there is no “object” apart from its frame—every “world-picture” is always already enframed, seen through an invisible frame—and the exclusion of the second alternative is an effective, positive condition for an object to appear, and to be seen, literally, in the first place. This distortion by way of exclusion is constitutive, so that, to be precise: “We do not have two perspectives; we have a perspective and what eludes it, and the other perspective fills in this void of what we could not see from the first perspective” (Žižek 2006b, 235). The parallax, or dislocation, between the two frames or perspectives that renders the object virtually beyond recognition is the only available index of truth about that object itself.

Here, precisely, I would venture to argue that the split between Schmitt and Arendt confronts us with the political parallax *par excellence*. Their conceptual relationship with regard to the political is at once intimate *and* impossible, reflecting the antagonistic dimension which pervades the very phenomenon of the political. They articulate substantially the same insights in radically different languages which deny any direct translation. Being absent from each other’s political picture, Arendt and Schmitt represent, as it were, blind spots in one another’s visions—visions, moreover, which are uncommonly directed toward making sense of concrete political experience rather than toward producing some normative ideal of political

life. In the same vein, one either sees Arendt or Schmitt, never both of them; and yet together they constitute, to paraphrase Žižek, the matrix which generates the totality of social and political relations (see Žižek 2004c, 128). The task, therefore, is not to overcome this irreducible gap that separates these two thinkers—in itself an entirely idle effort—but to think this gap, this very tension that opens up a space between two limits, in its “becoming”. If anything, conceiving of this “becoming political”—which also implies, one is tempted to add, “becoming in/human”—is the ultimate purpose and justification of bringing Schmitt and Arendt together. To think their difference together, i.e., to keep alive that oscillating movement which ceaselessly measures the distance from its own perfection, tracing thus the proper contours of a political space for the human-being-together, would perhaps also be the ultimate challenge of a political thought to come.

My basic claim, which also constitutes the recurrent motive of my study, is that the political presupposes something which I have called an *Öffentlichkeit*. In other words, political space (as the condition of political experience) has a structure of publicity since it is something that appears or is situated *in-between*. Human-being-together is thus constitutive of the political, but it is constitutive to the extent, or on the condition, that this “togetherness” has a public character. (Political existence is always an existence in public; it is a public existence.) The above-mentioned claim, however, should not be taken as a conclusive statement; rather, it represents the starting point for the subsequent analysis, for in itself *Öffentlichkeit* appears as a highly problematic notion. It is important to keep in mind that as such, *publicity* has no direct normative underpinnings, and its functional logic seems to be alarmingly indifferent vis-à-vis the moral quality of its outcomes. One could well illustrate this fact by juxtaposing it with the radical ambiguity—the thorough “undecidability”—of the term *multitude* in Spinoza. Thus, as Slavoj Žižek explains, although Spinoza was “deeply and painfully aware of the destructive potential of the multitude ... he was [also] aware that the noblest collective

acts are generated by exactly the same mechanism—in short, democracy and a lynch mob have the same source. The concept of multitude *qua* crowd is fundamentally ambiguous; ... *Crowd* designates a certain mechanism that engenders social links, and *this very same* mechanism that supports, say, the enthusiastic formation of social solidarity also supports the explosive spread of racist violence” (Žižek 2004, 307). Indeed, the best way to describe *Öffentlichkeit* would be to emphasize its inherently open and potential character: it carries along potentially political possibilities, and therefore also, the very possibility of politics. The political manifests itself as the radical ground of this human co-existence pure and simple; and *Öffentlichkeit* is what provides this space with its specific contours and co-ordinates—with its specific form, that is.

Once we acknowledge that space is the possibility of human-being-together, the question immediately arises: whence, however, *political* space? For indeed, one could retort that spatial existence is inevitable in every form of communal life, and surely not any kind of social interaction automatically implies the political way of being. Thus, I have taken the political to indicate the radical condition (that is, the condition *par excellence*) of human living together; as a result, what appears as distinctively human in man is precisely this (political) living and being together.¹⁹³ In the similar manner, one could interpret the famous statement by Aristotle with regard to the polis: “we may say that while it *grows* for the sake of mere life, it *exists* for the sake of a good life” (*Politics*, 1252 b). According to Giorgio Agamben, who in particular has interrogated not so much the teleological aspect of this Aristotelian definition as rather the relation it establishes between politics and life: the political is thus situated precisely at the threshold—which is also a zone of indeterminacy—that separates “mere life” from the life worth living, that is, from the distinctively *human* way

¹⁹³ To be born means to take place. It should come as no surprise that Arendt elevates natality to the condition of politics, and defines it as the original source (*initium*) of action. Let us also note the violent nature of this act of coming “to be”.

of life (see Agamben 1998, 1-12).¹⁹⁴ The inherent ambiguity of such separation is thematically in accordance with what was said earlier about the problematic status of an *Öffentlichkeit*; in fact, it partakes of the nature of the political and provides the key for grasping the very logic of the latter.¹⁹⁵

This consideration has become increasingly pertinent and urgent ever since the rise of the modern form of politics whose worrisome effects engage the theoretical concerns and intellectual efforts of both Arendt and Schmitt (partly, to be sure, for different reasons). Indeed, it appears that modern politics takes its bearings from, and reacts back upon, precisely this obscure zone of the political where “mere life” merges with “political way of life” in an indeterminate indistinction—where, in other words, political space reveals itself as a field of pure potentiality. Arendt famously attributes this decline of the political realm to the phenomenon she describes as the “rise of the social”—the transformation that claims primacy to natural, biological life over and above political action: “Society is the form in which the fact of mutual dependence for the sake of life and nothing else assumes public significance

¹⁹⁴ Recall Aristotle: “The man who is isolated—who is unable to share in the benefits of political association, or has no need to share because he is already self-sufficient—is no part of the polis, and must therefore be either a beast or a god” (*Politics*, 1253 a).

