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Arendt's Constitutional Question

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One always begins by 'drawing a distinction', Niklas Luhmann was fond of reminding us, and Arendt begins *On Revolution* by drawing a distinction that throughout the treatise remains stark, pivotal, resistant, insubordinate to mediation, synthesis and sublation. It is the distinction between the social and the political. It lies at the basis of the constitutional question, and as foundational informs not just the remit of the constitutional *but its very possibility*: because it does not allow us to step behind it, the foundation that is, and to put it to question *politically*.

The departure is significant and the endurance of the distinction remarkable. We find the quasi-normative function that the distinction performs replicated later and in different forms, but invariably working at the deep level of context-setting. It is, for example, famously articulated in Agamben's 'bio-political fracture'. Agamben's *bios/zoe* distinction mirrors Arendt's, in his insistent return to the 'zone of indistinction' between the two terms that mirrors her resistance to any kind of dialectical overcoming of the social and the political. And for him, all too impatiently, it is the endurance of the distinction that explains the travesty of 'political' projects launched to tackle need abroad: '[T]oday's democratio-capitalist project of eliminating the poor classes through

development not only reproduces within itself the people that is excluded but also transforms the entire population of the Third World into bare life.’¹

What makes the distinction between the political and the social so fundamental and, we shall argue, fundamentally problematic? Let us take this gradually.

I. Unburdening the Constitution

The second chapter of Arendt’s famous book is dedicated to the ‘social question’, or what ‘we may better and more simply call the existence of poverty’.² When Robespierre declared that everything which is necessary to maintain life must be common good and only the surplus can be recognised as private property, for Arendt ‘he was, in his own words, “subjecting revolutionary government to the most sacred of laws, the welfare of the people, the most irrefragable of all titles, necessity.”’³ For her it was necessity, the urgent needs of the people, that unleashed the terror and sent the Revolution to its doom. She cites Jefferson approvingly, when he declared that a people ‘so loaded with misery would [not] be able to achieve what had been achieved in America’. And about John

¹ G Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford, Cal, Stanford University Press, 1998) 179. See J G Finaison, “‘Bare Life’ and Politics in Agamben’s Reading of Aristotle”, (2010) 72 *The Review of Politics*, 97–126.

² H Arendt, *On Revolution* (Harmondsworth, Penguin, 1990 [1963]) 60.

³ *Ibid* 60.

Adams's 'conviction' that a free republican government 'was as unnatural ... as it would be over elephants, lions, wolves [etc] in the royal menagerie at Versailles', she proclaims, rather disturbingly, that 'years later, events to an extent proved him right'.⁴

Why do the cries of the dispossessed masses not resonate politically? What is it about their movement that 'sent the revolution to its doom'? The 'transformation of the Rights of Man into the Rights of the Sans-Culottes', Arendt argues, abandons the foundation of freedom to the 'powerful conspiracy of necessity and poverty', Robespierre's relentless insistence on the latter forcing him to miss the 'historical moment' to 'found freedom'.⁵ Arendt's unreserved admiration for the American Revolution is nowhere thrown into starker contrast with her misgivings about the French Revolution than in these pages on the 'social question', and this in the context of the acutest of analyses of Robespierre's claim to speak on behalf of the dispossessed. The guiding distinction operates here to set up freedom against necessity as involving contrasting logics, a contrast that Arendt is keen to map on to the distinction between the social, as sphere of necessity, and the political, as sphere of freedom.

Marx is the obvious counter-point, and Arendt takes the challenge head on. 'It took more than half a century before the transformation of the Rights of Man into the Rights of the Sans-Culottes, the abdication of freedom before the dictate of necessity, had found its theorist' in Marx.⁶ What a strange formulation this is, couched in a vocabulary

⁴ *Ibid* 68.

⁵ *Ibid* 60–61.

⁶ *Ibid* 61.

of abdication, and thus of a certain refusal of a different route. What, one might pause to ask, does 'abdication of freedom' mean for the sans-culottes? What possibility of freedom did the Parisian mob really forgo in bringing the 'needs of the body' into the streets? What makes this simple question so difficult for Arendt to ask? Nothing but her unwavering reassertion of the founding disjuncture. Notwithstanding the lip service to his greatness ('the greatest theorist the revolutions ever had'), a kind of knee-jerk anti-Marxism dominates her thinking here, most tellingly in the extraordinary reversal that she attributes to Marx in the 'social question'.

