

**From Authority to Authoritarianism and back again:
Max Weber, Carl Schmitt, and Hannah Arendt**

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~~THE RISE AND DEVELOPMENT OF TOTALITARIANISM AND AUTHORITARIAN FORMS~~Authority
~~OF GOVERNMENT~~ IN THE TWENTIETH CENTURY

by Hannah Arendt

- I -

The rise of fascist, communist and totalitarian movements and the development of the two totalitarian regimes we knew, Stalin's after 1929 and Hitler's after 1933, took place against a background of a more or less general, more or less dramatic breakdown of all traditional authorities. Nowhere was this breakdown the direct result of the regimes or movements themselves, but it seemed as though totalitarianism in the form of regimes as well as of movements was best fitted to take advantage of a general political and social atmosphere in which the validity of authority itself was radically doubted.

The most extreme manifestation of this climate which, with minor geographical and chronological exceptions, has been the atmosphere of our century since its inception, is the gradual breakdown of the one form of authority which exists in all historically known societies, the authority of parents over children, of teachers over pupils and, generally of the elder over the younger ones. Even the least "authoritarian" forms of government have always accepted this kind of "authority" as a matter of course. It ~~always~~ has seemed to be required as much by natural needs, the helplessness of the child, as by political necessity, the continuity of an established civilization which can be assured only if those who are newcomers by birth, are guided through a pre-established world into which they are born as strangers. Because of its simple and elementary character, this form of a strictly limited authority has, throughout the history of political thought, been used and abused as a model for very different and much less limited authoritarian systems. (1)

It seems that ours is the first century in which this argument ~~carries no longer~~ an overwhelming weight of plausibility; it announced its anti-authoritarian spirit nowhere more radically than when it promised the emancipation of youth as an oppressed class and called itself the "century of the child". We cannot follow up here the implications of this early self-interpretation ~~which are manifold~~; nor are we interested now in the various schools of "progressive education" where this principle found its realization. But it may be worth noting that the anti-authoritarian position has been driven to the extreme of education without authority only in the United States, the most egalitarian and the least tradition-bound country of the West, where precisely

- (1) The first to use this argument seems to be Aristotle, when in his Politics he wishes to demonstrate that "every political community is composed of those who rule and those who are ruled." (1332b12) There he says: "Nature herself has provided the distinction... (between) the younger and the older ones, of whom she fitted the ones to be ruled and the others to rule." (1332b36)

Abstract

From Authority to Authoritarianism and back again: Max Weber, Carl Schmitt, and Hannah Arendt

From Authority to Authoritarianism develops an immanent critique of authority in the thought of Weber and Schmitt, and rethinks the notion from a post-foundational perspective. The thesis follows Arendt and Honig to conceptualise authority as *resistible* and thus open to democratic contestation and renegotiation. The objective is to intervene in current debates about the distinction between *authoritative* politics proper to democratic institutions and regimes, and *authoritarian* politics that undermine democratic procedures and processes. Post-foundational understandings of democracy tend to distrust authority. In some cases they actively undermine it. This argument - in defence of democratic authority - conceptually clarifies how it is distinct from authoritarianism. It then critically examines the operations necessary for democratic regimes to produce and regulate authoritative political institutions. *From Authority to Authoritarianism* thus responds to the failure of democratic theory to adequately conceptualise and defend democratic institutions against authoritarian populism. To this end, I conduct a critical analysis of “authority” in the thought of Weber, specifically his typology of legitimate rule. Via a heterodox reading of the text informed by translation theory and Cedric Robinson’s critique of the metaphysics of order underlying Weber’s thought, I deconstruct the interpretation of *charismatic* authority as haunted by the idea of sovereignty. Weber’s metaphysical conceptualization of sovereignty is radicalized by Schmitt and becomes a fascist theory of decisionist sovereignty. Schmitt’s critique of representation in *Dictatorship* is the breaking point when his project turns away from reconceptualizing authority upon post-foundational premises toward decisionist sovereignty. Focusing on this moment of break, this study underscores the role of the concept of authority in the rise of fascism and the subversion of democratic institutions. However, in seeming contradiction, it also identifies the significance of the concept for a defence of constitutional politics – a hidden possibility in Schmitt’s account. This allows us to distinguish the metaphysical remnants and transcendental logics that render the understanding of authority anti-democratic limiting its genuinely democratic potential. I contend that when we take seriously Arendt’s refutation of absolutes and her emphasis on human plurality, as Bonnie Honig urges us, we must begin from authority’s *resistibility*. Authority then is understood as a practise at which heart lies the potential of its contestation and renegotiation. This resistible understanding of authority, the thesis concludes, allows us to rethink democratic institutions and regime politics critically. It appreciates authority’s reliance on recognition and active augmentation and is thus compatible with and, indeed, complimentary to a post-foundational understanding of democratic politics that rejects political essentialism.

Key words: authoritarianism, political authority, Max Weber, Carl Schmitt, Hannah Arendt, post-foundationalism, democracy.

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Author's Declaration

I declare that the research contained in this thesis, unless otherwise formally indicated within the text, is the original work of the author. The thesis has not been previously submitted to this or any other university for a degree, and does not incorporate any material already submitted for a degree.

Brighton, the 14th of April 2022

A handwritten signature in black ink, appearing to read 'V. Huegel', with a stylized flourish at the end.

Viktoria Huegel

Contents

Abstract	i
Acknowledgements	ii
Author's Declaration	iii
Introduction: On Authority and "New Authoritarianism"	1
1. The argument	1
2. The stakes	4
3. The scope	9
4. Methodological considerations	11
5. The structure	13
Chapter 1: What is Authority?	17
1. Modernity, disenchantment, and the crisis of authority	19
2. Authority and political foundationalism	27
3. Contemporary accounts of political authority and their limitations	34
4. Asking again: what is authority?	39
Chapter 2: Max Weber. Charismatic Authority	48
1. Charismatic authority and democratic change	49
2. Revisiting Weber's notion of authority: methodological considerations	53
3. Translation, substitution, untranslatables	58
4. Authority, order, tendential closure	63
5. Charisma and messianic intervention	71
Chapter 3: Carl Schmitt. From Commissary Authority to Sovereign Intervention	79
1. Dictatorship as democratic institution	83
2. The lack of legitimacy and personal authority in liberal positivism	91
3. Popular sovereignty and the end of authority	97
4. Schmitt's pathos of authority	105

Chapter 4: Hannah Arendt. Resistibility and De-authorization	113
1. The breakdown of authority: learning to live with ghosts	115
2. Arendt's regicide: disenchanting the philosopher king	121
3. The limits of extraordinary authority	132
4. Resistibility and the practise of authority	141
Conclusion	147
Bibliography	152

It is a curious fact that the problem and notion of authority have been little studied. Questions pertaining to the transfer of authority and its genesis have been the main concern, while the actual essence of this phenomenon has rarely attracted any attention. However, it is obviously impossible to tackle political power or even the structure of the state without knowing what authority is as such. A study of the notion of authority, albeit provisional, is therefore essential, and must precede any study of the question of the state.¹

– Alexandre Kojève, *The Notion of Authority*

Introduction: On Authority and “New Authoritarianism”

In the face of far-right movements and anti-democratic practises arising from within liberal democratic regimes, theorists, commentators, and thinkers of all stripes have hurried to diagnose what is commonly coined “new authoritarianism.” In an attempt to understand the origin of these developments, this literature, however, fails to pose a significant question: what is actually meant by “authoritarianism” and what distinguishes it from the political authority proper to democratic regimes? The fact that these developments undermine the democratic values in whose name they are promoted and erode the very democratic institutions and procedures upon which they are legitimised, poses a profound problem for contemporary thought and politics, and leaves us unable to draw a line between authoritarian trends and ordinary fluctuations of democratic regime politics.

Aiming to reach a better understanding of the new authoritarian threat in our midst and, moreover, to identify a new vocabulary that allows for their refutation, this dissertation tends to the root of this threat: the notion of authority. It proceeds from the conviction that understanding the role of authority in modern democracies is crucial to both criticize and defend democratic institutions and constitutional frameworks against authoritarian trends from the far-right.

1. The argument

The argument of this dissertation is twofold. First, I argue that the idea of authority has too often been subsumed in discussions of sovereignty and has therefore been understood as just

¹ Kojève here recites Carl Schmitt’s influential beginning of *The Concept of the Political*, however, replacing the notion of “the political” with “authority”. It is a strong gesture of Kojève, imposing on authority the same significance than “the political” had been given since Schmitt. I am grateful to Kyle Moore and Jorge Valera for making me aware of this.

another form of domination. This is problematic, however, insofar that it neglects the way that the power that comes with authority relies on the recognition of its followers whereby authoritative action relies on the potential for its democratic contestation. Second, I contend that the understanding of political authority is vital to critically address the state of contemporary political rule in democratic regimes and defend democratic institutions and procedures against their erosion by anti-constitutional forces. For that, I reconceptualize political authority as proper to democratic regimes, that is, as holding the potential for its own democratic contestation and renegotiation.

The aim that I set out for this thesis is to reconceptualize political authority and reconsider its role in democratic regimes. Following the conviction of Alexandre Kojève (2014), I argue that an understanding of political authority is necessary for the distinction between different kinds of hierarchical relationships in political life: on the one hand, authoritative relationships of democratic institutions and political leadership that provide the continuity and stability necessary to democratic regimes, particularly in modern post-truth society; on the other, authoritarian forms of rule that threaten to suppress democratic politics and acts of resistance. The investigation of political authority is therefore concerned with gradations of rule in a political regime, rather than the question of the legitimacy of a particular political order. In particular liberal democratic theory, as I argue in the first chapter, commonly equates these two questions treating the issue of political authority as a simple binary.² Too often we find that the political order is assumed to be either absolutely authoritative, in which case any form of protest or resistance against its governing bodies is illegitimate and unjust; or the existing political order together with its institutions and political procedures holds no authority at all over its subjects, and any form of governing equally constitutes an attempt of oppression. In contrast to that, Jubb (2019) concludes that a *disaggregated* understanding of authority, i.e., an account of authority that can grasp gradations in political rule, is crucial for the response to undemocratic forms of protest and civil disobedience. Indeed, Hannah Arendt in her study *On Violence* (1970) contends that authority is related to but analytically distinct from other forms of rule. The hierarchy created by authority relies on voluntary obedience which distinguishes it from relationships based on force and violence, on the one hand, and from democratic relationships based on equality and mutual agreement, on the other side. Instead, it creates a hierarchy in which legitimacy is recognized by both sides, those in position of authority and those who obey their authority. Political authority as distinct from authoritarian forms of rule promises, according to Arendt, to provide stability and give guidance to the fragility of human words and actions.

² Jubb, Robert. 'Disaggregating Political Authority: What's Wrong with Rawlsian Civil Disobedience?' *Political Studies*, vol. 67, no. 4, Nov. 2019, 955–71. For a more detailed discussion of Jubb's account please see Chapter 1 of this work.

It is therefore not surprising that political authority became an important topic with growing societal fissures and threats to the democratic constitution in Germany at the beginning of last century. Indeed, the reconsideration of political authority constitutes an important link between the work of the three thinkers this work attends to: Max Weber, Hannah Arendt, and even Carl Schmitt. All three of them, I argue, undertook a serious attempt to reconceptualize political authority for modern democratic regimes. In light of the demise of traditional sources of authority (God, Nature) upon which political orders previously relied, Weber recognized the need for a new understanding of political authority that can derive its validity from the democratic power of the people thus constituting a power that could unify them against anti-constitutional forces from both extremes of the political spectrum. With *charisma* Weber hoped to have found a democratic form of authority that did not rely on traditional hierarchies or absolute grounds which could no longer sway the public in modern society. Like previous forms of authority, it relies on the recognition of those who obey. However, its recognition no longer relies on established socio-political structures and custom. Instead, charismatic authority is recognised as the extraordinary abilities of a person whereby they are able to generate political movements against hegemonic political structures. Drawing on the critique of Weberian authority voiced by Cedric Robinson and Erica R. Edwards, I demonstrate that the underlying narrative of messianic, sovereign intervention renders charismatic authority de facto irresistible.

Weber's understanding of charismatic authority as a personal characteristic independent from traditional and bureaucratic orders, and seemingly of politico-epistemological orders more generally, is emblematic for the conflation of authority and sovereignty in contemporary democratic theory. The significance of this conflation becomes most evident in Schmitt's theory of decisionist sovereignty, which substitutes political authority for democratic regimes. For Schmitt, political authority is incompatible with modern democracy since there are no absolute grounds for its validity. Democratic legitimacy cannot replace such grounds. The 'popular sovereign' is always in itself fractured and divided. Schmitt therefore equates political authority with the intervention of the sovereign, a revelatory moment that becomes the source of its own justification. Both Weber and Schmitt conceal operations of recognition upon which charismatic authority relies and, with that, authority's primary social and dynamic character. Following Pablo Oyarzún (2011), I argue that this claim to validity independent of recognition attempts to suppress the moment of democratic contestation inherent to authority. Instead, it forces obedience. The emphasis on sovereign intervention induces "the transformation of this principle into open authoritarianism (or patriarchal power.)"³ If recognition distinguishes authority from authoritarianism and other forms of domination, then it needs to be conceptualized in a way that preserves exactly this moment of openness for its own renegotiation and democratic contestation.