¹⁹⁵ Indeed, politics requires that the separation between the private and the public be made; yet, as I tried to show with respect to Arendt, this separation need not be ontologically grounded (the objection often made against her). In fact, what a “good life” is must remain essentially open, or at least open for its possible re-articulation. The political moment founds this distinction between “mere life” and “political way of life”, but not for good; as Schmitt implies, the political decision itself indicates that a new line is drawn (a new “frontier” is opened). Hence the indeterminacy: the moment of the decision cannot be anticipated, and the content of this decision cannot be determined in advance. The crux of the issue, as I have tried to argue, consists in the fact that an *Öffentlichkeit* (being the precondition of the political) can never be fully accommodated within the public realm (which is founded precisely by the political); some part of the former remains excluded from the latter (*Öffentlichkeit* as a negativity). Thus, on the one hand, it is a public, yet on the other hand, it is not—hence the ambiguity. I have referred to this condition as a *stasis*, or “civil war” (not necessarily to be understood in purely negative terms).

and where the activities connected with sheer survival are permitted to appear in public” (HC, 46).¹⁹⁶ Needless to add, Arendt herself sides with Aristotle in asserting that politics is never for the sake of life, but for the sake of the “good life” only (HC, 37). Yet her phenomenological analysis of political activity, as well as of the public realm in general, often points beyond this Aristotelian legacy¹⁹⁷, and although not always explicitly articulated, the implications of her enterprise are quite far-reaching.

Immanuel Kant’s prominent presence in this inquiry is not accidental. His thought has proved to be highly significant as an inaugural instance of a philosophical reflection on political modernity. As the late Michel Foucault has argued on various occasions, Kant not only provided a remarkable answer to the question *Was ist Aufklärung?*, but on the whole, engaged his thought with the aim of giving sense to his actuality (*actualité*)—to this “here and now” which he was constantly experiencing and living through. Indeed, by reformulating the question of Enlightenment towards an inquiry into the conditions of the present, Kant was actually the first thinker to elevate the moment of “now”—What is going on? What is happening now? What *is* this now, anyway?—to the status of a paramount philosophical

¹⁹⁶ Foucault, at the end of the first volume of *The History of Sexuality*, gives concerned voice to the same process by which, at the threshold of the modern era, natural life begins to be included in the mechanism and calculations of state power, and politics turns into *biopolitics*: “For millennia man remained what he was to Aristotle: a living animal with the additional capacity for political existence; modern man is an animal whose politics calls his existence as a living being into question.” According to Foucault, a society’s “threshold of biological modernity” is situated at the point at which the species and the individual as a simple living body become what is at stake in a society’s political strategies (see Agamben 1998, 3).

¹⁹⁷ The most obvious case in point being her denial of the human “political” essence. Thus Arendt, for example: “*Zoon politikon*: as if there were something political *in* man which would belong to his essence. This, precisely, is not the case; *the* man is a-political. Politics emerges *in-between*-men, that is, entirely *outside* of man. Hence, there is no specifically political substance. Politics emerges *in-between*, and establishes itself as a relation. This is what Hobbes had understood” (WIP, 11).

concern, and thus to the object of critical thinking. Thereby, Kant opened up the passage to political modernity, and he did so in terms of an ever problematic nexus of subject, knowledge, and power. The political importance of this type of interrogation is unmistakable, and the crux of the matter is rather evident as well. Namely, when Foucault recalls Kant's prescription that the enlightened use of reason must be universal, free, and public, he indicates that the problem is precisely how to assure reason's public aspect (whilst one can readily see how it can be universal and free). Enlightenment, from this viewpoint, now appears as a political problem: "The question, in any event, is that of knowing how the use of reason can take the *public* form that it requires, how the audacity to know can be exercised in broad daylight, while individuals are obeying as scrupulously as possible" (Foucault 1984, 37; my emphasis).

As it turns out, Kant's political thought is ultimately concerned with this crucial question: How should human beings live together? What constitutes this specific condition of right (*Rechtzustand*) that must prevail between individuals in order to guarantee, in the best possible manner, their personal freedom within the universal legal framework—that is, within the rule of law whose enforcement always (conceptually) implies a possible recourse to violence? Or, how could the most extensive freedom co-exist with the greatest coercion that is needed to secure the former? Here I believe to have demonstrated that for Kant, the minimal—and that is, the necessary *and* sufficient—requirement for the actualization of this *Rechtzustand* is publicity. This principle of public acknowledgement effectively expresses the following demand: "All actions relating to the right of other men are unjust if their maxim is not consistent with publicity ... maxim which I cannot divulge publicly without defeating my own purpose must be kept secret if it is to succeed." In fact, this principle represents a test for ensuring the truthfulness to one's soul, and it consists in finding a maxim that is not self-contradictory: "Private maxims must be subjected to an examination by which I find out

whether I can declare them publicly. Morality here is the coincidence of the private and the public” (Arendt 1982, 49).¹⁹⁸

The attentive reading of Kant’s publicity-principle thus provides a useful antidote not only against the overly rigid and formalistic overtones of his moral theory, but also helps to re-negotiate the otherwise strictly conceived separation between subject’s inner (moral) duty, and his or her external (legal) obligation to powers that be. The latter, moreover, addresses the alleged impotence of Kant’s political thought that ultimately derives from his notorious refusal of any rightful (active) resistance to the political authority however corrupted. To begin with, Kant indeed indicates the asymmetrical relation between the ruler and the ruled vis-à-vis the negative test of publicity, because “no one who has decidedly superior power needs to conceal his plans”. Taking this observation into account, it cannot be simply inferred that political maxims which can bear publicity are therefore, automatically, just. Hence, in order to dispel these misgivings, Kant appeals this time to an *affirmative* principle of publicity: “All maxims which *require* publicity if they are not to fail in their purpose can be reconciled both with right and with politics” (PP, 130). In other words, the political maxim (that is, the subjective principle of political action) is in accordance with the transcendental principle of right to the extent it *needs* publicity in order not to fail its purpose and is, therefore, free from violence (which is indeed effective but also mute, and has therefore no need for public presence).¹⁹⁹

¹⁹⁸ Publicness is already the criterion of rightness in Kant’s moral philosophy, and as Arendt significantly adds, morality means being fit to be *seen*.