Marx's genius and ultimately his theoretical error, for Arendt, is that he *read the social question in political terms*. That means that he read the question of *poverty* as a question of the suppression of *freedom*, and the way he achieved this was through the theory of exploitation. This allows the connection between the two spheres to be 'mediated':

Marx's transformation of the social question into a political force is contained in the term 'exploitation', that is in the notion that poverty is the result of exploitation through a 'ruling class' which is in the possession of the means of violence...His most explosive and indeed most original contribution ... was that he interpreted the compelling needs of mass poverty in political terms as an uprising, not for the sake of bread or wealth, but for the sake of freedom as well.⁷

Thus, asserts Arendt, in order to conjure up a 'spirit of rebelliousness that can spring only from being violated, not from being under the sway of necessity' Marx helped to

⁷ *Ibid.*

persuade the poor ‘that poverty itself is a political not a natural phenomenon, the result of violence and violation rather than scarcity’.⁸

Arendt sets out to prove Marx wrong to interpret the ‘predicament of poverty in categories of oppression and exploitation’, by returning to the embeddedness of her founding distinction, the foundational character of the disconnect.⁹ This involves a striking reversal that puts the burden on her interlocutor to defend the attempted ‘synthesis’ through exploitation. Her argument involves as ever the restatement of the obviousness of her premises and the foundational nature of the organising disjuncture. The recovery of the ability to act cannot spring from necessity since the logic of ‘emancipation’ is too rooted in the release of a natural propensity. *Becoming-political* is thus a problem for Arendt in the absence of the preconditions of such action in freedom. It is this absence that drives Marx to attach himself to the Hegelian dialectic in which ‘freedom would directly rise out of necessity’, a dialectic and a coincidence that Arendt has earlier characterised as ‘perhaps the most terrible and, humanly speaking, least bearable paradox in the body of modern thought’.¹⁰ But for Arendt the two spheres are not and cannot be tied dialectically – necessity never gets a foothold in a dialectic of action.

Having repeated her premises, Arendt’s rebuttal of Marx becomes fairly cursory. Her first criticism is that he abandons ‘the revolutionary élan of his youth’ to redefine it

⁸ *Ibid* 62–63.

⁹ *Ibid* 63.

¹⁰ *Ibid* 54.

in economic terms, which means also the ‘iron laws of historical necessity’¹¹; ‘necessity’ again serving to fold the revolutionary moment back into the binarism from which it seemingly never can depart. Her second criticism is that he ‘strengthened more than anybody else the politically most pernicious doctrine of the modern age, namely that life is the highest good and that the life process of society is the very centre of human endeavour.’¹² With this new emphasis,

the role of revolution is no longer to liberate men from the oppression of their fellow men, let alone to found freedom, but to liberate the life process of society itself from the fetters of scarcity so that it would swell into a stream of abundance. Not freedom but abundance became the new aim of revolution.¹³

A displacement thus of the very aspiration of political action, a falling short that turns out to be a radical undercutting of the logic of political action.

If this appears a rather odd rendering of Marx, or at least a rather facile turning of the later Marx against his earlier, better self, it is because it is that, both odd and facile, based on an impatient misreading that identifies in Marx the ‘ambition to raise his science to the rank of a natural science’ at the expense of the political, ‘a surrender of freedom to necessity’.¹⁴ ‘The trouble,’ Arendt will tell us, ‘is of a theoretical nature’.¹⁵ Marx’s economic explanations simply merge violence and necessity together back into the sphere

¹¹ *Ibid* 64.

¹² *Ibid* 64.

¹³ *Ibid* 64.

¹⁴ *Ibid* 65.

¹⁵ *Ibid* 64.

that, properly understood, is on the other side of the political, the concept itself of a 'political economy' an impossible merger of two domains.

Antonio Negri, who in *Insurgencies* initially reserves some praise for Arendt's 'very rich and fierce phenomenological exercise', is left 'ill at ease' at this point by her 'definition of constituent power'.¹⁶ 'The constitutive phenomenology of the principle reveals itself as perfectly conservative' and she thus 'bears the responsibility of the contempt towards the multitude that does not want to be the people, of a constituent power that does not want to be the bourgeoisie'.¹⁷

We shall return to Negri's careful rebuttal of Arendt's take on constituent power later. For now we join him in feeling somewhat 'ill at ease' with what in fact confronts us here: an astounding 'partage of the sensible', a carving up and separating-off of the question of human welfare from politics, and the redress of misery from what is properly the political aspiration of freedom. To claim that the masses that storm revolutionary Paris in 1789, and then in 1848 and in July 1871, raise the 'social' rather than the political question, is to sever the question of distribution from the political means of redressing asymmetries in access to the means of production and the distribution of its products. In Arendt, this severing underwrites nothing less than the understanding itself of the political and the possibility itself of freedom.

We have seen how the social/political distinction is mapped onto that between necessity and freedom, and Marxism rejected as suggesting an unsustainable bridging of

¹⁶ A Negri, *Insurgencies* (Minneapolis, University of Minnesota Press, 1998) 16.

¹⁷ *Ibid* 17, 206.

both sets through the notion of exploitation, a move that in Arendt becomes something akin to a categorical mistake. This constitutive severing is buttressed through a second one, and the distinction between compassion and solidarity deployed to qualify further the political proper. With Marx, she has expelled 'exploitation' from the political; with Rousseau she is now poised to expel 'compassion'.