³ Oyarzún Robles, Pablo. 'On the Concept of Authority'. *The New Centennial Review*, vol. 11, no. 3, 2011, 234.

Weber, Schmitt, and contemporary liberal theorists of authority fail to think political authority as anything other than a metaphysical concept derived from absolute grounds (like God or Nature). Authority, I argue, is anti-foundationalist. The moment it claims absolute validity it contradicts its defining quality of recognition.

This dissertation, then, develops a deconstruction of political authority as prevalent in political theory and for which the accounts of Weber and Schmitt have been archetypal. It follows Arendt's critique of this understanding of authority – a critique, I argue, that constitutes an *exorcism*. Arendt conjures those metaphysical remnants in modern understandings of authority that are responsible for the conflation of authority with the idea of sovereignty, and shows that authority as it has been passed on in the history of Western political thought originates in Plato's appropriation of the term for an antidemocratic subordination of the political realm. By giving this understanding of authority an origin story, I argue, Arendt opens the term itself to redefinition and negotiation and, moreover, begins to conceptualize authority (for instance, the authority imposed by a figure like Plato) as resistible and thus compatible with agonistic forms of democratic contestation.

In the remainder of this introduction, I expand upon four aspects of the argument: first, I lay out the political and scholarly stakes of my research by addressing the inability of democratic theory to respond adequately to current authoritarian trends; second, I address the scope of this work; third, explain the methodological considerations that underpin my studies; and lastly, I provide an overview of the following chapters.

2. The stakes

What is authority? “Whenever philosophy even glances at this question, writes Charles Hendel in the special issue of *Nomos I* on the authority, “it seems to have eyes only for freedom and ignores authority.”⁴ Similarly, the role of political authority has always constituted a problem for democratic theory. Like political rule, authority implies the creation of a hierarchy and the demarcation of the public space, both of which would appear to conflict with democratic values of equality and freedom. Indeed, it seemingly becomes impossible to think authority as anything other than the opposite of freedom. Nancy Luxon (2013) points out, following the assumption that the experience of authority cannot be other than that of mere obedience and subordination, that in political theory there prevails a fantasy of liberation from authority.⁵ Political authority,

⁴ Hendel, Charles. ‘An Exploration of the Nature of Authority’. *Nomos I: Authority*, edited by Carl J Friedrich, Harvard University Press, 1958, 7.

⁵ Luxon, Nancy. *Crisis of Authority: Politics, Trust, and Truth-Telling in Freud and Foucault*. Cambridge University Press, 2013, 9.

however, has a role to play in the preservation of democratic regimes, and without facing this role political theory lacks the vocabulary to distinguish between, on the one hand, those forms of rule inherent to democratic institutions and procedures that foster democratic forms of contestation and negotiation, and on the other hand authoritarian forms that call for democratic intervention and resistance.

The background to which this inquiry into the notion of authority responds is what thinkers and commentators have coined “new authoritarianism”⁶. At different places in the world, we are observing a rise of anti-democratic politics. In one country after another, social movements perpetuate xenophobic and racist narratives generating social divisions that are based on mutual fear and resentment.⁷ This goes hand in hand with more surveillance and policing for those parts of the populations demarcated as a potential threat to the well-being of the nation. Scholars and commentators decry how these leaders continue to undermine democratic institutions, openly disregard the rule of law and meddle with checks and balances. There is a growing awareness and anxiety amongst both theorists and commentators how these developments trespass the normal spectrum of electoral politics in liberal democratic states: Current right-wing movements permit, even encourage, the undermining of democratic institutions and constitutionalism. These movements are animated by authoritarian leadership that undermines the core elements of liberal democratic society – egalitarianism, pluralism, and free press – that have long been assumed to be stable and durable.⁸ The problem for contemporary political theory is that these trends do not compound, as Max Pensky argues, some “mythic return of democracy’s long buried other, but (are) part of the physiognomy of liberal democracy itself.”⁹ As these authoritarian tendencies develop within established democratic societies, their appearance contradicts the common dogmatic certainty of the variability of democratic regimes and progressing democratization. However, as Pensky (2018) reminds us, already Alexis de Tocqueville speaks of the appearance of unprecedented forms of oppression that would threaten democracies from within and for which old categories such as despotism and tyranny, categories describing rule based on explicit threats of violence and coercion, are no longer suitable.¹⁰ There is a crucial observation, already made regarding the development of fascism at the beginning of last century and culminating in the rise

⁶ Please refer to footnotes 10 and 13.

⁷ Examples of political leaders that have resorted to such illicit tactics and have been meddling with the rule of law are Trump in the United States, Erdoğan in Turkey, Orbán in Hungary, Bolsonaro in Brazil, and most recently in a new ferocity Putin in Russia.

⁸ For a more detailed account of these developments see Brown, Wendy, et al. ‘Introduction: Critical Theory in an Authoritarian Age’. *Authoritarianism. Three Inquiries in Critical Theory*, The University of Chicago Press, 2018, particularly 1-2.

⁹ Pensky, Max. ‘Radical Critique and Late Epistemology. Tocqueville, Adorno, and Authoritarianism’. *Authoritarianism. Three Inquiries in Critical Theory*, The University of Chicago Press, 2018, 87.

¹⁰ See Pensky, Radical Critique, 93, 96; also de Tocqueville, Alexis. *Democracy in America: And Two Essays on America*. Edited by Isaac Kramnick, trans. Gerald E. Bevan, Penguin, 2003, 805.

of totalitarian regimes, that may be voiced again in light of current anti-democratic trends: democratic regimes in no way serve to guarantee democratic politics and practises of equality.

The idea that fascism, authoritarianism and totalitarianism signify a radical break from democracy has been put into question by scholars in the field of Political Science critical of their typologisation as separate regime forms. *Authoritarianism*, a term that has gained new allure amongst political critics,¹¹ was originally introduced by Juan Linz (1964, 2000) to describe Franco's rule Spain as distinct from those in totalitarian regimes in Germany and Russia and has since been understood to be juxtaposed to both totalitarian and democratic regimes. Most recently, however, Adam Przeworski (2019) has put into question the value of such definitions of authoritarianism, showing that they are based on a spectrum in regard to the use of force and the restriction of personal liberties and can thus not be clearly distinguished from soft versions of dictatorship.¹² The only decisive distinction to designate political regimes, according to him, is the one between democracy and autocracy.¹³ Political theorists including Wendy Brown (2019) and Zeynep Gambetti (2020) indeed understand new authoritarian politics as specific "forms of governing" within liberal democratic regimes which have "tangible effects in that they structure societal relations, regulate behaviours, and produce frames of reference."¹⁴ Their works focus on those neoliberal logics that have slowly de-democratized liberal democratic regimes and thus laid the groundwork for new forms of political oppression.¹⁵ The question remains, however, in what

¹¹ The term has been used to highlight current far-right populist politics (including developments in the US, Hungary and Turkey). See for example Brown, Wendy. *In the Ruins of Neoliberalism: The Rise of Antidemocratic Politics in the West*. Columbia University Press, 2019; Brown, Wendy, et al. *Authoritarianism: Three Inquiries in Critical Theory*. The University of Chicago Press, 2018; Redecker, Eva von. 'Ownership's Shadow'. *Critical Times*, vol. 3, no. 1, Apr. 2020, 33–67. In the same political context, the term also was revisited in Political Science: see for instance Wiatr, Jerzy J., editor. *New Authoritarianism: Challenges to Democracy in the 21st Century*. Barbara Budrich Publishers, 2019, especially Przeworski, Adam. 'A Conceptual History of Political Regimes: Democracy, Dictatorship, and Authoritarianism.' *New Authoritarianism: Challenges to Democracy in the 21st Century*, Barbara Budrich Publishers, 2019, 17–36. 2020, ironically, not only marked the US election that culminated in the resurrection of the White House, but also 50 years since the publication of the landmark study of *The Authoritarian Personality* that had regained attention in recent years. For that occasion, the book was republished with an introduction by Peter E. Gordon: Adorno, Theodor W., et al. *The Authoritarian Personality*. Edited by Peter Eli Gordon, Verso, 2019. See also Gordon, Peter. 'The Authoritarian Personality Revisited. Reading Adorno in the Age of Trump'. *Authoritarianism. Three Inquiries in Critical Theory*, The University of Chicago Press, 2018. The understanding of *authoritarianism*, especially in the American social sciences, has been highly influenced by the socio-psychological approach of this study – leading to "numerous misunderstandings," Arendt remarks in the 1950s: Arendt, Hannah. *The Origins of Totalitarianism*. Schocken Books, 2004, 529.

¹² Przeworski, A Conceptual History, 25. The difficulty to clearly distinguish authoritarian regimes is, for examples, faced by Levitsky and Way, who define authoritarian regimes as relying on force whilst at the same time upholding the façade of democratic structures. What these regimes share is their character as "civilian regimes in which formal democratic institutions exist and are widely viewed as the primary means of gaining power, but in which incumbents' abuse of the state places them at a significant advantage vis-a-vis their opponents ... Competition is real but unfair." Levitsky, Steven, and Lucan Way. *Competitive Authoritarianism: Hybrid Regimes after the Cold War*. Cambridge University Press, 2010, 5. Whilst their study departs from Linz's significantly in terms of scope (according to Levitsky and Way's definition no longer includes Franco's Spain or China), they run into the same problems in their attempt to clearly distinguish authoritarian regimes.

¹³ Przeworski, A Conceptual History of Political Regimes, 18.

¹⁴ Gambetti, Zeynep. 'Exploratory Notes on the Origins of New Fascisms'. *Critical Times*, vol. 3, no. 1, Apr. 2020, 3.

¹⁵ There is an ever-growing body of literature that discusses connections between (neo-)liberal logics and authoritarian (or populist) trends: Ian Bruff, for example, develops the concept of "authoritarian neoliberalism." See Bruff, Ian. 'Authoritarian Neoliberalism, the Occupy Movements, and IPE.' *Journal of Critical Globalisation Studies*, vol. 1, no. 3, 2012, 114-116; Bruff, Ian. 'The Rise of Authoritarian Neoliberalism'. *Rethinking Marxism*, vol. 26, no. 1, 2014,

sense these new authoritarian forms of governing are distinct from those forms of ordering and the hierarchies that are perceived to be proper to democratic regimes? Any regime, autocratic just as much as democratic, involves undemocratic forms of ordering and policing together with the demarcation of the people and thus a distinction between us and them. If there is a distinction between different forms of rule and specifically the distinction between authoritarianism from democracy, it lies, Adam Przeworski argues, in the etymological root of the term “authoritarianism”, namely “authority.” The point of departure for an understanding of authoritarian, therefore, must be the inquiry into the nature and functioning of authority.¹⁶

Yet, political theory has abandoned the language of authority. Any distinction between legitimate authority and illegitimate power is suspected of merely serving to preserve the status quo.¹⁷ Traditionally, the Left has relied upon the notion of freedom to resist forms of domination including structural forms of oppression. Wendy Brown (2019) argues, however, that the notion of freedom in Western democracies has been undermined by neoliberal logics, which fire authoritarian developments and, at the same time, paralyze resistance from the Left. Within the neoliberal tradition, Brown explains, the notion of freedom has been forcefully submitted to a market meaning whereby the value of freedom is progressively depoliticised.¹⁸ This goes hand in hand with the destruction of the social and the dethronement of the political. The effect of this is that the demand for institutions of equality and the space for practises of equality that lay at the heart of democratic politics are subverted: without such a thing as society, which has become undermined by neoliberal logic and leaving only individuals and families, there no longer is a way to locate those structural powers that generate exclusion and structural violence, let alone subjectivity as the site of class, gender and race. Structural powers are disavowed. It is “the language of the social” that “makes inequalities manifest; the domain of the social is where subjection, abjections, and exclusions are lived, identified, protested, and potentially rectified.”¹⁹ Any attempts from the Left to counteract these structural inequalities, for instance, over wealth redistribution are framed as oppressive interference with freedom, and any claim of an authoritative significance of the political and the restriction of private pursuit for the sake of sociality raises the suspicion of authoritarian and oppressive rule. What becomes evident here is an interplay between the phenomena of authority and freedom that is constitutive for their retrospective definition.

113–29; Bruff, Ian, and Cemal Burak Tansel. ‘Authoritarian Neoliberalism: Trajectories of Knowledge Production and Praxis.’ *Globalizations*, vol. 16, no. 3, 2019, 233–44. Eva von Redecke draws out the analogous relationship between authoritarian relationships and property structures in liberal regimes. Redecker, ‘Ownership’s Shadow’; Jean Comaroff links back ever more disquieting features of populist politics to neoliberal market logics: Comaroff, Jean. ‘Populism and Late Liberalism: A Special Affinity?’ *The ANNALS of the American Academy of Political and Social Science*, vol. 637, no. 1, Sept. 2011, 99–111.

¹⁶ See Przeworski, Adam. ‘A Conceptual History of Political Regimes: Democracy, Dictatorship, and Authoritarianism.’ *New Authoritarianism: Challenges to Democracy in the 21st Century*, Barbara Budrich Publishers, 2019, 17–36.