¹⁹⁹ This need is subjective; and it arises when either the objective criterion for evaluating one’s maxim is lacking (“things cannot be figured out in advance”, due to a shortage of knowledge), or is clearly inadequate (“irresistible force”). “Thus, to *orientate* oneself in thought means to be guided, in one’s conviction of truth, by a subjective principle of reason where objective principles of reason are inadequate” (WOT, 240, note). This subjective principle is no other than the maxim of thinking for oneself (i.e., enlightenment); hence, without the public use of reason we cannot orientate our thinking properly (note also the spatial connotation of the word “orientation”).

Arendt, in her *Lectures On Kant's Political Philosophy*, does mention this affirmative principle of publicity, but she nevertheless goes on to argue that in general, this principle seems insufficient to entirely resolve the conflict that is characteristic of political action—the conflict whose paradigmatic case touches on the possibility to question the existing political regime (the so-called right of rebellion).²⁰⁰ Namely, Arendt claims that not to rebel is to be unable to answer the old Machiavellian argument against morality: if you do not confront evil, the evildoers will do as they please. From this viewpoint, care for the world should take precedence in politics over care for one's self—the attitude that the Kantian position (*fiat iustitia, pereat mundus*) seems flatly to contradict. Yet Arendt overlooks here the implications of her own crucial insight, i.e., that the transcendental principle of publicity is the ruling principle of all political action as well²⁰¹; in fact, Arendt herself emphasises that “it is important to understand that Kant's condemnation of revolutionary action rests on a misunderstanding, because he conceives of it in terms of a coup d'état” (Arendt 1982, 60). For it is true that a coup d'état, in contradistinction to a revolution, must indeed be prepared in secrecy, whereas revolutionary groups or parties have always been eager to make their goals public and to rally important sections of the population to their cause.

Indeed, what concerns the problematic right of rebellion which Arendt raises against Kant, surely Arendt used to know better. In her essay “Personal Responsibility under

²⁰⁰ This is so because publicity, as a matter of fact, presupposes the “freedom of the pen”, that is, the existence of a public sphere for opinion, at least, if not for action. For Kant, the moment to rebel is the moment when freedom of opinion is abolished (see Arendt 1982, 49-50).

²⁰¹ Instead, Arendt remains content with indicating two assumptions in Kant that permit him to extract himself too easily from the abovementioned conflict: the assumption of progress, and the belief that evil is by its very nature self-destructive. Indeed, without this assumption, nothing would make sense; and here, the ultimate guarantee that all is well (at least for the spectator) is nature itself, which can also be called providence or destiny: “The mechanical process of nature visibly exhibits the purposive plan of producing concord among men, even against their will and indeed by means of their very discord” (PP, 108).

Dictatorship” (1964), Arendt argues that within the realm of a totalitarian society, where “coordination” infiltrates into all spheres of life, “there is no office and indeed no job of any public significance ... in which an unequivocal acceptance of the ruling principles is not demanded. Whoever participates in public life at all ... is implicated in one way or another in the deeds of the regime as a whole” (RJ, 33). Here, Arendt advocates a withdrawal from public life altogether as the only means to avoid legal and moral responsibility: “I think we shall have to admit that there exist extreme situations in which responsibility for the world, which is primarily political, cannot be assumed because political responsibility always presupposes at least a minimum of political power. Impotence, complete powerlessness is, I think, a valid excuse... Moreover, it is precisely in this admission of one’s own impotence that a last remnant of strength and even power can still be preserved even under these desperate conditions” (RJ, 45).

Claiming, quite paradoxically, that there is no such thing as obedience in political and moral matters, Arendt explains that the fallacy lies in the equation of consent with obedience: “An adult consents where a child obeys; if an adult is said to obey, he actually *supports* the organization or the authority or the law that claims ‘obedience’” (RJ, 46). Since, in the words of Madison, “all governments rest on *consent*”, no political authority could possibly afford to forgo its public support (nor even to show disrespect for public opinion). Thus, Arendt concludes her essay with the following statement:

If I obey the laws of the land, I actually support its constitution, as becomes glaringly obvious in the case of revolutionists and rebels who disobey because they have withdrawn this tacit consent. In these terms, the nonparticipants in the public life under a dictatorship are those who have refused their support by shunning those places of ‘responsibility’ where such support, under the name of obedience, is required. ... It is in fact one of the many variations of nonviolent action and resistance—for instance

the power that is potential in civil *disobedience*—which are being discovered in our century (RJ, 47-8).

What concerns Carl Schmitt, on the other side, then my aim has been neither to estimate the weight of his thought, nor to assess its relevance for the contemporary political theorising, nor even to examine the reasons of its recent and sudden popularity. I have not attempted to engage myself with the arguments that propose to situate and challenge Schmitt on some sort of ideological battleground; or, alternatively, with the questions whether Schmitt can best be regarded as an authoritarian critic of liberal parliamentarianism or a whole-hearted advocate of dictatorial mass-democracy, or whether his mentality issued in a catholic reactionary, a conservative antimodernist, or a technocratic etatist spirit, etc.