One of the many striking features of the analysis of the 'social question' in *On Revolution* is that it relegates Rousseau to a theorist of 'compassion' in the first place, in taking as fundamental Rousseau's near-axiomatic 'innate repugnance at seeing a fellow human suffer'.¹⁸ Rousseau found compassion to be the most natural human reaction to the suffering of others, and therefore the very foundation of all authentic 'natural' human intercourse'¹⁹:

It was this capacity for suffering that Rousseau had pitted against the selfishness of society on the one hand, against the undisturbed solitude of the mind, on the other. And it was to this emphasis on suffering, more than to any other part of his teachings, that he owed the enormous, predominant influence over the minds of the men who were to make the Revolution, and who found themselves confronted with the overwhelming sufferings of the poor to whom they had opened the doors to the public realm and its light for the first time in history.²⁰

What Rousseau had introduced to political thought, Robespierre carried over into revolutionary practice.

¹⁸ Arendt, above n 2, 71.

¹⁹ *Ibid* 80.

²⁰ *Ibid* 80–81.

To see what Arendt sees wrong in compassion we must take a step back, to return to the idea of representation and what it means to speak ‘on behalf of’:

The men of the [French] Revolution and the people whom they represented were no longer united by objective bonds in a common cause; a special effort was required of the representatives, an effort of *solidarization* [emphasis added] which Robespierre called virtue, and this virtue ... did not aim at the *res publica* and had nothing to do with freedom. Virtue meant to have the welfare of the people in mind, to identify one’s own will with the will of the people – and this effort was directed primarily toward the happiness of the many.²¹

The very definition of the term ‘*le peuple*’ that designates those who were spoken for and on behalf of, is ‘born out of compassion’,²² and the ‘term became equivalent for misfortune (*‘le peuple, les malheureux m’appauvissent’* Robespierre would claim). In the absence of political mediation as such, the legitimacy of the representatives of the people could reside only in the ‘compassionate zeal’ of those who were prepared to raise it to ‘the rank of the supreme political passion and highest political virtue’.²³ They came to express the ‘will’ of the people, and the cue they took from Rousseau was that the general will was what bound the many into one, and thus had to be one (*‘Il faut une volonté UNE’*, Robespierre insisted) or not at all. This ‘speaking on behalf of’ came to supplant ‘all processes of exchange of opinions and an eventual agreement between them’.²⁴

Arendt insists on an important point here: that in the zeal and impetus of this supplanting,

²¹ *Ibid* 74–75.

²² *Ibid* 75.

²³ *Ibid*.

²⁴ *Ibid* 76.

the will is uprooted from the worldly institutions which alone underwrote what they had in common, and thus cancelled it out.

It is on these grounds that Arendt will condemn the colonisation of public space by the ideals of compassion and virtue, and a misconception of solidarity that stems from the latter to inform the former (solidarity will be restored later to its proper political-institutional understanding): ‘Robespierre’s “terror of virtue” cannot be understood without taking into account the crucial role compassion had come to play in the minds and hearts of those who acted in the course of the French Revolution.’²⁵ Compassion, with its gaze on concreteness and particularity, is both inappropriate institutionally and destructive when it informs the acts of the ‘virtuous’, because it collapses the space in-between that commonality demands as constitutive of what it means to share a world:

Because compassion abolishes the distance, the worldly space between men where political matters, the whole realm of human affairs, are located, it remains, politically speaking, irrelevant and without consequence...As a rule it is not compassion which sets out to change worldly conditions in order to ease human suffering, but if it does, it will shun the drawn-out wearisome processes of persuasion, negotiation and compromise, which are the processes of law and politics, and lend its voice to the suffering itself, which must claim for swift and direct action, that is, for action with the means of violence.²⁶

By the time we reach section 4 of Arendt’s chapter, ‘compassion’ has given way to ‘pity’, and its objects, ‘*les malheureux*’, have respectively given way to ‘*les faibles*’ in order for the ‘alternative’ to be designated as ‘solidarity’²⁷:

²⁵ *Ibid* 79.

²⁶ *Ibid* 86–87. From Herman Melville she takes this: ‘[T]hat goodness ... shares with elemental evil the elementary violence inherent in all strength and detrimental to all forms of political organisation’ (*ibid* 87).

²⁷ *Ibid* 88.

‘Solidarity’ allows men to establish deliberately and, as it were, dispassionately a community of interest with the oppressed and the exploited. The common interest would then be the ‘grandeur of man’, or the ‘honour of the human race’, or the dignity of man. For solidarity, because it partakes of reason, and hence of generality, is able to comprehend a multitude conceptually, not only the multitude of a class or a nation, or a people, but eventually all mankind. But this solidarity, though it may be aroused by suffering, is not guided by it, and it comprehends the strong and the rich no less than the weak and the poor; compared with the sentiment of pity, it may appear cold and abstract, for it remains committed to ideas – to greatness or honour, or dignity – rather than to any ‘love’ of men.²⁸