¹⁷ See Luxon, *Crisis of Authority*, 5.

¹⁸ Brown, *In the Ruins of Neoliberalism*, 67–70; also Brown, *Neoliberalism’s Frankenstein*, 12.

¹⁹ Brown, *In the Ruins of Neoliberalism*, 40.

The undermining of the democratic value of freedom, Brown argues following Hans Sluga, is inherently connected to the loss of traditional structures of authority in modernity. The rise of reason and science as challenging God and all other forms of authority, leaves meaning to be construed and all facts without an inherent, or even commonly accepted meaning. There is a common agreement that intrinsic values flee the world. For Nietzsche, the age of nihilism does not signify, however, the loss of values. As they lose their foundation, these values do not vanish, but instead they become “fungible and trivial” and thus easily instrumentalized.²⁰ The example *par excellence* for this new authoritarian trend is the presidency of Donald Trump whose consistent disregard for the constitution and democratic procedures that culminated in the terrorist insurrection at the Capitol.²¹ Whilst his incompetence was being ridiculed by some and feared by others, his supporters are celebrating him exactly for his political incorrectness and profligacy.²² This concern is by no means new: in the Preface to *Between Past and Future*, Arendt recalls René Char’s words written in the aftermath of the second World War: “*Our history was left to us by no testament.*”²³ Following Arendt’s telling of the story, Char and other members of the French Resistance “without premonition and probably against their conscious inclinations... had come to constitute willy-nilly a public realm where – without the paraphernalia of officialdom and hidden from the eyes of friend and foe – all relevant business in the affairs of the country was transacted in word and deed.”²⁴ The question that remained, however, was the one of authority and authorization. Without interpretative frameworks afforded by political institution and ethical principles such extraordinary politics lack meaning. And with no singular domain of authority (God, Nature) to appeal to in modern society both Arendt and Char see it as the great challenge

²⁰ Brown, *In the Ruins of Neoliberalism*, 164; see also Sluga, Hans. “Donald Trump: Between Populist Rhetoric and Plutocratic Rule.” <http://www.truthandpower.com/donald-trump-between-populist-rhetoric-and-plutocratic-rule/>. Truth and Power (Sluga’s blog). Talk delivered at UC Berkeley Critical Theory Symposium, Berkeley, March 2017. Brown and Sluga connect the loss of societal forms of authority to a lack of inner restraint by conscience, with which the exercise of freedom becomes the unrestrained exercise of an unrestrained will to power. Whilst Arendt would probably refute this pathologizing gesture, she too points to the reciprocal dependence of authority and freedom for their meaning and predicted the confusion between liberal and far-right discourse, which we are currently experiencing. According to Arendt, the dialectical relationship between the values of freedom and authority, and along these lines liberalism and conservatism, means that each loses its very substance without the presence of its opponent in the field of theory and ideology. (“Liberalism, we saw, measures a process of receding freedom, and conservatism measures a process of receding authority; both call the expected end-result totalitarianism and see totalitarian trends wherever either one or the other is present.” Arendt, Hannah. ‘What Is Authority?’ *Between Past and Future: Eight Exercises in Political Thought*, Penguin, 2006, 100.

²¹ For a thorough explication and analysis of anti-constitutional politics of the American Right see Jackson, Jack E. *Law Without Future: Anti-Constitutional Politics and the American Right*. University of Pennsylvania Press, 2019. Jackson demonstrates, for example, that Trump in his pardoning of Sheriff Joe acted against established constitutional procedures and throughout his presidency pushed the line of illegality, for which he often gained major support in US American society.

²² See Brown, *In the Ruins of Neoliberalism*, 45. Note Arendt’s observation that “One could make people believe the most fantastic statements one day, and trust that if the next day they were given irrefutable proof of their falsehood, they would take refuge in cynicism; instead of deserting the leaders who had lied to them, they would protest that they had known all along that the statement was a lie and would admire the leaders for their superior tactical cleverness.” Arendt, Hannah. *The Origins of Totalitarianism*. Schocken Books, 2004, 500.

²³ Arendt, Hannah. ‘Preface: The Gap Between Past and Future’. *Between Past and Present: Eight Exercises in Political Thought*, Penguin Books, 1993, 3.

²⁴ Arendt, ‘Preface’, 3.

of modernity to make judgements of power and politics in the absence of shared public frameworks.

It is against this tendency –Weber calls it “disenchantment” and Arendt “the dearth in modernity” (implicitly also Nietzsche’s “nihilism” Brown and Sluga focus on) – that the notion of authority will be rethought in this dissertation. In the following, I briefly justify the scope of the work before turning to the methodological considerations that underly my reading.

3. The scope

This dissertation draws out the conceptual development of authority across the thought of Weber, Schmitt, and Arendt. What makes the constellation of these three thinkers compelling for the study of the concept is that all three of them focus on the relationship between authority and democratic politics after the breakdown of traditional foundations. Yet their response to this crisis of authority is vehemently different.

The obvious connection between those three thinkers is, of course, the historical context to which their thought responds. Both Weber and Schmitt experienced the destruction of Germany’s first democratic regime in the form of the Weimar republic from far-right extremist forces. In recognition that traditional structures and hierarchies are no longer available to consolidate the ever-deepening conflicting lines in modern mass society, they turn to the concepts of *charisma* and *commissarial dictatorship* in search for a form of authority that is legitimate in a democratic regime but forceful enough to defend the constitutional order. In contrast to that, Arendt turns to the notion of political authority in retrospect to the Nazi parties rise to power and the experience of totalitarianism. Like Weber and Schmitt, she understands the dearth of modernity caused by the breakdown of absolute truths resulting in “various deaths” (God, Nature, Reason) as detrimental. For her, it is evident that the rise of totalitarianism is directly connected to world alienation growing out of the rationalization and technicality in modernity described in Weber’s critique of “disenchanted modernity.” Arendt’s perspective on the loss of authority in its historical relation to religion and tradition, however, is more ambivalent: on the one hand, with traditional hierarchies and structures losing their significance in modern society, politics is left in a particularly murky and dangerous moment that risks entailing new forms of oppression and violence. On the other hand, she Arendt endorses the new possibilities for political freedom and world-building capacity that is retrieved with the loss of these static banisters.²⁵ The challenge that is left, according to Arendt, is to find a replacement for traditional forms of authority that can

²⁵ See Bonnie Honig’s reading in her ‘Declarations of Independence: Arendt and Derrida on the Problem of Founding a Republic’. *The American Political Science Review*, vol. 85, no. 1, 1991, 97–113; also *Political Theory and the Displacement of Politics*. Cornell University Press, 1993, especially 84-87 and 96-104.

provide a certain stability and continuity for democratic regimes, whilst at the same time not suppressing the demands of human plurality and heterogeneity of the demos.

Both Schmitt and Arendt's work is written in the shadow of Weber's critique of modernity and their work constitute different ways to come to terms with Weber's diagnosis of the rationalization, as famously developed in *The Protestant Ethic and the Spirit of Capitalism* (2001). Neither Schmitt nor Arendt engages much explicitly with Weber's work, but both thinkers offer a critical development and challenge to Weber. For all three thinkers modernity constitutes a problem for its dearth of meaning and values. The details of their critique and the relation between the three thinkers will be addressed in the individual chapters of this work. What I demonstrate there is that what those thinkers share is the insistence on a form of post-foundational politics insofar as they agree that traditional authorities and metaphysical concepts can no longer provide an ultimate ground. Their considerations of political authority are, therefore, the ideal point of departure for an inquiry into the concept from a post-foundational perspective.

The following work, however, is not interested in a simple analytical reading of their accounts. Rather it takes a critical approach to these thinkers offering a transformative critique. Doing so ensures that their conceptualizations of political authority (with their problematic aspects) are not blindly repeated; instead, this work evaluates their potential and develops them for contemporary politics. Weber's notion of charismatic leadership and Schmitt's insistence on dictatorship both contributed (however academically) to the end of the Weimar republic and to Hitler's rise to power, although they each turned to political authority with the intention of finding a way to secure the democratic order specifically against anti-constitutional forces from both sides of the political spectrum. Drawing on these thinkers in order to reconceptualize political authority in a way that does not suppress democratic politics must then be both valuable and also sensitive. Arendt's notion of authority is further understood to be reminiscent of communitarian ideals and thus to be at odds with her anti-foundational position, specifically her emphasis on plurality as the condition *per quam* for political action.²⁶ By drawing on post-structuralist critique and vocabulary afforded by thinkers in its wake, the transformative reading in this work seeks to tease out the post-foundational aspects in the thought of Weber, Schmitt and Arendt, especially where these stand in contradiction to republican or even nationalist positions. In the case of Weber and Schmitt, my analysis allows us to stake out the limitations of their accounts of political authority; and to pin down the contradictions in both that lead them to the defense of a personalistic and anti-democratic conception of authority, (in the case of Schmitt to the defense of decisionist sovereignty). The chapter on Arendt then understands her critique of authority as a performative

²⁶ See Dana Villa's discussion of Arendt's critique of authority in *Arendt and Heidegger: The Fate of the Political*. Princeton University Press, 1996, 158-161.

gesture of exorcising those metaphysical aspects of the concept of authority that deem it incompatible with democratic politics.

4. Methodological considerations

One objective of this dissertation is to reveal those metaphysical remnants in the work of Weber and Schmitt responsible for the desire to demarcate a concept of political authority that retains absolute validity in modern democratic societies. “Metaphysical remnants” here designates above all the focus on political authority as something present in a person, either as a characteristic (in the case of charisma), or as the power to make a decision (in the case of Schmitt’s sovereign). I ask after the structural conditions that make the appearance of political authority possible, i.e., the socio-political and epistemological structures that allow for its recognition. In this sense, this work can be said to constitute a broadly *deconstructive* enterprise, if deconstruction, following Jacques Derrida’s work, is understood as an approach – a philosophical approach – taking issue with claims to essence and to fundamental definitions and concepts. *Deconstruction*, however, is not a *method*. In response to the question, “What is deconstruction?”, Derrida says: “nothing of course!”²⁷

All sentences of the type “deconstruction is X” or “deconstruction is not X” a priori miss the point [...] one of the principal things at stake in what is called in the texts “deconstruction” is precisely the delimiting of onto-logic and above all of the third person present indicative: S is P.²⁸

The question of a method, then, calls the author to disclose the instruments she will use to achieve her end. It entails a procedure that enables a certain outcome. To put in question – as Derrida does, and as I seek to do here in his wake – the *authority* of “the third person present indicative” and the *authority* of the foundations of certain arguments about political authority, to work aslant of *method*: in this sense, deconstruction implies the deconstruction of method.²⁹ Hence, I prefer to say that this dissertation is written *in the wake* or *in the spirit* of Derrida’s thought for which I understand the notion of deconstruction (alongside *différance*, *supplement*, *infrastructure*, and other terms) to serve as a signifier. This dovetails with Derrida’s explanation of deconstruction as “a singular adventure whose gesture depends each time on the situation, the context, above all political, of the subject, on his or her rootedness in a place and a history.”³⁰ The need for deconstruction of concepts including the one of political authority always occurs in relation to

²⁷ Derrida, Jacques. ‘Letter to a Japanese Friend’. *Psyche: Inventions of the Other, Volume II*, edited by Peggy Kamuf and Elizabeth Rottenberg, Stanford University Press, 2008, 6.

²⁸ Derrida, ‘Letter to a Japanese Friend’, 5.

²⁹ See Gasché, Rodolphe. *The Tain of the Mirror: Derrida and the Philosophy of Reflection*. Harvard University Press, 1986, 123; and Derrida, ‘Letter to a Japanese Friend’, 4.

³⁰ “Jacques Derrida, penseur de l’évènement,” interview in *L’Humanité*, January 28, 2004; trans. Pheng Cheah and Suzanne Guerlac. ‘Introduction: Derrida and the Time of the Political’. *Derrida and the Time of the Political*, Duke University Press, 2009, 5.

changes in the world and specifically changes associated with a certain “modernity” – and for that reason – the form of this gesture always differs, from time to time, from place to place.

A deconstructive approach – or an approach in the spirit of deconstruction – is not imposed on the work. The reading in this dissertation rather highlights elusive parts of the text that nevertheless interrupt its inner logical progression thereby facilitating its own deconstruction. There are still, of course, certain convictions that make deconstructive reading distinct, say, from critique, or from hermeneutic approaches.³¹ A deconstructive reading aims, as Gayatri Spivak puts it, “[t]o locate the promising marginal text, to disclose the undecidable moment, to pry it loose with the positive lever of the signifier” with the objective “to dismantle in order to reconstitute what is always already inscribed.”³² A deconstructive reading then works at the limits of the text, or rather around the lack thereof. It is working against the attempts to establish a coherence and thus limits of the text, for instance through the rationalization of central conceptual distinction. Hence, in the following I, on the one hand, follow the logic of the texts at hand and their “the internal, regulated play of the[ir] philosophemes,” at the same time, however, as I push the text to its internal limits by highlighting the aporetic moments where it is no longer possible to follow its logic.³³ The reading of Schmitt’s *Dictatorship*, for example, highlights a moment of undecidability in the argumentative logic of the work, which forces Schmitt to a decision.³⁴ By drawing out this moment of undecidability, my reading opens to a reconsideration and contestation of Schmitt’s decision to turn away from political authority and toward a decisionist concept of sovereignty.