In other words, I have regarded Schmitt, first and foremost, as a theorist of the political. This implies the conviction that his texts contain very important insights into the nature of the political and, moreover, are extremely suggestive with respect to the idea of political space as it is developed here; these insights can be retained and kept apart from Schmitt's more immediate intentions and tactical targets behind either his writings or his personal (mis)calculations. Thus, my purpose was not to think "with Schmitt against Schmitt"; it was rather to think "beyond Schmitt". This meant an attempt to reconstruct his various remarks and statements into a systematic direction which Schmitt himself might not have anticipated; its aim was to shift the critical attention from allegedly "statist" considerations towards the analysis of the political itself. It does not aim to deal so much with the framework of the political system built upon Schmitt's political diagnostics, as it is concerned precisely with the symptomatic core of the latter. Hence, emphasising the notion of publicity serves to re-orientate the inquiry toward the (open) field beyond the concept of the political.

My originary interpretative claim takes the form of a Schmittian paraphrase: “The concept of the political presupposes the concept of an *Öffentlichkeit*.” When we regard the political as a relational field (*Beziehungsfeld*)—that is, as something which binds together and thus creates a social bond, and yet has no meaning or substance of its own—then this field has the structure of publicness. It means that *political* relations between individuals are *qualitatively* different from all other types of social relations, and this specific difference manifests itself in the (highest) degree of intensity of association and dissociation²⁰²—in its extreme, this intensity literally threatens to tear apart the entire existing social fabric. In the face of such situation, the moment of the political consists precisely in the intervention that resolves this tension by distinguishing or telling apart the friend from the enemy. Yet, as Schmitt constantly emphasises, the political enmity has nothing to do with private or personal hatred; the enemy can only be conceived as a public enemy. Conversely, but in a similar vein, “a private person has no political enemies” (CP, 51). Therefore, the very possibility to differentiate between friend and enemy rests upon there always already existing “public relationships”. This may sound paradoxical, for it seems that precisely this political distinction is what founds the sphere of publicity in the first place. Yet, the clue through this impasse is provided by Schmitt himself, according to whom an *Öffentlichkeit* first appears in the equivocal guise of a *stasis* (meaning simultaneously peace and stability, as well as tumult and unrest); ultimately, it designates a site where “spirit fights with spirit” in the permanent (and exceptional) condition of the so-called legal civil war.

This insight is also what decisively separates Schmitt from his much-admired predecessor, Thomas Hobbes. According to the latter, the pre-political state of nature is essentially a condition of anarchy where the characteristic relation that prevails and ultimately

²⁰² Schmitt praises Hegel for having understood this decisive difference: “The often quoted sentence of quantity transforming into quality has a thoroughly political meaning. It is an expression of the recognition that from every domain the point of the political is reached and with it a qualitative new intensity of human groupings” (CP, 62).

determines the nature of human interaction is famously proclaimed to be *homo homini lupus*. The political status is reached here through the sovereign decision that suspends (*aufhebt*) this intolerable condition of “bare life” whose *leitmotiv* is individual self-preservation and where human life, indeed, appears as “nasty, brutish and short”; this condition is exchanged for—or rather, unconditionally surrendered to—the peaceful co-existence that is founded on the novel political relation of protection and obedience, and is virtually guaranteed by the “fear and trembling” before the mighty Leviathan. Whatever great respect Schmitt might have paid to Hobbes, his own insight into the *conditio politica* appears rather different and in any case more trenchant. Thus, David Dyzenhaus is absolutely correct in pointing out that “given his view that liberal individualism led to the absolutism of indirect powers and his particular way of positively valuing politics in his sense, Schmitt could not go on to rely on any individualistic premises himself. He was thus more radical than Hobbes, because he excluded the argument for decisionism which Hobbes provided in his appeal to individual rationality” (Dyzenhaus 1997, 96).

Schmitt’s radicalism comes to the fore in his insistence on the ineradicable nature of the political. To give just one example: when one is to count *power* among the indexes of the political, then one could argue that in the Hobbesian scenario, power becomes in fact eliminated twice. First, in a state of nature, by (idealistically) postulating its even distribution among all individuals; and subsequently also in a political state, where all power rests entirely in the hands of the sovereign (see Laclau 1996, 45-6). Neither of these could really be called power anymore, for even if one agrees with Arendt that power depends on numbers, this should not to be confused with “counting noses” (and anyway, equality is not a natural phenomenon), while the exclusive possession of power is no more than a contradiction in terms.²⁰³ According to Schmitt, *Öffentlichkeit* (which is the original source of power) is

²⁰³ “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

something that remains over and above the political: it precedes—as it is presupposed by—the latter, and it could never be entirely exhausted or embraced within the political structure either (it resists being integrated into the political system). In this sense, the political moment proper never confronts *status naturalis* as a state of anarchy, but instead, has always to deal with the state of exception.

The political is the moment of the original intervention into *stasis* that constitutes it as a *status*—by forming a political unity through the nexus between location (*Ortung*) and order (*Ordnung*). This is what the word ‘constitution’ means for Schmitt in the absolute sense: “the overall condition of political unity and order” (V, 3). It provides an organized realm for politics by neutralizing and/or legally regulating the (conflictual) potentialities that remain insistent within this *Öffentlichkeit*. However, the crucial point to notice is that no constitution of political unity or identity can be accomplished entirely, without there being some remainder—without there being an entity that does not belong, in one sense or another, to this politically constituted being-together. This exclusion, however, is not simply and purely external; on the contrary, we are dealing here with something that *by virtue of its very exclusion is included* within a body politic (so-to-say, “captured outside”)—and, moreover, provides a tacit (unacknowledged) support for the entire political edifice. There is a similarity here with the Arendtian private realm which is the necessary, yet prepolitical, condition for the public-political realm—the hidden darkness which allows human beings to emerge into the light of publicity.²⁰⁴

power”. To speak of a power-monopoly is a widespread mistake which derives from confusing power with force, “which indeed one man alone can exert against his fellow men and of which one or a few can possess a monopoly by acquiring the means of violence” (HC, 202).