Notwithstanding the perhaps underhand dig at Robespierre – that ‘pity’ has a ‘vested interest in the existence of the unhappy’²⁹ – it has also ‘proved to possess a greater capacity for cruelty than cruelty itself’. ‘Proved’ is an odd word here in the midst of a conceptual analysis, but it does reveal something interesting about a certain bias that returns and returns again to colour the mapping of distinctions. But there is something even more disquieting about the direction that Arendt’s analysis now takes. She aims it, again, at the Jacobins: since the Revolution had opened the gates of the political realm to the poor, this realm had indeed become ‘social’. It was overwhelmed by the cares and worries which actually belonged in the sphere of the household and which, even if they were permitted to enter the public realm, could not be solved by political means, since they were matters of administration, to be put into the hands of experts, rather than issues which could be settled by the twofold process of decision and persuasion.’³⁰ And further: ‘Their [the revolutionaries’] need was violent, and as it were, pre-political; it seemed that

²⁸ *Ibid* 88–89.

²⁹ *Ibid* 89.

³⁰ *Ibid* 91.

only violence could be strong and swift enough to help them.’ This dire section of the chapter on the ‘social question’ finds its disturbing culmination in the concluding paragraph where Arendt asserts: ‘Nothing we might say today, could be more obsolete than to attempt to liberate mankind from poverty by political means; nothing could be more futile and more dangerous.’³¹

What began as an extraordinary analysis of the phenomenology of the revolutionary event, of the constituent and of the novelty of the concept of beginning, thus winds up as bourgeois alarmism. And Negri is surely right to express his unease about a move that ‘at the very moment when she illuminates the nature of constituent power Arendt renders it indifferent in its ideality or equivocal in its historical exemplification.’³² His critique is twofold: her account of the formation of political space ‘becomes the key to a historicist hermeneutics that systematically flattens down, or deforms, the novelty of the event and limits it to the American example’; and the ‘ambiguity of the beginning ... [is] resolved in formal terms, according to the demands of an idealism content to find a correspondence in institutions’.³³

Both points are well taken and developed in *Insurgencies*. But there is also something else important to observe about the trajectory, that has nothing to do with Arendt’s political sympathies or failings, or her admiration for the constitutional arrangement of the US, but more with a process where the drawing of distinctions has

³¹ *Ibid* 114.

³² Negri, *Insurgencies*, n 13 above, 17.

³³ *Ibid* 17.

selectively opened up and simultaneously foreclosed a space for the appearance of the political. What is at stake is the withdrawal of that space of appearance, as in the case where the social demands of recognition and distribution are denied a political register. The denial is then effaced, doubly forgotten or rendered 'immemorial' in Lyotard's precise meaning, when the very purity of the constitutional question demands that its statement in political terms proper – as condition of freedom – is *its unburdening from the social question*.

II. Domesticating the Agon

Arendt's fundamental distinction between the social and the political thus effectively domesticates the agonism that she valorises, evacuating any transformative potential that it might otherwise promise. Arendt offers a powerful image of constituent power as pertaining not only to the act of constituting the laws of government but to the constitution of the common, the disclosure of a common world.³⁴ For her, a revolution is properly political to the extent that it aims at constituting and preserving a space of appearances within which citizens can continue to engage in a striving for distinction and recognition. From the agonistic interplay of a plurality of perspectives brought to bear within the public sphere, the commonness of the world that lies between citizens is

³⁴ Arendt, above n 2, 145.

constantly disclosed and reconstituted. While *liberation* from domination by men and the necessities of nature is a condition of possibility for the establishment of such a space of appearances, this space, she insists, emerges only through the enactment and enjoyment of *freedom* as an end in itself.

In contrast to her characterisation of the necessity, hierarchy, obscurity and conformity of the social, her conception of the political in terms of spontaneity, equality, publicity and plurality presents an inspiring image of constituent power. Indeed, Negri admires Arendt for having ‘given us the clearest image of constituent power in its radicalness and strength’.³⁵ Constituent power inheres in the exhilarating experience of initiatory action, but ultimately also in the production of the common. For Arendt, as Negri puts it, freedom ‘becomes public space, constituting a communicative relation, its own conditions of possibility and therefore its own strength. It is the polis. Freedom is a beginning that poses its own conditions’.³⁶

Scholars of Arendt have been tempted to bracket the reactionary or ‘elitist’ element of her thought that is encapsulated in her conception of the social, in order to appropriate the ‘democratic’ strain, which celebrates the creative, world-disclosing essence of the political.³⁷ But such a selective reading of Arendt is limited because her

³⁵ Negri, above n 13, 19.

³⁶ *Ibid* 15.