The conviction that the text is never a coherent, i.e., closed, unity with a clear delimitation of an inside and outside is captured by Derrida’s infamous quote: “*Il n’y a pas de hors-texte. [There is nothing outside of the text; there is no outside-text].*”³⁵ With this famous phrase, he also addresses the idea that the text is never finished; the meaning of the text is never, then, determined once and for all, not as a coherent totality with determined, immanent limits (for example, a closed logical structure), nor by something outside the text, such as the intentions of the author and its historical situatedness. In this sense, the critical comparison between the original and the English translation of Weber’s text undertaken in the second chapter understands the translated text as something neither fully other, nor as an equivalent to the original, but instead as part of the afterlife of the

³¹ See Gasché, *The Tain of the Mirror*, 121-176.

³² Spivak, Gayatri C. ‘Translator’s Preface’. *Of Grammatology*, by Jacques Derrida, translated by Gayatri C Spivak, Johns Hopkins University Press, 2016, lxxvii.

³³ See Derrida, Jacques. *Aporias: Dying - Awaiting (One Another at) the ‘Limits of Truth’*. Stanford University Press, 1993, 12-21.

³⁴ For Derrida’s notion of *undecidability* as both possibility of and demand for decision see Derrida, Jacques. ‘Force of Law: The “Mystical Foundation of Authority”’. *Acts of Religion*, by Jacques Derrida, edited by Gil Anidjar, Routledge, 2010, 228–98.

³⁵ Derrida, Jacques. *Of Grammatology*. Transl. Gayatri C. Spivak, Fortieth-Anniversary Edition, Johns Hopkins University Press, 2016, 158; see also Derrida, Jacques. *Limited Inc.* Northwestern University Press, 1988, 136.

text (the text's demand for survival).³⁶ Both texts are heterogenous and consist of different linguistic and cultural material highlighted via their comparison. Working with them together allows us to destabilize the structure of signification of both texts, demonstrating that their meaning exceeds the intentions of the author and translator.

Translation augments and modifies the original, which, insofar as it is living on, never ceases to be transformed and to grow. It modifies the original even as it also modifies the translating language. This process – transforming the original as well as the translation – is the translation contract between the original and the translating text.³⁷

In the same spirit, the third chapter identifies the performative gesture of Arendt's reading of Plato and offers it as constitutive part of the meaning of the text, and thus, of her reconceptualization of political authority. I understand it as a gesture of resistance, an *exorcism*, against both Plato's metaphysical conception of authority and the authoritative power this conception holds for Western political thinking.

In this sense, this work confronts – directly and by implication – the authoritative, authorial role of the figures of Weber, Schmitt, and Arendt for the discourse of contemporary political thinking. The point is not, I take it, to negate or reject the effect these thinkers have had on politico-theoretical discourse, and on the academic discipline of political philosophy. Following Derrida, I hold the conviction that one is always working within the confines of that discourse which one's critique is aimed at, for it is impossible to approach the text from an outside. Yet, any deconstructive critique transpires at the limits of philosophical and political discourse. "I say limit and not death,"³⁸ Derrida emphasizes. Hence, this work does not simply subscribe to the authority of the thinkers it addresses. A deconstructive reading as undertaken here rather constitutes a 'double movement' in the sense that it is simultaneously an affirmation and an undoing of (their) authority. By highlighting aporetic moments of non-closure and undecidability in their text it makes intervention and critical augmentation possible.

5. The structure

The remainder of this dissertation is divided into four chapter. After an introductory chapter that distinguishes authority from other political concepts and critically evaluates accounts of political authority in contemporary democratic theory, the following chapters will tend to the role that political authority plays in the works of Weber, Schmitt, and Arendt.

³⁶ Derrida, Jacques, and Christie McDonald. *The Ear of the Other: Otobiography, Transference, Translation: Texts and Discussions with Jacques Derrida*. Schocken Books, 1985, 121f

³⁷ Derrida, *The Ear of the Other*, 122.

³⁸ Thus, Derrida says about his own relationship to philosophy: "I try to keep my- self at the *limit* of philosophical discourse. I say limit and not death." Derrida, Jacques. *Positions*. Transl. Alan Bass, University of Chicago Press, 1998, 6.

The first chapter evaluates the role of authority for democratic politics and reviews how authority has been addressed in contemporary democratic thought. I begin by contextualising Weber, Schmitt, and Arendt's inquiry into the concept by drawing out their shared concern with the dearth in modernity that was left after the demise of traditional hierarchies and religious institutions of authority. This allows me to demonstrate the relevance of posing the question of authority today. According to all three thinkers, the question of authority is inherently connected to the loss of meaning in modern politics, i.e., to the question how judgements of power are still possible without the recourse to shared foundations and values. This is indeed a question that contemporary debates in political theory, most pertinently in the context of new authoritarian trends, grapple with again. Following from this, I look more closely at the authority that was lost in modernity arguing that it was not authority in general, but instead a particular understanding of authority that relies on transcendent, absolute foundations and is thus interwoven with a (Judeo-Christian) tradition of political foundationalism. This contrasts with the political understanding of *auctoritas* in Roman politics, to which Arendt turns in her critique. This opens the door for a post-foundational and post-modern understanding of authority that remains valid in contemporary democratic and post-truth societies. I contend, however, that neither liberal democratic theory nor post-structuralist thought have been able to offer such a reconceptualization of authority and to overcome a foundationalist understanding incompatible with democratic values of equality and freedom. This work, therefore, poses the question again: what is authority? How is authority distinct from other political concepts, including power and violence? In the last section, I identify four essential features of authority: it is *hierarchical*, *relational*, *performative*, and *resistible*. Overall, the chapter lays the groundwork to reconsider the notion of authority in the work of Weber, Schmitt, and Arendt, for all three undertake a serious attempt to reconceptualise authority based upon post-foundational premises and in light of modern democratic politics – with varying success.

Chapter 2 then constitutes a critique of Weber's understanding of charismatic authority as a democratic alternative to traditional and bureaucratic forms of rule. I begin by reconsidering the notion of *Autorität* in Weber's works. It appears in influential English translations of the German text conflated with "rule" or "domination" – a result of a mistranslation of Weber's notion of *Herrschaft*. Working in the space that opens between the German and the English translation, I draw out that the notion of authority concerns the question how certain forms of rule (traditional, legal-bureaucratic, charismatic) are legitimized by appeal to hegemonic socio-political and epistemic structures that allow for the recognition that rule is legitimate. I criticize Weber's turn to *charismatic* authority in his search for a democratic power that could break with the progressing rationalization and totalitarian tendencies of modern capitalist societies. I argue that by rendering charismatic authority as an extra-ordinary power that is independent of socio-political structures,

Weber begins to confuse authority with the idea of sovereign intervention thereby rendering it irresistible and, as Weber himself remarks, an *authoritarian* power. By drawing on Robinson's and Edward's critique, I demonstrate that the narrative of messianic intervention is based upon a deeply anti-political and culturally specific sentiment according to which the preservation of order relies on the suppression of democratic politics. This conflation constitutes the steppingstone toward a theory of sovereign intervention as it is radicalized in Schmitt's fascist theory of decisionism, which will be the focus on the following chapter. Following from this, I criticize Kalyvas's appropriation of charisma for a democratic theory of constitutionalism for, I argue, it reiterates a deeply problematic understanding of authority based on messianic and sovereign intervention – even in his collective reinterpretation. Against this, I propose to take seriously the role of authority in the autopoietic reproduction of order for it constitutes a moment of openness in the legitimation process, allowing for amendment and correction of the existing order, and thus an immanent form of resistance.

The third chapter reads Schmitt's conceptualization of "commissarial dictatorship", similar to Weber's notion of *charisma*, as a pursuit for a form of political authority that remains valid in modern mass democracy. Highlighting the performative aspect of his text, I demonstrate that Schmitt begins by defending the potential of a derived and limited constitutional power in the form of commissarial dictator (as represented by the *Reichspräsident*). As McCormick (1997) emphasizes, however, there is an incongruity between Schmitt's objective of defending a derived power at the beginning of his work and his acknowledgement of the sovereign aspect of the *Reichspräsident's* powers in the appendix. I argue that Schmitt's critique of the lack of democratic sovereignty ultimately thwarts his concern with political authority and he instead turns to conceptualising his decisionist account of sovereignty. Schmitt's abandonment of authority and his turn to sovereignty mark the moment where Schmitt's thought turns from a conservative to an extremist position: he no longer recognizes political authority as a necessary hinge between the people as the sovereign and the political order. I concede that whilst Schmitt's critique of sovereignty is based on post-foundational premises, he fails to liberate the concept of authority from a foundational narrative – in this case, the narrative of messianic sovereign intervention in form of the decision.

How, then, do we reconceptualise authority in a way that is compatible with the heterogeneity of the demos? It seems we will necessarily have to detach it from a metaphysical linearity and instead tend to its relational aspect.

In the fourth and last chapter, I return to Arendt's critique of authority, particularly as addressed in her influential essay "*What is Authority?*" I argue that Arendt implicitly engages Weber's and

Schmitt's turn toward a narrative of sovereign intervention in her critique of the role of sovereignty in the French Revolution. She provides the narrative of sovereign intervention with an origin story through her reading of Plato's introduction of authority into Greek thought. Focusing on the performative gesture of the text, I read her critique as a deconstructive endeavour with which she intends to exercise authority from its metaphysical remnants. It is for this reason, I argue, that her critique of Plato's metaphysical conceptualisation of authority, which she proclaims as lost in modernity, takes such a prominent role in her essay. Arendt's critique politicizes the Platonic metaphysical understanding of authority, making its contingent character apparent. Following the challenge Arendt herself sets at the beginning of the essay, her gesture of exorcism opens the term for a new understanding that is compatible with modern democratic politics. Both Kalyvas and Honig highlight that it is in the American experience of founding and its testimony in the form of Declaration of Independence that Arendt thought to have found an example of a uniquely political act that was able to provide its own source of authority without the recourse to transcendent foundations. Departing from Honig's critique of this fabulist rendering of the Declaration of Independence, I show that Arendt falls into her own trap: conceptualising authority on the basis of a purely political moment reiterates the metaphysical gesture of rejecting the complexities of human affairs, that are always already marked by power relations and claims to authority. I contend that if we take seriously Arendt's refutation of absolutes and her emphasis on the resistibility of authority, as Honig urges us to, we have to begin from an understanding of authority as practice that relies on recognition and augmentation, and at which very heart lies the potential for democratic renegotiation. Arendt's own critique of Plato demonstrates, I contend, how it is possible to de-authorize Plato's foundational notion of authority and to liberate the term from the iron grip of the archive.

I conclude this work by drawing out how an account of authority such as I am offering here – an account that always already includes its own resistibility – provides, first, an understanding of authority that is proper to a democratic regime by opening it up to resistance and refusal; and second, a way of drawing out the points at which authority turns authoritarian: the points where, and moments when, this resistibility is lost and thus, strictly speaking, authority vanishes behind mere force. This dissertation then constitutes an augmentation of Arendt's practise of de-authorization for it aims at the anti-political, foundationalist remnants of Plato's rendering of authority as it resurfaces in the figures of Weber and Schmitt, but also Arendt herself.

Chapter 1: What is Authority?

Whilst, as far as I know, no one has ever correctly and exhaustively defined the nature of authority, neither has anyone ever denied the fact of it. This is true even for the Sansculottes and their popular authority. As is well known, even the most furious revolutionaries were not concerned with destroying authority, but with transferring and usurping it.³⁹

Franz von Baader

This dissertation reconsiders the role of political authority in democratic regimes. It tends to the understanding of authority in the work of Max Weber, Carl Schmitt, and Hannah Arendt, who claimed that it was a crucial aspect of political life, classically but also, especially, in modern democratic regimes. Modernity, however, is marked for all three by the dearth that was left after the gradual breakdown of authority. In Europe, this process was accelerated by the French Revolution and its sequelae: the revolutionary movement radically renounced traditional images of authority and any hierarchies associated with the Ancien Régime, and this gesture of radical renunciation of the authority of a standing political regime founded on religion and tradition led to the much broader, Europe-wide withering-away of the authoritative bases of political regimes generally. In non-governmental areas including the Church, the family, educational institutions as well as industrial and agricultural business, however, traditional images of authority remained powerful. The interaction between waning political authority and residual forms of authority at work in non-governmental institutions meant that old authoritative structures mixed, often violently, with new democratic ideas and institutional infrastructures.⁴⁰ This “constant, ever-widening and -deepening crisis of authority,” Arendt argues, is not only political in its origin, but also followed by severe consequences for political life. Indeed, for Arendt, and in slightly different ways for Weber and Schmitt, this “crisis of authority” is identical with “the loss of worldly permanence and stability.”⁴¹

Politically, we live in a world into which we and new people are born constantly; [the] body politic guarantees a relative permanence against these constant newcomers, new beginners, etc. Authority in this sense [is] essential.⁴²

³⁹ Baader, Franz von. *Schriften Zur Gesellschaftsphilosophie*. Edited by Johannes Sauter, Fischer, 1925, 375, translation my own.