²⁰⁴ Indeed, Arendt locates the source of the unpredictability of human affairs in the “darkness of the human heart”, the latter referring to “the basic unreliability of men who never can guarantee today who they will be tomorrow.” This inability of a man to rely upon themselves is, to be sure, the price human beings pay for their freedom (HC, 244). In a letter to Karl Jaspers she writes: “And I would probably reply that the truly irreparable things often—and deceptively—happen almost like accidents,

Schmitt has a name for this excluded presence—for this always already given, immediate presence which for that very reason cannot be mediated, cannot be (politically) represented, since it is the very condition of representation. That name, indeed, *in whose name* the law of the land is proclaimed, at least in democracy, is *Volk*. The latter is to be understood as an open, unspecified term (not to be simply confused with ethnicity, nationhood, etc.), or more precisely, as a negatively determined entity. *Volk*, in a specifically political sense, is the ultimate bearer of this negativity: “People are those who do *not* govern, do *not* represent, do *not* exercise any officially arranged function. ... The specificity of the concept ‘people’ consists here in that people is a non-formed and never completely formable entity” (V, 241-2). In a word, “people is that part of a population which ... finds no place in the existing order” (V, 243).²⁰⁵ It appears indeed as the peculiar fact that the same term (people, *peuple*, *Volk*, etc.) names the constitutive political subject as well as the class that is excluded—de facto, if not de jure—from politics. There exists no single and compact referent for the term people anywhere: “It is what cannot be included in the whole of which it is a part as well as what cannot belong to the whole in which it is always already included” (Agamben 2000, 32). Precisely in this sense one should also read Schmitt’s remark that *Öffentlichkeit* and *Volk* belong together, bearing here certain structural similarities with the notion of exception.

It should be clear that exception and anarchy are by no means the same, and Schmitt is careful to differentiate between these two: “Because the exception is different from anarchy

that sometimes from an insignificant line that we step across easily, feeling certain that it is of no consequence anymore, that wall rises up that truly divides people” (see *Arendt-Jaspers Correspondence*, no 42, 1946).

²⁰⁵ Arendt, with her notion of a “revolutionary, constituting spirit”, seems to express the similar intuition: the constituting power is originary and irreducible, it cannot be conditioned and constrained by an existing legal system, and it necessarily maintains itself outside the framework of instituted powers.

and chaos, order in the juristic sense still prevails even if it is not of the ordinary kind” (PT, 12). Although Schmitt describes the state of exception as a kind of legal vacuum, a “suspension of the legal order in its totality”, yet, as Giorgio Agamben argues in his book *State of Exception*, the issue is precisely to ensure a relation, no matter what type, between the state of exception and the legal order. In other words, Schmitt’s theory of sovereignty, as advanced in *Political Theology*, represents an attempt to anchor the state of exception unequivocally to the juridical order. The sovereign, who proclaims the state of exception, is thereby ensured of remaining in relation to the legal order; indeed, “although [the sovereign] stands outside the normally valid legal system, he nevertheless belongs to it, for it is he who must decide whether the constitution needs to be suspended in its entirety” (PT, 7). Agamben thus argues that “the state of exception represents the inclusion and capture of a space that is neither outside nor inside... *Being-outside, and yet belonging*: this is the topological structure of the state of exception” (Agamben 2005, 35).²⁰⁶

Indeed, by introducing a zone of anomie into the law, “the state of emergency presents itself as the legal form of that which can have no legal form”, that is, it opens up an indeterminate terrain between the political and the juridical, thereby constituting a kind of no man’s land.²⁰⁷ According to Agamben, what is “at issue in the anomic zone is the relation

²⁰⁶ It is important to consider this problem also since it displays clear analogies to that of the right of resistance: “The fact is that in both the right of resistance and the state of exception, what is ultimately at issue is the question of the juridical significance of a sphere of action that is in itself extrajudicial” (Agamben 2005, 11). It is precisely this problematic sphere of human action that I have tried to articulate in terms of an *Öffentlichkeit*.

²⁰⁷ It is curious that Arendt uses the same expression while explaining the original meaning of the Greek *nomos*: “The law [*nomos*] originally was identified with this boundary line, which in ancient times was still actually a space, a kind of no man’s land between the private and the public, sheltering and protecting both realms while, at the same time, separating them from each other. ... Without it a public realm could no more exist than a piece of property without a fence to hedge it in; the one harboured and enclosed political life as the other sheltered and protected the biological life process of the family” (HC, 63-4). This wall-like law was sacred, but only the enclosure was political; however,

between violence and law—in the last analysis, the status of violence as a cipher for human action” (Agamben 2005, 59). In this respect, Schmitt’s strategy of exception (together with his concept of sovereignty) aims at securing the relation between violence and law, whereas Agamben’s own aim is precisely to sever this (artificial and violent) link between sovereign power and legal order, revealing it as an “essential fiction”. By evoking these various fictitious forms through which law attempts to encompass its own absence and to appropriate the state of exception, or at least to assure itself a relation with it, Agamben concludes significantly: “Indeed, it is possible that what is at issue in these categories is nothing less than the definition of what Schmitt calls ‘the political’” (Agamben 2005, 51).