³⁷ See, eg, M Canovan, ‘The Contradictions in Hannah Arendt’s Thought’ (1978) 6 *Political Theory* 5; and J Habermas, ‘Hannah Arendt’s Communications Concept of Power’ (1976) 4 *Social Research* 3, 15: ‘I want only to indicate the curious perspective that Hannah Arendt adopts: a state which is relieved of the administrative processing of social problems; a politics which is cleansed of socio-economic issues ... The path is unimaginable for any modern society.’

political ontology is underpinned by a dichotomy between necessity and freedom. One cannot bracket here without undoing, or at least leaving the political fundamentally under-determined. Indeed, for Arendt, the achievement of action is precisely the transcendence of necessity: the causal relations to which the natural world is subject. It is through this transcendence that actors distinguish themselves as human. Conversely, subjection to necessity is inherently dehumanising. To be subject to necessity is to be deprived of the possibility of meaningful action and the existential achievement of self-disclosure. Hence her unflattering descriptions of “savages”, stateless people, the poor and other marginalised groups.

For Arendt, human beings are capable of action by virtue of being born. She takes birth, here, not as a biological fact that humans share with animals but as a social fact, since only human beings *appear* at birth in a world that is constituted through work and action. This world is a condition of possibility for the *event* of birth because the human artifice produced through work provides a measure of durability and permanence against the cyclical futility of nature. Moreover, the web of relationships that are constituted through action provides a social context in which the event can be witnessed, commemorated and invested with meaning.

Correlatively, the established constitution of a political community is part both of the artifice of things (as *nomos*, its wall-like aspect enclosing the common) and of the web of relationships (as *lex*, its relational aspect constituting individuals as persons through mutual recognition). The purpose of the constitution is to enable the continuity of the community through time by providing a measure of permanence to human affairs, to *house* the space of appearances, making possible an organised remembrance. Moreover,

it provides a measure of predictability through establishing shared expectations, that enables the polity to act into the future. The purpose of a constitution should be to commemorate the inaugural event through which the community is constituted, so that the principle of freedom it revealed can inspire and animate the public sphere of the constituted community. Through speaking and acting together within this public sphere citizens would thus enact their freedom anew, augmenting the authority of the constitution that was anticipated in its founding moment.

Arendt's thought has the merit of returning our attention to the fundamental dimension of politics as always ultimately concerned with the constitution of the common. However, it is difficult to extract from her work a conception of transformative politics precisely because her conception of action is 'ontologically rooted' in the 'fact of natality'.³⁸ For her, the world-disclosive possibility of action is tied to the desire for self-disclosure, which she takes to be part of the human condition. The struggle for recognition to which this gives rise and the common that it discloses emerges against the dark background of the sheer givenness of human existence in a state of nature. What this ontological grounding of agonism elides, however, is how the common itself, its stakes and its shares, can become the object of political contest.

To be sure, in the Arendtian public sphere, individuals contest the way the world appears to them through the exchange of opinions. But politicisation typically entails a struggle to represent a rival image of the common, which denaturalises our common sense of the world. Arendt's interest in the initiatory quality of praxis, however, does not

³⁸ H Arendt, *The Human Condition*, 2nd edn (Chicago, Ill, University of Chicago Press, 1998) 247.

arise from a concern to conceptualise acts of politicisation. Rather, her concern is with resisting the rise of mass society, which made possible totalitarianism. In particular, Arendt deplores the emergence of what Foucault would call biopolitics ('the rise of the social') in which the life process of society (or the population) becomes the primary concern of politics. Arendt blames the modern elevation of life to the highest of goods for the spread of world-alienation, loneliness, and the futility and meaninglessness of modern life, which created a vacuum within which totalitarianism could emerge.

In modernity, the scope for human freedom has been diminished because the activity of labour and its concern with satisfying the needs of the body – 'making life easier and longer' – have come to dominate the public realm.³⁹ While Arendt distinguishes the political sharply from the social, then, this is not a simple opposition. Whereas, for Arendt, our political interest in actualising freedom is a properly public concern, our economic interest in sustaining life is a properly private concern. The social, in contrast, is a hybrid realm that comes about by the improper pursuit of economic concerns in public life. Society is the 'public organization of the life process itself ... the form [of living together] in which the fact of mutual dependence for the sake of life and nothing else assumes public significance'.⁴⁰ The cost of elevating life as the ultimate end of political organisation is that human affairs are deprived of the reality and significance that comes from the world-disclosing activity of *praxis*.

³⁹ *Ibid* 208.

⁴⁰ *Ibid* 46.

Arendt turns to the Greek *polis* to recuperate a conception of the political that might redeem the contemporary world from this malaise. She looks to the experience of the Greek *polis* not out of nostalgia but, she claims, because ‘a freedom experienced in the process of acting and nothing else – though, of course, mankind never lost this experience altogether – has never again been articulated with the same classical clarity.’⁴¹ And it is in this context that she appropriates the Aristotelian distinction between *zoe* and *bios*: ‘between activities related to a common world and those related to the maintenance of life, a division which all ancient political thought rested as self-evident and axiomatic’.⁴² According to Aristotle, she observes, the good life

was “good” to the extent that 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.⁴³

The political ontology that she outlines in *The Human Condition* (with its threefold distinction between labour, work and action) thus accounts for the intransigence of the distinction between the social and the political that pervades her conceptual and historical analyses in *On Revolution*. Whereas the activity of labour corresponds to the human condition of life itself, the activity of *praxis* corresponds to the condition of plurality. Labour is inherently unpolitical and potentially anti-political for Arendt, since it is ‘an activity in which man is neither together with the world nor with other people, but alone

⁴¹ H Arendt, *Between Past and Future* (Harmondsworth, Penguin, 1993) 165.