⁴⁰ See Eschenburg, Theodor. *Über Autorität*, Suhrkamp, 1976. 109-114, 156-157.

⁴¹ Arendt, Hannah. ‘What Is Authority?’ *Between Past and Future: Eight Exercises in Political Thought*, Penguin, 2006, 95.

⁴² Arendt, Hannah. *Breakdown of Authority*. 23 Nov. 1953. Hannah Arendt Papers, Speeches and Writings File, 1923-1975, essays and lectures, note on the left-hand side to II.

The thinkers at the centre of this work tend to the concept of authority impelled by a shared concern with the meaning of politics in modern pluralist societies. To be more precise, they are concerned with the question of how judgements about power and politics remain possible in the absence of shared, public foundations. This question has recently gained new attention, as contemporary political theory grapples with newly revived anti-constitutional politics and far-right populist movements. The present chapter highlights how the concern with the lack of stability and permanence in light of the demise of traditional forms of authority echoes contemporary concern with a lethal destruction of the political and public spheres, driven by the conjuncture of modern nihilism and neoliberal logics, that leaves democratic societies vulnerable to the two-step of populist “shock politics.”⁴³ Contemporary scholars have indeed acknowledged that the need for a reconceptualization of authority in order to defend authoritative role of political institutions and procedures in democratic regime against authoritarian and fascist trends. Yet so far, attempts to theorize a notion of authority that can uphold post-foundational critique have been unsuccessful.

The chapter is structured as follows. I begin by considering the role that was traditionally ascribed to authority. According to Weber, Schmitt, and Arendt, authority provided politics with permanence and stability. For all three, the loss of authority resulted in a dearth in modernity, a lack of shared foundations and values, whereby politics more generally risks losing meaning and for individual political actions to remain futile. I address how this diagnosis resonates with debates in contemporary political theory about the destruction of the political and the social making way for anti-political developments in neoliberal democracies and new forms of authoritarian “shock-politics.” In the following section, I take a closer look at the concept of authority that was lost with the rise of modernity arguing that it is indeed not authority per se, but a particular understanding of the concept based upon political foundationalism and religious institutions. This together with Arendt’s discussion of the political notion of the Roman *auctoritas*, I argue, opens the possibility for a reconceptualization of authority according to a post-foundational and post-modern understanding. Next, I demonstrate that contemporary political thinkers in the liberal tradition indeed have acknowledged the centrality of the concept of authority in efforts to establish and negotiate the democratic right to disobedience, and the need for the defence of political institutions and procedures for democratic life. Still, neither liberal democratic theory nor post-structuralist thought have been successful in detaching the concept of authority from its metaphysical remanence, i.e., the reliance on absolute foundations. On this basis, I raise the question again: *What is authority?* And how is authority distinct from other political categories of power and domination? I identify four essential features that define relations based upon authority and that distinguish them from relations of domination and

⁴³ Honig, Bonnie. *Shell-Shocked: Feminist Criticism after Trump.*, Fordham University Press, 2021.

violence: I argue that authority is *hierarchical, relational, performative, and resistible*. This paves the way for a reconsideration of authority in the work of Weber, Schmitt, and Arendt. These three thinkers undertake serious attempts to reconceptualise authority based upon post-foundational premises and in light of modern democratic politics. Whilst they offer important resources for the reconsideration of political authority, they also arrive at impasses in their reconceptualization that lets Weber and even more so Schmitt conflate authority with a deeply anti-political idea of sovereign intervention.

1. Modernity, disenchantment, and the crisis of authority

What connects the work of Weber, Schmitt, and Arendt is a conviction that modernity, specifically in the context of modern mass democracies, represents a uniquely problematic moment that challenges our understanding of the world we inhabit. Specifically, they are concerned with “the dearth” in modernity, the lack of shared foundations from which political actions can derive absolute legitimacy and thus claim authoritative validity. The “constant, ever-widening and -deepening crisis of authority” is, Arendt argues, not only political in its origin, but is also followed by severe consequences for political life.⁴⁴ With the French Revolution the slow but incessant demise of traditional images of authority, which established hierarchies based in descent, began in Western societies. Political authority, previously founded on religion and pre-revolutionary tradition, wilted away over the following centuries. In non-governmental areas, however, including the Church, the family, and educational institutions, as well as industrial and agricultural business, traditional images of authority remained powerful. Thus began a process in which old authoritative structures mixed with new democratic ideas and institutional infrastructures.⁴⁵ In the following, I expand upon this overriding concern with the modern demise of authority. I contend that the diagnosis of the political impact of the demise of authority resonates in contemporary studies of so called “new authoritarianism,” for example, in form of Trump’s “shock-politics,” which argue that the recent success of far-right politics is reinforced by the neoliberal destruction of shared social values and the eradication of democratic participation.

As Arendt writes in the opening essay to the *Nomos I* issue on the concept of authority (the essay is later published in *Between Past and Future* (2006)), “political scientists may still remember that the concept of authority was once fundamental to political theory.”⁴⁶ For Arendt, and in slightly different ways for Weber and Schmitt, the “crisis of authority” was identical with “the

⁴⁴ Arendt, ‘What is Authority?’, 91.

⁴⁵ See Eschenburg, *Über Autorität*, 109-114, 156-157.

⁴⁶ Arendt, ‘What is Authority?’, 91.

loss of worldly permanence and stability” and the process of *world alienation*.⁴⁷ It was driven by the destruction of the Roman trinity of religion, tradition, authority, together with the entrance of the “general doubt” of modernity into the political sphere. Max Weber analyses this phenomenon and refers to it, famously, as the “disenchantment” of modern Western societies. “Disenchantment” was inaugurated by an ongoing demagnification in the Judaic-Christian tradition that culminated in the secularisation of the modern age. Weber’s diagnosis of the unique constellation in which modern Western societies find themselves in modernity had significant impact on the thought of his contemporaries and those who followed in his shadow.⁴⁸ In *The Human Condition* (1998), Arendt claims Weber to be “still the only historian who raised the question of the modern age with the depth and relevance corresponding to its importance...,”⁴⁹ although she never explicitly or substantially engages with Weber’s thought in her work. “Disenchanted” humanity no longer relies on the recourse to magical charms to call upon higher authorities. (“God is dead.”)⁵⁰ Instead, through progress in intellectualisation and science, human beings, if they just wish, could gain absolute knowledge of their environment and the world (or at least they believe so, Weber remarks). This comes with a new sense of superiority, for reason and technology allow human beings to master the world through calculation.⁵¹ (“If there is no God, then I am God,” proclaims Kirillov in Dostojevsky’s *Demons*.)⁵² The unique process of *rationalization* in modernity corresponds to humankind’s drive to master and control, to exercise a Nietzschean will to power, intended to make life and the cosmos ever more intelligible by increasing knowledge and imposing, or seeking to discover, logical coherence.⁵³ Also like Nietzsche, however, Weber argues that the intellectualization and the developments in science culminate in a paradoxical inability to act, and in an immobilization of human action. “Though born of religious, metaphysical impulse to render suffering and the universe meaningful, science paradoxically concludes by asserting chaos of that universe, it’s true lack of meaning.”⁵⁴ Weber describes the gradual rapture of different “value spheres” (*Wertssphären*) and thus “life orders”

⁴⁷ Arendt, ‘What is Authority?’, 95.

⁴⁸ See Breen, Keith. *Under Weber’s Shadow: Modernity, Subjectivity and Politics in Habermas, Arendt and MacIntyre*. Ashgate, 2012, 7-8.

⁴⁹ Weber, according to Arendt, had recognized that it was “not a simple loss of faith” that affects modern societies, specifically the reversal of the estimate of work and labor, but “the loss of *certitudo salutis*, of the certainty of salvation.” Arendt, Hannah. *The Human Condition*. Edited by Danielle S. Allen and Margaret Canovan, Second edition, The University of Chicago Press, 1998, 277, footnote 34.

⁵⁰ Nietzsche, Friedrich Wilhelm. *Thus Spoke Zarathustra: A Book for All and None*. Edited by Adrian Del Caro and Robert B. Pippin, Cambridge University Press, 2006, 5, 69.

⁵¹ See Weber, Max. *Science as a Vocation*. Edited by Peter Lassman and Irving Velody, Unwin Hyman, 1989, 139.

⁵² Dostoyevsky, Fyodor. *Demons*. Translated by Robert A Maguire and Ronald Meyer, Penguin, 2008, Part III, 6. A Toilsome Night.

⁵³ I will turn to the notion of *rationalization* in Weber’s work again in Chapter 2. Keith Breen provides a helpful summary of this modern Western rationalization as defined by three interwoven yet potentially antagonistic strands: “it means an advance in ‘substantive rationality’, in terms of ultimate and often ‘otherworldly’ values being rendered ever more coherent in thought and in life conduct; an advance in terms of ‘theoretical rationality’ or intellectual conceptualizations of the world, that is, metaphysics and science; and, finally, an advance in terms of ‘formal rationality’, that is, increasing codification or routinization of behaviour and ever more efficient techniques or methods of control.” Breen, Keith. *Under Weber’s Shadow: Modernity, Subjectivity and Politics in Habermas, Arendt and MacIntyre*. Ashgate, 2012, 9. See also Weber, *The Protestant Ethic and the Spirit of Capitalism*, 37-38, 140.

⁵⁴ Breen, *Under Weber’s Shadow*, 14.

(*Lebensordnungen*), including art, politics, economics, science amongst others, and the segregation of their inner logics. Different realms assume meaning of their own and cultural values progress along antagonistic lines. With the rise of human reason, therefore, comes a coincident loss of moral certainty, the loss of objectives and commonly shared values, on which political life could orientate itself.⁵⁵ With the coexistence of a plethora of antagonistic values equal in rank, in which even science no longer can make a claim to higher validity, values and truths come to appear fungible and trivial. With the progress of “disenchantment,” modern societies are bereft of authoritative structures that act as a unifying ethical core such as was previously bestowed by Christianity (and specifically, according to Schmitt, the Roman Catholic Church), and on which political life was founded. Modern liberal societies have come to embrace the plurality of values and modern form of polytheism.⁵⁶ According to Weber, the drive for maturity – understood in the sense of a freedom to will one’s ends – lacks meaning and direction, so individuals paradoxically experience their ability to act as an inner battle of “gods and demons.”⁵⁷ In *Dialogues on Power and Space* (2015), Schmitt demonstrates that with the experience of power as something radically human, no longer borrowed from higher authorities, the dialectic of power and powerlessness becomes undermined. In modernity, according to Schmitt, power not only loses its personal character – something that will be discussed in more detail in the third chapter of this dissertation – but takes diffuse forms whose effects are no longer calculable. With this diffusion and multiplication, together with the homogenizing effects of the external structures of modern capitalism, power is experienced as turning back on itself, as setting against everyone, “even the holder of power.”⁵⁸

The paradox of humanly created powers that diminish the human and especially its capacity to shape its world, reaching new intensities just as this capacity is revealed to be all there is – this breeds new quantities and subjects of resentment, and a nihilism beyond Nietzsche’s vivid dreams.⁵⁹

The translation of one’s conscious will into ends becomes subordinated to the very logics by which it came into being.

The resentment that stems from this tension between the feeling of superiority and the experience of the inability to enact one’s will is further heightened by specific forms of rationalization under

⁵⁵ This corresponds to Jacques Rancière’s perspective in *The Names of History* (1994), where he casts “the crisis of authority” broadly in terms of a crisis of evidence, that many thinkers of the post-war period tried to come to terms with, and that was caused when the different bodies of authoritative knowledge that sustained the discourses of justification in politics came to be strained against one another.

⁵⁶ “We live as did the ancients where their world was not yet disenchanted of its gods and demons, only we live in a different sense... [T]he bearing of man has been disenchanted and denuded of its mystical but inwardly genuine plasticity.” Weber, *Science as a Vocation*, 148.

⁵⁷ Weber, *The Protestant Ethic*, 124. See also Breen, *Under Weber’s Shadow*, 14.

⁵⁸ Schmitt, Carl. *Dialogues on Power and Space*. Polity Press, 2015, 47.