It is precisely in view of this context—of this anomic zone wherein lies a human action without relation to the norm—that Arendt should be granted for raising, and for attempting to answer, the crucial question: what does it mean to act politically? For an action, according to Arendt, as soon as one considers its genuinely political aspect, is characterised by its boundlessness on the one hand, and its inherent unpredictability and irreversibility on the other.²⁰⁸ Action is equated with freedom whose meaning lies in its (spontaneous) capacity for a novelty or a new beginning. It is no accident that action and beginning are essentially the same: “To act, in its most general sense, means to take an initiative, to begin ... to set something into motion” (HC, 177), and this always contains some measure of arbitrariness. Arendt is well aware that this arbitrariness can never be fully eradicated or neutralised:

what was also included there, as an exception (as the other, the dark and hidden side of the public realm), was precisely the realm of privacy which “appears” as an essential (yet unacknowledged) part of the former: “Not the interior of this realm, which remains hidden and of no public significance, but its exterior appearance is important for the city as well, and it appears in the realm of the city through the boundaries between one household and the other” (HC, 63).

²⁰⁸ One could also add, improbability, for “it is in the very nature of every new beginning that it breaks into the world as an ‘infinite improbability’ ... Hence it is not in the least superstitious, it is even a counsel of realism, to look for the unforeseeable and unpredictable, to be prepared for and to expect ‘miracles’ in the political realm” (BPF, 169-70).

Limitations and boundaries exist within the realm of human affairs, but they never offer a framework that can reliably withstand the onslaught with which each new generation must insert itself. ... The limitations of the law are never entirely reliable safeguards against action from within the body politic, just as the boundaries of the territory are never entirely reliable safeguards against action from without (HC, 190-1).²⁰⁹

In addition to emphasizing the ambiguous nature of action in Arendt, I have also tried to demonstrate that the relationship which action entertains with violence is not as exclusionary and clear-cut as it seems. For it must be understood that when Arendt delineates her conception of action, or differentiates between the fundamental human activities, she is making an analytic distinction: that is, a *de jure* distinction that isolates distinct strata in phenomenological analysis, while *de facto* we need to speak of compound phenomena taking place within socially instituted and context-dependent environment. It is possible that action partakes of violence (just as it also operates under the guidance of the intellect and under the dictate of the will—even if these are not constitutive of the political action proper), for it takes place on the terrain which is inherently open, and what will happen, cannot be told in advance. Indeed, what kind of relationships action will establish between human beings cannot be foreseen because action is characterized by unpredictability and uncertainty of its outcome; yet the capacity to establish (modify, transform, interrogate, even abolish) relations

²⁰⁹ To put it in Žižek's terms, the political act proper always originates at the point where a contingent situation overlaps with the vertiginous openness of decision-making: "... an Act is always situated in a concrete context—this, however, does not mean that it is fully determined by its context. An Act always involves a radical risk, what Derrida, following Kierkegaard, called the *madness* of a decision: it is a step into the open, with no guarantees about the final outcome—why? Because an Act retroactively changes the very co-ordinates into which it intervenes" (Butler, *et al.* 2000, 152).

is what action is all about; this is what makes it political—once the latter is understood as a *Beziehungsfeld* (relational field). This possibility (as Schmitt constantly emphasises) is a *real* possibility that arises from the *concrete* existential situation—in other words, it is a *potentiality* that inheres or insists in the very form of political space.²¹⁰ The potential character of the public realm refers to an implicit, not-yet-realised (and never fully realisable) power-efficiency; it is the site that contains in itself an energy-potential. Full actuality (*energeia*) effects and produces nothing besides itself; therefore action and speech, which both are only in actuality, are also the highest activities in the political realm.²¹¹

Thus, the only entity that is accorded an ontological privilege, so-to-say, as being constitutive of the political, is an *Öffentlichkeit* or a public realm—or, what is essentially the same, the distinction between the public and the private. What matters here is not so much the rigidity or mutual exclusivity of the established public-private boundary (such critique levelled against Arendt often misses this point) nor the question of where exactly this line is situated or should be drawn; what matters, instead, is simply that there *is* this distinction, that there *is* a space which *has* a public character—and “whatever occurs in this space of appearances is political by definition” (BPF, 155). One is required to account for political phenomena in relation to the public realm, since the actualization of those potentialities that are contained in the latter—for the better as well as for the worse—depends upon the very interaction of the forces that operate within it.²¹²

²¹⁰ This might seem an obvious claim, but more often than not it gets simply confused with the sphere of the social existence. Yet the social relations are always of a specific nature while publicity is rather their pure form: the possibility of having relations as such, pure and simple.

²¹¹ Arendt refers to Aristotle’s notion of *energeia* “with which he designated all activities that do not pursue an end and leave no work behind, but exhaust their full meaning in the performance itself. It is from the experience of this full actuality that the paradoxical ‘end in itself’ derives its original meaning; for in these instances of action and speech the end (*telos*) is not pursued but lies in the activity itself” (HC, 206).

²¹² One could recall here Walter Benjamin who in “Critique of Violence” (1921) attempts to prove the

As long as action (in words and deeds) takes place, or refers back to, the established public realm (i.e., the space of “organized remembrance”), we can regard politics in the widest sense as a festivity or theatrical performance. This apparently constitutes a “normal paradigm” of politics which seems to be—its agonistic dimension notwithstanding—at odds with the inherently transgressive and unpredictable (even violent) nature of an action. Yet, one needs to recall the two rather different aspects that Arendt integrates within her notion of a public realm in *The Human Condition*: on the one hand, an institutionally organized artificial realm of human affairs (the “world” in general) *and*, on the other, an intangible space of human relations (the “company of fellow-men”)—and it is rather the second aspect that corresponds to the notion of an *Öffentlichkeit* what I have employed here. In fact, Arendt herself prioritizes the second aspect over the first when she explicates the ancient meaning of the word *polis*: the latter was not so much a specific site surrounded by city-walls, as it was a certain relationship between people, their being-together even outside of the physical site proper. (Not to mention, moreover, that the great deal of action—for the stories to be told and remembered afterwards—was undertaken outside the walls of a political community where action need not to encounter any limits.)²¹³

reality of “pure” violence (*Gewalt*, the term which in German also means simply “power”) that neither makes nor preserves law, but deposes it and thus inaugurates a new historical epoch: “If violence is also assured a reality outside the law, as pure immediate violence, this furnishes proof that revolutionary violence—which is the name for the highest manifestation of pure violence by man—is also possible” (Benjamin 1996, 252). Benjamin evokes the image of violence that, in anger, is never a means but only a manifestation—thus in the end appearing as violence that purely acts and manifests. Similarly, for Arendt, the specifically *political* aspect in action has nothing to do with violence, and what “saves” the action is precisely the *principium* that comes, as it were, from without and makes its appearance in the world.