⁴² Arendt, above n 35, 28.

⁴³ *Ibid* 36, 37.

with his body, facing the naked necessity to keep himself alive'.⁴⁴ While labour may be organised and undertaken as a collective enterprise, it does not reveal anything of the world that lies between those engaged together in sustaining life. It 'has none of the distinctive marks of true plurality', since in labouring together human beings do not act as unique individuals but as 'mere living organisms' that are 'fundamentally all alike'.⁴⁵

Arendt's brief but approving references to the agonism of the Greeks are made in this context. She contrasts the ancient concern to distinguish oneself in public before one's peers with the conformist behaviour of modern society and its equality based on sameness. In Athens, she writes, the public realm 'was permeated by a fiercely agonal spirit, where everybody had constantly to distinguish himself from all others, to show through unique deeds or achievements that he was the best'.⁴⁶ The public realm 'was the only place where men could show who they really and inexchangeably were'.⁴⁷ Arendt turns to the experience of the *polis* to articulate a conception of the political as a space of appearances, 'the organization of the people as it arises out of acting and speaking', an emergent space which 'can find its proper location almost anytime and anywhere'.⁴⁸

Now it is of course true that scholars inspired by Arendt's agonistic conception of politics do acknowledge that her strict separation of the social and the political is untenable since it precludes matters of social justice from public debate and privatises

⁴⁴ *Ibid* 212.

⁴⁵ *Ibid*.

⁴⁶ *Ibid* 41.

⁴⁷ *Ibid*.

⁴⁸ *Ibid* 198.

social suffering. But what is untenable on the one hand must simultaneously be presupposed on the other. For the separation of the social and the political underlies Arendtian agonism in order to explain how *socially* determined identities can be transcended through *political* action in which new subject positions are enacted. Yet, as Jean-Philippe Deranty and Emmanuel Renault argue convincingly,⁴⁹ this account of the transcendence of oppressive identities is inadequate because it fails to account for how social experience can be constitutive for political action. Indeed, what is required is an account of the *modes of politicisation* through which the social comes to be viewed as political, how the suffering that Arendt associates with necessity is revealed as socially produced.⁵⁰ But, as we have already seen, it is precisely in response to such an understanding of exploitation that Arendt formulates her distinction between the social and the political.

Might it then be possible, nevertheless and despite Arendt's own intentions, to recast her *spatial* conception of the political (with its sharp distinction between the separate 'realms' of necessity and freedom) as a *process* of politicisation (that enables a mediation between necessity and freedom)? This is the suggestion argued by James

⁴⁹ J-P Deranty and E Renault, 'Democratic Agon: Striving for Distinction or Struggle against Domination and Injustice?' in A Schaap (ed), *Law and Agonistic Politics* (Farnham, Ashgate, 2009) 43.

⁵⁰ See H Pitkin, 'Justice: On Relating Private and Public' (1981) 9 *Political Theory* 327, and R Bernstein, 'Rethinking the Social and the Political' in R Bernstein, *Philosophical Profiles* (Philadelphia, University of Pennsylvania Press, 1986) 238, much-cited criticisms of the untenability of Arendt's attempt to distinguish between the 'social' and 'political' aspects of a single issue such as 'housing', and the way her thematisation of the distinction undercuts any attempt to relate private and public by publicising the social causes of personal suffering.

Clarke,⁵¹ who suggests that a revised Arendtian approach enables us to understand how human needs might be ‘politicized’ insofar as they can become the object of interpretation and discussion. If we acknowledge that the social is the terrain both of state intervention and wider political contestation, we can understand the relation between the social and the political in terms of the logics of depoliticisation and repoliticisation. On the one hand, the social can thus be understood as the realm of sedimented political practices in which needs become naturalised. When these needs are asserted in the public sphere as given, obdurate and incontestable, this can lead to an anti-political politics. On the other hand, when the interpretation of the origin, nature and appropriate form of satisfaction of needs and their satisfaction is treated as an object of public debate, needs might be politicised.

On this account, relations of domination that have been naturalised through the private/public distinction are not *immediately* political. Rather, they *become* political when *meditated* through public action, when a ‘we’ emerges that recognises social relations as contingent and therefore potentially transformable. Although the effects of oppression are always personally experienced, oppression ‘only becomes political when others recognize it as a shared reality and, further, when it can become the basis for solidarity and action’.⁵² In other words, demands for the satisfaction of needs become political only when they carry with them the world-disclosing potential that for Arendt is

⁵¹ J Clarke, ‘Social Justice and Political Freedom: Revisiting Hannah Arendt’s Conception of Need’ (1993) 19 *Philosophy and Social Criticism* 333.