⁵⁹ Brown, Wendy. *In the Ruins of Neoliberalism: The Rise of Antidemocratic Politics in the West*. Columbia University Press, 2019, 163.

modern capitalism. Weber describes the modern age as characterised by the “expectation of profit by the utilization of opportunities for exchange” – “opportunities” that are radically impersonal.⁶⁰ Whilst he acknowledges an increase of material productivity under capitalism, Weber is concerned that it comes at the cost of “spontaneous human relations” and the unleashing of controlled consumerism that disciplines and oppresses creative energies of individuals. In 1932, Karl Löwith summarizes the process of rationalization:

That which was originally a mere means (to an otherwise valuable end) becomes itself an end or an end in itself. ... This reversal marks the whole of modern civilization, whose arrangements, institutions and activities are so ‘rationalised’ that whereas humanity once established itself within them, now it is they which enclose and determine humanity like an ‘iron cage’. Human conduct, from which these institutions originally arose, must now in turn adapt to its own creation which has escaped the control of its creator.⁶¹

Weber, just as much as Schmitt, suspected that the intersection between modern capitalism and the nihilism caused by the loss of authorities and the demise of meaningful political structures would have detrimental consequences for political life. Weber’s vision of the ‘iron cage’ of modern society describes the increasing regimentation and bureaucratization of all spheres of human life, including the political. With that, modern politics has become an instrumental means torn between the antagonistic forces of the plurality of values. Since political life can no longer be justified and held together in reference to absolute and common values, normative justification is reduced to subjective individual decisions. With the figure of the charismatic leader, Weber turns to a deeply personal and individualistic form of authority to fill the dearth of modernity. For him, meaning and freedom require the leadership of exceptional individuals as to steer the apolitical and passive mass of modern societies. Weber thus poses the personal authority of the charismatic leader against traditional and bureaucratic-legal authority, sovereign intervention against socio-political machines, and individual commitment against the social order.

Although Hannah Arendt never explicitly engages with Weber’s work, throughout her writings the themes of “world alienation” and the “rise of the social” suggest a concern with modernity that echoes Weber’s diagnosis.⁶² Arendt, who understands “world alienation” and the “rise of the social” in terms of subjectification, echoes Weber’s observation that there no longer are ultimate and supreme values in public life providing authoritative structures and orientation *for* that life. Arendt argues, – in terms very similar to what Weber describes as the “disenchantment” of the world – developments in modern science challenged religion, and with it, the sense of universal and absolute foundations from which the authority of the political realm could be derived. This is one of the three challenges that have driven the gradual breakdown of authority in the modern

⁶⁰ Weber, *The Protestant Ethic and the Spirit of Capitalism*, xxxii

⁶¹ Breen, *Under Weber’s Shadow*, 13.

⁶² See Breen, *Under Weber’s Shadow*, Introduction, also 93, and Chapter 4.

age, identified by Arendt in a lecture held at New York University in 1953.⁶³ Furthermore, with the rise of natural science, Arendt believes, people began losing their faith in the identity of being and appearance. Finally, for Arendt, the triumph of contemplation (*theōria*) over experimentation as the path to knowledge, began to shake humanity's confidence in their mundane senses. A philosophy of doubt, together with its Cartesian solution – to turn in upon the self and search for indubitable truths through introspection – took the place of such certainty, influencing also political considerations. The moderns concluded that knowledge could only issue from man and the mind itself, rather than what is revealed from the world. From the modern alienation from the world followed a “flight from the earth into the universe and from the world into the self” that changed our relation to the world and environment.⁶⁴ It was man himself that came to be the measure of all things, whereby nature, world, culture, and politics lost their intrinsic worth and became reduced to their meaning for man's subjectivity. The consequence was that “[t]he transcendent source [was] no longer apparent in the person who was vested with it.” Instead, “the “person herself was being asked – and could not answer.”⁶⁵ Arendt further argues that without naturally vested authority, authority became identified with power and violence: “whoever has power has authority.”⁶⁶ So did Hobbes, for example, come to identify monarchy with tyranny. In this sense, from an Arendtian perspective, Weber's substitution of political authority with personal power is inadequate to provide politics with the required permanence and meaning.

Distrustful of romanticism, psychoanalysis and modern philosophies of consciousness, Arendt sees the celebration of subjectivity as symptomatic of a loss of culture and politics. Particularly “pernicious” is the age-old identification of political freedom with the solitary freedom of the will, which led Weber and many others to identify politics with sovereign mastery and inner charisma.⁶⁷

In fact, the shift of meaning toward subjective will and personal deliberation perpetuates modernity's ill by further devitalizing shared values and common spaces. Above that, there is no longer any form of legitimate personal authority, for such authority stands in necessary tension with “the phenomenon of conformism” that, according to Arendt, appeared with “the rise of the social” in modern society. Arendt describes, again in terms similar to those Weber uses for the formation of an “iron cage” under modern capitalism, how with the rise of bureaucracy members of society are expected to *behave* rather than *act*. Society “normalizes” its members; it embraces and controls its members equally and with equal strength.⁶⁸ No one can then be vested with authority, for to do so runs against this understanding of equality. Instead of personal government

⁶³ Arendt, *Breakdown of Authority*.

⁶⁴ Arendt, *Human Condition*, 6.

⁶⁵ Arendt, ‘Breakdown of Authority’, IV.

⁶⁶ Arendt, ‘Breakdown of Authority’, IV.

⁶⁷ Breen, *In Weber's Shadow*, 95.

⁶⁸ Arendt, *The Human Condition*, II. 6. *The Rise of the Social*, especially 40-41.

and rule, modern society becomes an “administration of things.”⁶⁹ With the rise of universal equality, it was no longer possible to justify a body politic that distinguished between those with authority to rule, and those who are ruled. Instead, what we experience is the “rule by nobody,” which, Arendt argues, has demonstrated – in the form of the genocides of the 20th century – a potential to become one of the cruellest and most tyrannical forms of rule. She argues that “the society of jobholders demands of its members a sheer automatic functioning” which forced the modern age, “which began with such unprecedented and promising outburst of human activity (...) may end in the deadliest, most sterile passivity history has ever known.”⁷⁰ Lastly, with the industrial revolution, the idea of progress has replaced the notion of beginning, which no longer holds significance for modern politics. With that, also the third part of the Roman trinity, tradition, lost its political meaning. The world changed to such an extent that the past was no longer authoritative.⁷¹ What is lost is, of course, not the past itself, but instead tradition as a common thread that holds together “the vast realms of the past” and offers a narrative that connects us to those before us and guides those new beginners thrown into our world. “*Notre heritage n’est précédé d’aucun testament* – ‘our inheritance was left to us by no testament,’ Arendt cites French poet René Char, writing in the aftermath of the second World War.⁷² With the demise of religion and tradition, authority had lost the two pillars upon which it was legitimized and orientated. Arendt’s diagnosis of world-alienation differs from Weber’s insofar as she understands the consequences to be even more drastic: “the crisis of authority” compromises our ability to act politically, and thus our very sense of reality, of something lasting. As Passerin d’Entrèves emphasizes, for Arendt

Once this world of shared experience and action is lost, our identity becomes precarious and reality more doubtful, that is, we can no longer provide a coherent narrative about ourselves, find confirmation of our identity with others, or validate the existence of a common, objective reality.⁷³

The meaning of “world” in Arendt’s work therefore takes on two dimensions. It denotes the world as it is constituted by those ‘human artifices’ – things, objects, infrastructures, and institutions – that both relate and separate human beings and provide the material of a shared life. This tangible *in-between* that grants people a common frame of reference and a worldly existence that exceeds individual lives. In that sense, “world” denotes a physical space within which people beings meet

⁶⁹ Arendt, Breakdown of Authority, IV.

⁷⁰ Arendt, *The Human Condition*, 322.

⁷¹ See Arendt, ‘What is Authority?’, 93-94.

⁷² Arendt, ‘Preface: The Gap Between Past and Future’. *Between Past and Future: Eight Exercises in Political Thought*, Penguin Books, 2006, 3.

⁷³ Passerin d’Entrèves, Maurizio. *The Political Philosophy of Hannah Arendt*. Routledge, 1994, 26. Arendt elaborates this, e.g., in her discussion of the Cartesian doubt and the *sensus communis*. Arendt, Hannah. *The Life of the Mind*. Harcourt, Inc., 1981. Thinking, 45-52.

and interact.⁷⁴ Interwoven with these physical infrastructures is a further “world,” an intersubjective ‘in-between,’ which these infrastructures strive to represent (in the most literal sense of making present). This duplication of the world is closely related to the experience of the “self” and “reality.” The public space is where we meet and interact with others, where we encounter and compare perspectives different from our own, where we not only find reassurance of our own identity, but further confirm the existence of a shared reality that exists beyond our personal experiences.⁷⁵ It is appearance – that which is being seen and heard by others as well as by ourselves – that constitutes reality.⁷⁶ Weber, too, was worried about the pathologies of rationalization, particularly the loss of meaning (*Sinnverlust*) entailed in processes of cultural rationalization and the loss of freedom as a result of societal rationalization.⁷⁷ His concern, however, with the diminishing of the political is the loss of the individual in mass society and to the rationalization in science and bureaucratic rule.⁷⁸ For Arendt, the rise of the social and its processes of rationalization and determinism threatens our worldliness, our sense of our actions having meaning beyond our own mortal existence. The “crisis of authority” implicates our experience of permanence and stability in the public space, and thus our ability to establish our own identity and, above that, a satisfactory sense of reality. For Arendt,

a society of men who, without a common world which would at once relate and separate them, either live in desperate lonely separation or are pressed together into a mass. For a mass-society is nothing more than that kind of organized living which automatically establishes itself among human beings who are still related to one another (in virtue of being members of the human species) but have lost the world once common to all of them.⁷⁹

⁷⁴ See Arendt, *The Human Condition*, 53. Bonnie Honig critically develops Arendt’s emphasis on the material aspects of the common world and examines how its destruction allowed for new forms of populist ‘shock-politics.’ Honig, Bonnie. *Public Things: Democracy in Disrepair*. First edition, Fordham University Press, 2017.

⁷⁵ This is connected to, what Passerin d’Entrèves coins, “expressive” aspect of Arendt’s concept of political action. It constitutes an important foundation for Adriana Cavarero’s (2012) “ethics of relationality” and has influenced relational theories of subjectivation such as Judith Butler’s (2005). It has been reproached for various reasons, e.g., Martin Jay (and slightly differently George Kateb) dismisses it for its lack of a normative or moral dimension and understand it to be dangerously aesthetical. For a fruitful discussion of the concept and defence against various reproaches see Passerin d’Entrèves, *Political Philosophy of Hannah Arendt*, 85-95; see also Villa, Dana Richard. *Arendt and Heidegger: The Fate of the Political*. Princeton University Press, 1996, 115, 155-157. I would argue, however, that Passerin d’Entrèves overemphasizes the communicative aspect of action and misses the agonistic aspect, which for example Dana Villa and Bonnie Honig highlight in their reading of Arendt.

⁷⁶ See Arendt, *The Human Condition*, 50.

⁷⁷ See Passerin d’Entrèves, *Political Philosophy of Hannah Arendt*, 22-24. Passerin d’Entrèves, following Manfred Riedel, argues that with her problematization of modern subjectivity as detachment of man from the world, Arendt remains close to those thinkers after Hegel (particularly Nietzsche and Heidegger) who understood the modern individual as non-integrable in worldly institutions and societal normativity. This tradition is distinguished from the Weberian analysis of modernity and its focus on rationalization.

⁷⁸ See Passerin d’Entrèves, *Political Philosophy of Hannah Arendt*, 24.

⁷⁹ Arendt, Hannah. ‘The Concept of History: Ancient and Modern’. *Between Past and Future*, Penguin, 2006, 90. Arendt here establishes her problematic distinction between public and private. The private is where we tend to bodily needs and are thus succumbed to natural processes. The public, on the hand, is the realm where we can escape from our natural cyclicity and from necessity into a realm where our actions and words become meaningful beyond our individual existence. I will not be able to discuss this problematic adequately within the scope of this dissertation. However, I will note that I am not quite yet willing to fully reject Arendt’s distinction for I think it holds important resources to contest the “dismantling of society” and “the dethronement of politics” that laid the ground for new forms of authoritarianism in contemporary society, as Wendy Brown (2019) addresses. (Slightly ironic considering her subchapter titled “Hannah Arendt’s didn’t help.” I agree with Bonnie Honig’s emphasis on the politization and thus

Hannah Arendt, in retrospect, understood the demise of foundations and absolute authorities not to have directly caused, but certainly to have made possible the rise of totalitarian regimes and new forms of oppression previously existing only on the margins of Western societies. Indeed, in response to the philosopher Hans Jonas's call for a reviving investigation of ultimate grounds, Arendt replies that she is "perfectly sure that this whole totalitarian catastrophe would not have happened if people still had believed in God, or in hell rather – that is, if there were still ultimates."⁸⁰ We find ourselves today – in her "today"–, Arendt argues, in a world in which religion and tradition no longer act as frameworks that constrain our freedom and political actions. As I will address in more detail in the fourth chapter, Arendt's understanding is not quite as pessimistic as Weber's, for the demise of traditional forms of authority also provides us with new possibilities for world building and innovative political action. The challenge that remains, however, is to find a new way of "settling down in the gap between past and future" – and of imagining what sorts of authority can properly be grounded and exercised in that gap.⁸¹

The question remains: can democratic societies still hold things in common – terms, narratives, senses of identity, purpose, of project and common action–in a way that does not violate democratic values of freedom and equality? In many ways, contemporary political theory echoes the concerns voiced by Weber, Arendt and Schmitt, giving their diagnosis of modern politics new thrust. In her 2019 study on the rise of antidemocratic politics in the West, Wendy Brown tends to the intersection of modern nihilism with neoliberal logics dominating contemporary US society. Brown points us to the rise of "authoritarian freedom," describing how freedom has been torn out of the habitus of traditional values and structures. Instead, it takes the form of an unrestrained will to power that is detached from any concern for others and for a world that is held in common, and has particularly no regard for the compact between generations upon which the social order had previously rested. In modern society, the habitus of traditional values and structures stands in tension with "authoritarian freedom" and with neoliberal logics enforcing processes of entrepreneurialization, monetization, and financialization, whereby members of society come to be turned into forms of human capital "all the way down" – selling one's soul is now "quotidian," according to Brown.⁸² The consequence is the appearance of unprecedented destructive forces in contemporary US politics:

The combination of neoliberalism's deprecation of the political and the social and a desublimated, wounded white masculinity together generate a disinhibited freedom, one symptomizing ethical destitution even as it often dresses in religious righteousness or

contestation of the distinction itself. See especially Honig, Bonnie. 'Toward an Agonistic Feminism: Hannah Arendt and the Politics of Identity'. *Feminist Interpretations of Hannah Arendt*, Pennsylvania State University Press, 1995, 144-156.