²¹³ Later, Arendt will interpret her conception of the world as a stage for politics more in the direction of an *Öffentlichkeit*; thus she admits: “I comprehend it now in a much larger sense, as the space in which things become public, as the space in which one lives and which must look presentable. In which art appears, of course. In which all kinds of things appear” (EU, 20).

To evoke the theatrical simile: once the inherent boundlessness of action begins to threaten, to transgress, or to violate the established political boundaries (constitution, identity, etc.), the festive performance turns into what Schmitt (and, for that matter, Benjamin) calls *the tragic*. In this experience of the tragic, the limits of a political community become apparent. This tragic dimension signifies the imminent dissolution of the existing public realm, and lays bare the fundamentally antagonistic structure at the limits of the objective (neutralized, depoliticized) socio-political order. These antagonistic limits of objectively constituted meaningful order can never be determined or expressed beforehand; they cannot be discursively articulated, but can only *show* themselves (as Wittgenstein would say)—and they often show themselves to be a historically contingent, if not politically violent, imposition.

One of the most interesting reworkings of Schmitt today, the discursive approach by Ernesto Laclau and Chantal Mouffe, has rearticulated these claims into the fundamental premises of their social theory. Laclau and Mouffe argue for the constitutive nature of antagonistic relations within the field of the social: they elevate *antagonism* to the ontological condition (which is simultaneously both possible and impossible condition) of a society. Hence, politics exists precisely as an attempt to constitute this impossible object—society—in the conditions (the political) which are always already, and irreducibly, antagonistic. The concept of the political thus discloses the ultimately antagonistic nature of human-being-together. From the viewpoint of an objective order, the antagonist indeed appears as an objective enemy whose (negative) presence makes one's own being impossible: it either impedes the full self-realization of community, or alternatively, poses the question as to the adequacy of its borders (and therefore to the entire political realm as well). Schmitt would prefer to have a sovereign to resolve this issue decisively, once and for all, by determining

who the friend is and who the enemy is.²¹⁴ The point, however, is to recognize in this impossibility the moment of an inherent self-failure that should prompt one, instead of projecting this existential anxiety into the figure of an enemy, to reconsider one's status vis-à-vis the other (who is not one), to modify the relationship towards it, and perhaps to redefine, as a result, the basic co-ordinates of one's own political being. In a word, to recognize the pluralism of spiritual life as the authentic source of the human political existence, and to try to live up to this condition.

Schmitt's failure in this particular yet crucial point lies not so much in uncovering this friend-enemy logic of political formation, as rather in the attempt to impute to it a normative-regulative status, to enclose an *Öffentlichkeit* as soon as it opens itself up, and to juridically neutralize and contain the power of action through the cutting force of the decision, instead of acknowledging the latter's "moment of madness" (Kierkegaard) and keeping it in its dialectical suspense. Schmitt's theory of sovereignty should be understood precisely as the device to ensure the total control over the entity which by nature exceeds any normative order and all legal arrangements. Metaphysically speaking, the notion of humanity, or the "brotherhood of men", so despised by Schmitt as being a dangerously antipolitical concept—yet whose polemical, that is, political character he nevertheless clearly recognizes—, does have some deeper political truth in it. It is not an empty concept, but should rather be taken as the Hegelian *universal* which is always implicated (by its absence or negativity, to be sure) in the constitution of every particular political community. It also gives credence to the

²¹⁴ By this move, Schmitt reveals himself as an inherently conservative thinker—as a self-appointed "defender of the constitution". As Samuel Huntington has argued, conservatism is best understood not as an *inherent* theory in defence of particular institutions, but as a *positional* ideology: "When the foundations of society are threatened, the conservative ideology reminds men of the necessity of some institutions and the desirability of the existing ones." Huntington claims that because "the articulation of conservatism is a response to a specific social situation ... the manifestation of conservatism at any one time and place has little connection with its manifestation at any other time and place" (see Huntington 1957).

metaphorical expression “civil war” which is essentially fought between the likes—between brothers. Brotherhood in the political sense is called friendship, and this is what constitutes citizenship in its real sense (as distinguished from certain formal indicators such as having rights, etc.). *Humanity* implies there being no (real) enemies. It thus appears that Schmitt’s invocation “know your enemy” must needs always to be accompanied or preceded by the Socratic injunction “know thyself”. This also seems to be the final meaning of Schmitt’s otherwise rather obscure remark: *Who can pose the question to myself? Only me, or my brother...*

Whom can I altogether recognize as my enemy? Obviously only him who can question me. By recognizing him as an enemy I recognize that he can question me. And who can really question me? Only I myself. Or my brother. ... The enemy is our own question as a figure (Schmitt 1850).²¹⁵

This inquiry into the concept of the political served the need of elucidating the fundamental problem: how and why public life articulates or inscribes itself politically? Moreover, it was emphasised that this possibility of (political) inscription is always also the possibility of its re-inscription, since the public life is never entirely exhausted or incorporated by the political system—if only because public realm itself changes over time, and if only because this change occurs by virtue of the constant “coming and going” of newcomers. This changeability “could not be altered because it was ultimately based on the fact that νέοι, the young, who at the same time were ‘new ones’, were constantly invading the stability of the *status quo*” (OR, 28). The possibility of re-inscription (re-articulation) that inheres in this

²¹⁵ “Wen kann ich überhaupt als meinen Feind anerkennen? Offenbar nur den, der mich in Frage stellen kann. Indem ich ihn als Feind anerkenne, erkenne ich an, dass er mich in Frage stellen kann. Und wer kann mich wirklich in Frage stellen? Nur ich mich selbst. Oder mein Bruder. ... Der Feind ist unsre eigene Frage als Gestalt.”