⁵² *Ibid* 342.

the defining feature of action. On this account it is possible to imagine an agonistic politics of need that would involve the politicisation of social suffering.⁵³

And yet even this careful Arendtian account of becoming-political stumbles on Arendt's very starting points. An Arendtian conception of the political is inadequate for thematising acts of politicisation because it only allows for the emergence of a 'we' in a situation where political actors are *neither for nor against but only 'with' others*. The agonistic striving for distinction can take place only within a community of equals. Consequently, the struggle to overcome social domination can be understood only as a pre-political act of liberation, following which a new political freedom might be inaugurated. And it is here, perhaps, above all that Arendt may have stood to learn something from Marx had she not been so quick with her wholesale dismissal.⁵⁴ As neo-Marxists (Negri, Badiou and Rancière amongst them) have variously argued, the productivity of political action, the constitution of new forms of commonality or subjectivity first emerge precisely in moments of political antagonism. Far from being a necessary precondition for politics, equality is more often than not the object of political dispute, in situations where equality (even visibility) must be claimed by actors from an opponent who denies it to them. By engaging in a struggle for recognition, parties to a

⁵³ See, eg, A Schaap, 'The Politics of Need' in A Schaap, D Celermajer and V Karalis (eds), *Power, Judgment and Political Evil: In Conversations with Hannah Arendt* (Farnham, Ashgate, 2010) 157.

⁵⁴ See B Parekh, 'Hannah Arendt's critique of Marx' in M Hill (ed), *Hannah Arendt: The Recovery of the Public World* (New York, St Martin's Press, 1979); C Holman, 'Dialectics and distinction: Reconsidering Hannah Arendt's critique of Marx' (2011) *Contemporary Political Theory* 10(3), 332-353.

conflict *demonstrate* their equality; and in doing so, disclose new subject positions and another possible world.

Citing John Adams in *On Revolution*, Arendt asserts that the fundamental deprivation suffered by the poor is that of appearance within a common world. She observes sympathetically that ‘Marx’s effort to rewrite history in terms of class struggle was partially at least inspired by the desire to rehabilitate posthumously those to whose injured lives history had added the insult of oblivion’.⁵⁵ Rancière agrees that the political wrong suffered by the poor consists in their invisibility. However, he rejects Arendt’s suggestion that only someone such as Adams, who had experienced the joy of public life, could appreciate what it would mean to be deprived of the *bios politikos*. On the contrary, he points out that the politics of the poor have invariably concerned ‘precisely their mode of visibility’.⁵⁶ If Arendt misses this, it is due to her stubborn insistence on the dichotomy between necessity and freedom. And where there are moments in Arendt’s work where her *historical* observations seem to bring her close to the realisation of how freedom can be enacted through an antagonistic politics aimed at abolishing inequality, these moments are quickly passed over through the reassertion of a political ontology that constitutively undercuts that realisation before it can surface.

III. Depleting the Space of Appearances

⁵⁵ Arendt, above n 2, 69.

⁵⁶ J Rancière, ‘Ten Thesis on Politics’ (2001) 5 *Theory & Event* 1, 26.

There is a less-discussed section in *The Human Condition* that bears out the contradictions in Arendt's thought in a revealing way. It is where Arendt interrupts her phenomenological analysis to remark on 'the extraordinarily productive role which the labour movements have played in modern politics'.⁵⁷ This political productivity came about when those involved in the labour movement took it upon themselves to self-organise, developing their own ideas and practices of self-government, exemplified in the brief flourishing of council democracy. She says:

When the labour movement appeared on the political scene, it was the only organization in which men acted and spoke *qua* men – and not *qua* members of society. For this political and revolutionary role of the labour movement ... it is decisive *that the economic activity of its members was incidental* and that its force of attraction was never restricted to the ranks of the working class. If for a time it almost looked as if the movement would succeed in founding, at least within its own ranks, a new public space with new political standards, *the spring of these attempts was not labour* – neither the labouring activity itself nor the always utopian rebellion against life's necessities – but those injustices and hypocrisies which have disappeared with the transformation of a class society into a mass society and with the substitution of a guaranteed annual wage for daily or weekly pay.⁵⁸

The argument is riddled with circularity and contradiction.

Arendt begins by conceding the 'apparently flagrant discrepancy between *historical fact* – the political productivity of the working class – and the *phenomenal data* obtained from [her] analysis of the labouring activity'.⁵⁹ 'Apparently flagrant' is an odd

⁵⁷ Arendt, above n 35, 216.

⁵⁸ *Ibid* 219.