⁸⁰ Hill, Melvyn A., *Hannah Arendt: The Recovery of the Public World*. St. Martin's Press, 1979, 313–314.

⁸¹ Arendt, 'Preface', 13.

⁸² Brown, *In the Ruins*, 163.

conservative melancholy for a phantasmatic past. This freedom is paradoxically expressed as nihilism and against nihilism, attacking and destroying while faulting its objects of derision for the ruin of traditional values and order. It is freedom unbridled and uncultured, freedom to put a stick in the eye of accepted norms, freedom from care of the morrow. This is the freedom remaindered by nihilism, in the making for centuries and intensified by neoliberalism itself. It is the freedom of “I will because I can, because I believe in nothing and I am nothing other than my will to power.”⁸³

In the same political context and in many ways overcrossing with Brown’s diagnosis, Bonnie Honig is concerned with the deprivation of the public and stable points for the orientation of political action. This disorientation paves the way for what Naomi Klein coined “shock politics,” allowing those empowered by the current state to “flood the public’s senses with stimuli such that we are overwhelmed, desensitized, and disoriented, left nearly incapable of response or action because we are confused, exhausted, or fatigued.”⁸⁴

“The dearth” that was left by the vanishing of authority in the political sphere has contributed to the rise of new authoritarian forms of politics that actively undermine democratic life. Democratic theory struggles to distinguish these authoritarian forms of rule from authoritative politics that could provide permanence and stability to democratic regimes against authoritarian “shock-politics”. Before turning to contemporary accounts that attempt to salvage a democratic conceptualisation of authority, it is necessary to understand first the foundational understanding that has vanished in modernity. The following section, therefore, considers the relationship between foundationalism and authority, and it looks at the Roman understanding of *auctoritas* that, according to Arendt, demonstrates that it is not authority *per se* that has been lost for modern politics.

2. Authority and political foundationalism

In the aftermath of the French Revolution, conservative thinkers insisted upon the significance of authority as an integral part of the legitimacy of the political regime. The term became a device raised against the doctrine of popular sovereignty that was proclaimed by the driving forces of revolutionary politics. The legitimacy of the political order, from a conservative point of view, relied on the representation of a higher order; legitimate regimes were rooted in religious foundations and, from there, had naturally developed from their grounding in tradition and customs. The understanding of authority prevalent in Western politics was thus inseparable from political foundationalism. Friedrich Julius Stahl, who developed a theory of legitimatistic

⁸³ Brown, *In the Ruins*. See also Sluga, Hans. ‘Donald Trump: Between Populist Rhetoric and Plutocratic Rule’. *Truth and Power. Hans Sluga on Philosophy.*, Feb. 2017, <http://www.truthandpower.com/donald-trump-between-populist-rhetoric-and-plutocratic-rule/>.

⁸⁴ Honig, *Shell-Shocked*, 13.

conservatism that still holds great influence on German constitutional theory, defines authority as the absolute and divine right from where the king derives the legitimacy of his rule.⁸⁵ The principle of legitimacy at play here equates to the conviction of divine providence underlying human affairs, i.e., the enthronement of the king is legitimate because God willed it.⁸⁶ As Arendt notes that for long time it was self-evident that “the source of their authority, which legitimates the exercise of power, must be beyond the sphere of power and, like the law of nature or the commands of God, must not be man-made...”⁸⁷ Accordingly, thinkers like Stahl were resolute in their conviction that authority contradicts a democratic principle of legitimacy and the idea of popular sovereignty. Authority is incompatible with the active participation of citizens in political decisions: the fluctuations in public opinion together with the conflicting positions taken by different groups in a society would not be able to provide a political regime with the necessary permanence and stability. Stahl vehemently criticized the idea that the historically and organically grown authority of Christian monarchies could be replaced by authority artificially constructed on the basis of popular sovereignty; the principle of plebiscitarian legitimacy together with an idea of a “democratic authority” could thus not substitute for the personal and absolute form of authority provided by a Christian monarchy: authority could not be given by the people.⁸⁸ Here is how Stahl put it in his speech to parliament:

How can the supporters of that system come before us with such confidence after the experiences of 1848? Did they not face the unleashed movement just as that sorcerer's apprentice faced the waters which he had conjured up and was no longer able to control? They had forgotten the spell to banish them, or rather this spell was not in the dictionary, because this spell is called ‘authority.’ There they wanted to adjure the waters with the spell of the system: ‘Majority, Majority.’⁸⁹

Stahl’s defence of Christian monarchies is undergirded by a more fundamental conviction that political rule can only function upon foundations that lie beyond the fluctuations of human affairs. The understanding of authority, that Stahl, offers is deeply influenced by its institution in the Roman Catholic Church. Indeed, Arendt notes, it was only in the Christian era that the idea, Platonic in origin, that the yardsticks against which “the visible, concrete affairs of men were to be measured and judged” themselves were to remain “invisible,” for they lay in the spiritual realm, “unfolded its full political effectiveness.”⁹⁰ Accordingly, although toward the end of the Kulturkampf with Prussia the Catholic Church compromised in regard to the new republican and

⁸⁵ Eschenburg, *Über Autorität*, 114-115.

⁸⁶ Friedrich Julius Stahl, *Philosophie des Rechts*, Bd. II/2, cited in Eschenburg, *Über Autorität*, 114. [I was not able to get hold of Stahl’s work from England.]

⁸⁷ Arendt, ‘What is Authority?’, 111.

⁸⁸ Eschenburg, *Über Autorität*, 114-115.

⁸⁹ Excerpt from Julius Friedrich Stahl’s parliament speech from 1850 discussing the distinction between naturally grown and constructed authority after the French Revolution. Cited in Eschenburg, *Über Autorität*, 116, translation my own.

⁹⁰ Arendt, ‘What is Authority?’, 127.

democratic governments, especially in France, it still proclaimed it necessary to reconcile new state forms with Christian doctrine because “since no society can exist unless one is at the head of all, it follows that civil society also needs an authority to guide it. This authority, like society itself, is founded in nature and therefore has God himself as its ultimate cause. Therefore, he who has the right of command does not receive it from anywhere else but from God, the supreme Lord of all things.”⁹¹ It was also within the Roman Catholic Church that this structure of authority was most persistent. Whilst institutionalized authority and the hierarchies of worldly rule in Europe dissipated in the aftermath of the French Revolution, it remained central in Catholic dogma: the Church was to be regarded as founded by God and this foundation continued to legitimate its monocratic and hierarchical constitution. Stahl, and as we will see in due course also Carl Schmitt, is concerned with two aspects of authority embodied in the institutional form of the Roman Catholic Church that he does not see replicated adequately in political orders that are based on plebiscitarian legitimacy: an understanding of authority as absolute foundation on one hand, and its worldly appearance in personalistic form, on the other hand. The proclamation, “Authority, not Majority!,” famously but not quite correctly credited to Stahl, neatly summarizes the classical decisionism into which Schmitt breathed new life, in response to the societal fissures that threatened to overthrow the vulnerable structure of parliamentary democracy in the Weimar Republic.⁹²

Hannah Arendt, however, reminds us that the metaphysical notion of authority that came to be dominant in Western political thought and that had become under threat in modernity is by no means inert, but is a specific understanding of authority, Platonic in origin, and constitutes a metaphysical deviation from the experience of authority in Roman politics. According to Arendt, in order to comprehend the “crisis of authority” in modernity it is imperative to concern oneself with those features of Greek political philosophy which have so decisively influenced [the concept’s] shaping.”⁹³ In the fourth chapter of this work, I shall therefore return to Arendt’s critique of the Greek deviation of authority in more detail. In the following, I turn to Arendt’s discussion of the Roman notion of *auctoritas*, which is based upon the political experience of authoritative relations specific to Roman politics. Drawing out this political understanding of authority, I argue, allows us to recognise a certain variability of the concept that suggest that its reconceptualization from a post-foundational perspective is possible.

⁹¹ From the encyclical of Leo XIII. *Immortale Dei* from 1885, cited in Eschenburg, *Über Autorität*, 128, translation my own.

⁹² See Schmitt, Carl. *Political Theology: Four Chapters on the Concept of Sovereignty*. University of Chicago Press, University of Chicago Press, 2005, 33. Stahl himself never uttered the phrase „Autorität, nicht Maiorität!“ It is rather a terse summary of his parliament speech from 1850 discussing the distinction between naturally grown and constructed authority after the French Revolution, an excerpt of which I cited above. See Eschenburg, *Über Autorität*, 116.

⁹³ Eschenburg, *Über Autorität*, 106.

For the Romans, *auctoritas* was inherently tied to the original foundation of the city of Rome. The sacredness of the foundation lay at the heart of Roman society, and it was understood that once something was founded it would remain binding for all following generations. In consequence, *auctoritas* was deeply rooted in the soil of the city and Roman politics strictly bound to its locality. Arendt describes the peculiar structure of *auctoritas* through visual imagery:

If one wants to relate this attitude to the hierarchical order established by authority and to visualize this hierarchy in the familiar image of the pyramid, it is as though the peak of the pyramid did not reach into the height of a sky above (or, as in Christianity, beyond) the earth, but into the depth of an early past.⁹⁴

This is why, in contrast to the Greeks, the Romans were not able to say: “Go and found a new city, for wherever you are you will always be a polis.”⁹⁵ The Greek polis was spatially contingent; it was understood as an association of collectively responsible members who are equipped to make legally-founded decisions regarding the city’s internal governance as well as its relation to what lies outside its walls. The Romans, on the other hand, were bound to their origin, the *patria*. The founding of the original city could not be repeated elsewhere, which is why they had to add colonies to Rome “until the whole of Italy and, eventually, the whole of the Western world were united and administered by Rome as though the whole world were nothing but Roman hinterland.”⁹⁶ *Patria*, the land of the fathers (*patres*), designates the homeland in the most literal sense. As Cicero points out, the Roman *patria civitatis* is an equivalent of *patres naturae*, the private home, the intimate and familiar. The home was a place to remember the dead and their virtues, where local and house gods were cultivated. Similarly, the *patria civitatis*, the home of the Roman, was a place of collective remembrance and *religion*.⁹⁷

Any form of authority in the present was necessarily derived from the original foundation and thus relied on the unbroken connection between past and present. This connection was provided through *tradition*:

Tradition preserved the past by handing down from one generation to the next the testimony of the ancestors, who first witnessed and created the sacred foundation and then augmented it by their authority throughout the centuries. As long as this tradition was uninterrupted, authority was inviolate; and to act without authority and tradition,

⁹⁴ Arendt, ‘What is Authority?’, 124.

⁹⁵ Arendt, ‘What is Authority?’, 120.

⁹⁶ Arendt, ‘What is Authority?’, 120.

⁹⁷ Just how important the spatial aspect of authority was, is demonstrated by the role of *Vesta*, goddess of hearth fire, domestic life and domestic tranquility, who came to be the protectress of the city of Rome and thus occupied a distinguished place among earlier Roman divinities. Her shrine was located in the Roman forum, with a never-ceasing fire as the hearth of the nation. Like the hearth fire in the home which was not only essential for cooking and warmth but also served as a gathering place for the family and, in time, became associated with the spirit of that particular family, the hearth in *Vesta*’s temple became the home for the spirit of the nation and the symbol of home for all Roman citizens. It was custom when leaving the home for a business trip, or even a vacation, to carry some hearth fire in order to keep one’s home close. The sanctity of house and hearth, and the connection to the soil, was unknown to the Greeks. See Arendt, *What is Authority?*, 121.

without accepted, time-honored standards and models, without the help of the wisdom of the founding fathers, was inconceivable.⁹⁸

Indeed, the word *auctoritas* was in fact derived from the verb *augere*, “to augment.”⁹⁹ The augmentation of Roman politics describes the idea that every political action was tied to the origin of the city and thereby provided continuity in the flux of human affairs. It then followed that institutions were legitimate because they reached beyond individual lives, bestowing them with a sense of immortality.¹⁰⁰ Authority then really lay with the ancestors and founders (*maiores*)¹⁰¹ of the city, who, of course, were no longer among the living; yet their spirit was carried and kept alive by the elders (*patres*) in the Roman Senate. Contrary to the modern idea that one accumulates wisdom while growing into the future, the Romans – so Arendt argues – believed that growth was directed towards the past. The elders were the ones that had grown closer to the ancestors and thus to the very foundation of Rome itself. The responsibility of the Senate, endowed by the authority of the foundation, was to ensure that the foundation laid by the ancestors was upheld in augmentation and the tradition continued.¹⁰² The most “conspicuous” characteristic of the Senate was, according to Arendt, that they did not have power: “*Cum potestas in populo auctoritas in senatu sit*: ‘While power resides in the people, authority rests with the Senate.’”¹⁰³ The role of the Senate was to add “authority”, augmentation, to political actions and decisions. Arendt here cites Mommsen to describe the Senate’s act in adding authority as “more than advice and less than a command, an advice which one may not safely ignore,” whereby it is assumed that “the will and the actions of the people like those of children are exposed to error and mistakes and therefore need ‘augmentation’ and confirmation through the councils of the elders.”¹⁰⁴ Arendt’s reference to Mommsen here is rather misleading, for the notion of “advice” implies that the Senate’s contribution to power was guidance for action, i.e., is directed toward the future. It is, however, better understood as a “binding force” as Arendt defines it in the following paragraph. She draws here a comparison to the religious binding force of the *auspices*, “which, unlike the Greek oracle, does not hint at the objective course of future events but reveals merely divine approval or disapproval of decisions made by men.”¹⁰⁵ It is for this reason that the Roman gods

⁹⁸ Arendt, ‘What is Authority?’, 124.