Öffentlichkeit is precisely the condition of the political. In a way, *Öffentlichkeit* only exists in this permanently ambiguous condition of *stasis*—in the carnivalesque atmosphere where everything could happen, and where the established relations constantly change themselves. Michel Foucault once proposed to reverse the famous formula by Clausewitz, and thus to conceive power and politics as essentially a continuation of war by other means. The task, precisely, is to envisage, to give shape to, and to provide a space for these “other means” in order to preclude the reign of violence and terror, but at the same time to keep intact—to the widest possible extent—the inherent possibilities of freedom and action. That is, to prevent their subjection to automatically regulated procedures which captivate their potential openness into the closure of impotence. Ultimately, it depends on the possibility of the profoundly political question that is in fact asked of every newcomer: *Who are you?*

This question is, essentially, open-ended. Truly, it may be spelled out in good as well as in bad faith, along with a gesture of embracing hospitality, or with an attitude of overt hostility. On the other side, its answer may reflect, or be dictated by, the entire spectrum of human emotions—from fears to hopes, from desires and dreams to desperation or hatred. There are, to be sure, times and situations where this question is being asked (explicitly or tacitly) not just of newcomers and not only of a selected few, but touches the entire segments of a population; and yet other circumstances, where its answer should be demanded of—and perhaps reconsidered by—virtually everyone. Today, these are not particularly rare occurrences; and even if they were, their exceptionality would hardly constitute an excuse for passing them over as marginal. In all such cases, with every due respect, it is not primarily the question of making sure whether one’s papers are in order, or even whether the integrity of some communal life is thereby preserved intact. Rather, in uttering this question—*Who are you?*—, it is necessary to attend to its full interrogative potential, and hence to recognize in it its plural, reflexive counterpart: *Who are we?* Perhaps this question-mark at the end carries the entire enigma; and perhaps it marks the beginning of a quest for something which

will remain forever out of reach. Yet this pursuit, guided by mutual trust and steering its course between the highest hopes and the lowest despairs, is in itself already an answer, and thereby already beyond the alternatives. Indeed, the question may ultimately fall in both ways, for there is no absolute guarantee that it will not. In either case, however, as long as it is kept alive, its presence is what sustains the promise of a human life on earth.

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- PP "Perpetual Peace: A Philosophical Sketch", in KPW; pp. 93-130.
- TP "On the Common Saying: 'This May Be True in Theory, but it Does Not Apply in Practice'", in KPW; pp. 61-92.
- WIE "An Answer to the Question: 'What is Enlightenment?'" in KPW; pp. 54-60.
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- PT *Politische Theologie. Vier Kapitel zur Lehre von der Souveränität* (Berlin: Duncker & Humblot, 1993, first pub. 1922). Trans. by George Schwab, *Political Theology: Four Chapters on the Concept of Sovereignty* (Cambridge, Mass.: MIT Press, 1988).
- PT II *Politische Theologie II. Die Legende von der Erledigung jeder Politischen Theologie* (Berlin: Duncker & Humblot, 1990, first pub. 1970).
- RC *Römischer Katholizismus und politische Form* (Stuttgart: Ernest Klett, 1984, first pub. 1923). Trans. by Gary L. Ulmen, *Roman Catholicism and Political Form* (Westport, CT: Greenwood Press, 1996).
- SGN *Staat, Grossraum, Nomos. Arbeiten aus den Jahren 1916-1969*, ed. by Günter Maschke (Berlin: Duncker & Humblot, 1995).
- TP *Theorie des Partisanen. Zwischenbemerkung zum Begriff des Politischen* (Berlin: Duncker & Humblot, 1995, first pub. 1963). English version (translator not indicated), “Theory of the Partisan: Intermediate Commentary on the Concept of the Political”, *Telos* 127, Spring 2004; pp. 11-78.
- V *Verfassungslehre* (Berlin: Duncker & Humblot, 1993, first pub. 1928).
- VV *Volksentscheid und Volksbegehren. Ein Beitrag zur Auslegung der Weimarer Verfassung und zur Lehre von der unmittelbaren Demokratie* (Berlin, Leipzig: Walter de Gruyter & Co, 1927).

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- BPF *Between Past and Future: Eight Exercises in Political Thought* (New York: Penguin Books, 1968).
- EJ *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin Books, 1963).

EU	<i>Essays in Understanding 1930-1954</i> ; ed. by Jerome Kohn (New York: Harcourt Brace, 1994).
HC	<i>The Human Condition</i> (Chicago, London: The University of Chicago Press, 1958).
IT	"Ideology and Terror: A Novel Form of Government", <i>The Review of Politics</i> , vol. 15: 3, 1953; pp. 303-327.
OR	<i>On Revolution</i> (New York: Penguin Books, 1963).
OT	<i>The Origins of Totalitarianism</i> (New York: Harcourt Brace Jovanovich, 1958).
OV	<i>On Violence</i> (New York: Harcourt, Brace & World, 1970).
RJ	<i>Responsibility and Judgment</i> ; ed. by Jerome Kohn (New York: Schocken Books, 2003).
WIP	<i>Was ist Politik? Fragmente aus dem Nachlaß</i> ; ed. by Ursula Ludz (München, Zürich: Piper, 1993).

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