⁵⁹ *Ibid* 217.

formulation that captures something of her unease at the wedge she herself has driven between the history of constituent political power of the labour movement and her political ontology that denies them that their action is political, let alone constituent. To get herself out of this 'apparently flagrant discrepancy' she will claim that the labour movement was really only incidentally about labour. It was not the 'necessities' associated with a decent wage, decent working conditions, a degree of control over the productive process, the re-appropriation of the means of production, the scope of claims that one would assume make the labour movement a *labour* movement. Instead, for Arendt, it was about 'founding a new public space' where workers would act '*qua* men – and not *qua* members of society', 'at least', she concedes enigmatically, 'within its own ranks'. Are we to assume that the meaning of that confinement (its own ranks) is to some form of workplace democracy?

Obviously Arendt has nothing so confining in mind, and in order to rescue the political from the social, she will go on to insist that the contradiction into which she is led by her political ontology is only apparent. For, she argues, the world-disclosing (and therefore 'properly political') aspect of the labour movement 'stemmed from its fight against society as a whole'. But with this desperate gesture to cleanse the movement from its origin in and connectedness to the social, in order to restore it untainted as properly political, Arendt tips the balance the other way. A 'fight against society as a whole' imports antagonism, a fight not on a political plane but against those who have appropriated that plane: against, thus, the bourgeois appropriation of the public sphere on

the basis of the particular configuration of the public/private distinction.⁶⁰ Arendt is right to sense in the labour movement a challenge to precisely that configuration, one that relegates the demands of those at work to the private sphere and thus submits her valued principles of association – as non-political – to capitalist accumulation. A reaction of this kind and magnitude can only be antagonistic, not productive, to the public sphere as given. But now Arendt is caught. On the one hand her insistence on ‘natality’ draws her to world-disclosure of a different kind, that breaks into the given with the promise of the new. On the other hand her political ontology and the entrenchment of the social/political distinction prevents her from acknowledging what is distinctive about what the labour movement discloses to politics, because that would be founding the political in the social.

If antagonism was the condition of possibility for the dramatic appearance of the labour movement on the political scene, Arendt’s conception of constituent power is emaciated precisely because she wants to isolate it from the social struggle – with *its* stakes, *its* subject-positions and *its* opportunities of disclosure – that gives rise to its appearance in the first place. She deprives it of any possible political purchase by abstracting world-disclosure from the material social context within which political actors come into conflict.

⁶⁰ Negri makes the insightful point that in Arendt’s thematisation of constituent power, the ‘antagonistic event disappears’ (Negri, above n 13, 18). For Negri, in contrast, the creative moment of politics emerges not in agonism but antagonism: ‘there can be no creation without antagonism’. See A Negri and C Casarino, *In Praise of the Common: A Conversation on Philosophy and Politics* (Minneapolis, University of Minnesota Press, 2008) 129. Negativity is a productive principle: ‘because negativity produces, it destroys the dialectic, that is, it produces an unassimilable surplus’ (*ibid*).

There is something both profound and disquieting in all this. Arendt's phenomenology is about what appears as political, with its attendant attributes and functions of disclosure. To distil this emergence of the political and identify the possibilities of action that pertain to it she will resist any form of 'instrumentalization of action and [with it] the degradation of politics into a means for something else', and she will cleanse it of its origin in social divides and hierarchies. To this, she will establish a principle of formal equality and plurality as proper to the political – proper in the fundamental sense of constitutive – where discrimination and sheer difference characterise the social. That is how the political is first enabled in the mapping out through the specific binarisms and the opportunities they sustain.

Arendt has been celebrated for her uncompromising defence of the political and her eloquent analysis of all that it sustains and makes possible: new beginnings, solidarity, wordliness. And she has policed the boundaries of the political from all aspects of society's life that would impinge on it with claims that are properly those of administering and dealing with necessity. As in ideology's most pervasive move, the enabling move displaces alternatives that are simultaneously occluded and forgotten. Forgotten in the sense that their occlusion is what enables the appearance, furnishes the modality of appearance. If freedom cannot be tied dialectically to necessity it is because to retrieve necessity is to deny freedom, it is to fold or collapse the space for the appearance of freedom. There is no political space in Arendt in which the social question can find political expression, because political expression – the realm of the in-between, of freedom and the rest – is what necessity *is not*. The effacement is at the level of context, at the level of what opens up meaningfully to perception.

If the phenomenological moment is what is most valuable in Arendt – the process, that is, of the appearance of the political with all its world-disclosing brilliance – it is an emergence that Arendt can only *tentatively* sustain and sustain at a huge *cost*. The cost has to do, as we saw, with the bracketing from the sphere of properly political action and debate of all that which for her would contaminate it with society's concerns and the administration of life's necessities. 'Tentatively' because the political must be maintained as agonistic rather than antagonistic at all costs, maintained that is through the distribution of speaking positions that guarantees a certain confluence along given coordinates. Against this confluence, antagonism would import a constitutive negativity. And import it, for Arendt, in a way that would undercut the political. In the forms that Arendt was perhaps most eager to excise, it aimed to resist the move itself that discloses politics and sustains the plane of appearance as reductive, because depleted of what could in fact alone be constitutive of it as 'common': the equal share in the processes of social labour and the fruits of social production.