⁹⁹ Arendt, ‘What is Authority?’, 121.

¹⁰⁰ See Arendt’s discussion of immortality as mortals acquiring divine character in *The Human Condition*, 17-21

¹⁰¹ See Arendt, ‘What is Authority?’, 121-122.

¹⁰² Mommsen, Theodor. *Römisches Staatsrecht*. Benno Schwabe & Co. Verlag, 1952, 1032ff; Arendt, ‘What is Authority?’, 122f. Note the etymological kinship between home (*patria*), the elders equating to “the fathers” (*patres*). Kojève’s definition of traditional authority as the authority of the Father echoes this and indicates that the conceptual history of authority is deeply conflicted with a patriarchal narrative. Kojève, Alexandre. *The Notion of Authority: A Brief Presentation*. Verso, 2014, 14-15. In the following chapter, I give a short discussion of Erica R. Edwards’s feminist deconstructive critique of charismatic authority, which takes an important step toward a broader feminist reconceptualization of authority. See Edwards, Erica R. *Charisma and the Fictions of Black Leadership*. University of Minnesota Press, 2012.

¹⁰³ Cicero, *De Legibus*, 3, 12, 38, cited in Arendt, ‘What is Authority?’, 122f. Italics are Arendt’s.

¹⁰⁴ Mommsen, *Römisches Staatsrecht*, 1032ff, and Arendt, ‘What is Authority?’, 123. It is for this reason, Arendt argues, that examples from education apply, and apply only, to the Roman understanding of authority.

¹⁰⁵ Arendt, ‘What is Authority?’, 123.

were not understood to have “power” over worldly affairs.¹⁰⁶ Similarly, the Roman Senate did not guide the actions of men, but confirmed their meaning in regard to the tradition of the past founding, “adding, as it were, to every single moment the whole weight of the past,”¹⁰⁷ thereby giving actions *gravitas*. The Senate functioned – Arendt here uses the words of Plutarch – as “a central weight, like ballast in a ship, which always keeps things in a just equilibrium.”¹⁰⁸ “Authority,” Arendt concludes, “in contradistinction to power (*potestas*), had its roots in the past, but this past was no less present in the actual life of the city than the power and strength of the living.”¹⁰⁹

Strictly speaking, authority did not lie in the past event of founding *per se*, but instead its myth that kept all generations of Roman society connected to the past. It therefore was part of a practice. Yet, although the founding itself was a political and thus a human act, it gained a “nearly superhuman” character and therefore divine significance through its religious cultivation. In the fourth chapter of this work, I turn to Arendt’s critique of Roman authority through which she fabulizes a political practice of authority as an alternative to the Greek concept of authority, that became dominant in Western political thought.

The Catholic Church maintained the Roman trinity of religion, tradition, and authority; however, it amalgamated it with a metaphysical structure of authority according to which the source of authority no longer lay in the soil and reached beyond the earthly realm, but came to be placed in the heavens and transcended human actions. It was God’s revelation that was now interpreted politically so that

the standards for human conduct and the principle of political communities, intuitively anticipated by Plato, had been finally revealed directly, so that, in the words of modern Platonist, it appeared as though Plato’s early ‘orientation toward the unseen measure was now confirmed through the revelation of the measure itself.’¹¹⁰

For Arendt, Roman *auctoritas* was an inherently political category, based upon the experience of the political realm.¹¹¹ This understanding stands in contrast to the metaphysical gesture that grounds the realm of human affairs – the flux of human deeds – in something absolute, stable and

¹⁰⁶ See Arendt, ‘What is Authority?’, 123. In a footnote, Arendt points to the ambiguity of the Latin word *numen*, which today has become nearly untranslatable; it is translated as “divine command”, however, it is derived from *nuere*, “to nod in affirmation.” (285, footnote 35)

¹⁰⁷ Arendt, ‘What is Authority?’, 123.

¹⁰⁸ Plutarch, *Life of Lycurgus*, cited in Arendt, ‘What is Authority?’, 123.

¹⁰⁹ Arendt, ‘What is Authority?’, 122.

¹¹⁰ Voegelin, Eric. *The New Science of Politics: An Introduction*. University of Chicago Press, 1987, 78.

¹¹¹ Arendt reminds us that while authority was enacted in Roman society as a political category, its theoretical understanding relied on the Greek conceptualization: “If we wish not only to comprehend the actual political experiences behind the concept of authority – which, at least in its positive aspect, is exclusively Roman – but also to understand authority as the Romans themselves already understood it theoretically and made it part of their political tradition of the West, we shall have to concern ourselves briefly with those features of Greek political philosophy which have so decisively influenced its shaping.” Arendt, ‘What is Authority?’, 106.

permanent. The metaphysical remnants at the heart of the conceptual history of authority still haunt Weber's and Schmitt's accounts of politics, even though both of these thinkers, as I demonstrate in the following, depart from a post-foundational critique that recognizes the incompatibility of a foundationalist understanding of authority with modern democratic principles. Even Schmitt acknowledges that "plebiscitarian legitimacy is the single type of state justification that may be generally acknowledged as valid today."¹¹² This raises important questions: Can we imagine a post-foundational conceptualization of authority that is proper to modern democratic regimes? How can we think authority from the perspective of democratic politics, rather than from the perspective of the state that interpellates its subjects into quiet obedience? Arendt's gesture of drawing apart the concept of authority into two different understandings, the Roman notion of *auctoritas* and its Platonic deviation in form of a metaphysical conceptualization, demonstrates a fundamental mutability of the concept, which suggests that it is possible to imagine a post-foundational conceptualization of authority that is compatible with modern democracy. There remains one more question, however: considering that Schmitt's quest for a political authority proper to modern democratic society culminates in a fascist theory of decisionism, should democratic theory not instead reject authority altogether?

The following work tends to these questions in detail. For now, however, the reader should be reminded that Friedrich Engels already noted that the desire for the abolishment of authority is driven by a dangerous phantasmagoria. He notes that for his fellow socialists it "suffices to tell them that this or that act is *authoritarian* for it to be condemned."¹¹³ In response to "the crusade against what they call the principle of authority" he responds:

They demand that the first act of the social revolution shall be the abolition of authority. Have these gentlemen ever seen a revolution? A revolution is certainly the most authoritarian thing there is; it is the act whereby one part of the population imposes its will upon the other part by means of rifles, bayonets and cannon — authoritarian means, if such there be at all; and if the victorious party does not want to have fought in vain, it must maintain this rule by means of the terror which its arms inspire in the reactionists. Would the Paris Commune have lasted a single day if it had not made use of this authority of the armed people against the bourgeois?¹¹⁴

The following section tends to contemporary accounts of authority. It demonstrates that whilst the notion of authority has been addressed by liberal theory, though in a problematic way as I argue, the concept remains otherwise "unfashionable" and continues to be brushed aside in political theory. However, to avoid the name of something – authority in this case – is simply

¹¹² Schmitt, Carl. *Legality and Legitimacy*. Transl. Jeffrey Seitzer, Duke University Press, 2004, 90.

¹¹³ Engels, Friedrich. 'On Authority'. *Marx-Engels Reader*, edited by Robert C. Tucker, W. W. Norton and Co., 1978, 733.

¹¹⁴ Engels, 'On Authority', 733.

ignoring rather than eliminating the thing itself. Resistance requires a name. Indeed, it might even be a *lack* of authority that drives certain aspect for contemporary far-right populist politics and the triumph of figures like Trump.

3. Contemporary accounts of political authority and their limitations

In the following, I will review how authority has been approached and conceptualised in two branches of democratic theory, liberal and post-structuralist thought. I demonstrate that liberal theory recognises that a foundationalist conceptualisation of authority is not compatible with democratic politics yet has not been able to offer an alternative. Post-structuralist thought, on the other hand, promises a more complex understanding of authority, but generally shies away from the notion of authority for its conservative connotations. I look specifically at the work of Nancy Luxon who promises to reintroduce the concept of authority from a post-structuralist perspective in order to distinguish between nourishing and authoritative relationships from harmful hierarchies that are based on force. I contend that in the end her work is not persuasive for it does not answer to her own question: how interpersonal authoritative relationships can move persons toward politics and turn their interpretation of authority toward democratic infrastructures and political frameworks that hold and stabilise democratic life.

Liberal democratic theory turns to the concept of authority in the context of the difficulty to distinguish between different forms of civil disobedience, and to defend democratic institutions and procedures against populist movements. Robert Jubb (2019), for example, argues that an understanding of the role of authority, specifically in forms of democratic institutions and procedures, is necessary for the ability to respond to undemocratic forms of protest and civil disobedience. The problem he sees in previous liberal accounts of political authority, however, is that they make the question of authority an all or nothing matter. Immanuel Kant indeed denied the right of resistance to authority, although he bound the ruler to respect the freedom of his subjects, leaving his political thought an example of Lutheran quietism in the face of secular authority.¹¹⁵ Ultimately the political order is either fully authoritative (which in the case of Rawls's work would only be the case if a society is fully just, or, following his later account, when it provides a set of basic liberties)¹¹⁶, or, as in the case with recent liberal work on civil disobedience (which Jubb judges to be too inclusive), authority is basically abandoned. Thus Jubb: the “failure to distinguish different kinds of authority a political order may possess leads to

¹¹⁵ See Kennedy, Ellen. *Constitutional Failure: Carl Schmitt in Weimar*. Duke University Press, 2004, 62; I will return to this in the context of Schmitt's critique of liberal anti-authoritarianism in the third chapter.

¹¹⁶ Stephen Perry, for example, insists that the legitimacy of a political authority must proceed as an investigation of the possibility of “the enterprise as a whole possessing legitimate political authority” rather than on a case-by-case basis. Perry, Stephen. ‘Political Authority and Obligation’. *Oxford Studies in Philosophy of Law*, edited by Leslie Green and Brian Leiter, Vol. 2, Oxford University Press, 2013, 66.

a failure to distinguish different situations in which different forms of illegal protest and resistance are acceptable.”¹¹⁷ Hence, at the heart of liberal thought there is a fundamental contradiction between the concept of authority and the idea of sovereign individualism, leaving no conceptual space for the reconsideration of authority. Even in the minimal understanding the idea of authority implies that there is a legitimate demand of obedience made of subjects and thus an implied duty of the subjects of authority to follow directives. This is difficult, if not impossible, to reconcile with the value of individual autonomy which lies at the heart of liberal account of democracy.¹¹⁸ Any accounts such as Dahl and Stinebrickner’s, who understand authority to imply that an order is followed “automatically, uncritically, and unreflectively,” are immediately futile.¹¹⁹ For this reason, A. J. Simmons (1999, 2001) suggests leaving the notion of political authority aside completely. He argues that all left-libertarians ultimately have to be consent theorists about political authority, and to that extent defend philosophical anarchism. Now, the argument that all political orders lack political authority makes authority unproductive as a concept.¹²⁰ A consent understanding of political authority is not only not helpful, it is *per definitionem* paradoxical. In order to respond to undemocratic forms of protest and civil disobedience, Jubb concludes that a *disaggregated* understanding of authority is instead required, i.e., an account of authority that can grasp gradations of political authority.¹²¹ Against that, Luxon in *Crisis of Authority* (2013) points out that the idea that the relationship between liberty and authority is not diametrical but rather is constantly re-negotiated, is not at all new to liberal thought. Classical liberals of the early modern period including Locke, Rousseau, and Kant all addressed authority in terms of educative

¹¹⁷ Jubb, Robert. ‘Disaggregating Political Authority: What’s Wrong with Rawlsian Civil Disobedience?’ *Political Studies*, vol. 67, no. 4, Nov. 2019, 956. Critics of Rawls account of civil disobedience equally have not been able to provide an alternative to this binaric conceptualization of authority. This includes Kimberley Brownlee’s moralist account (2012), Scheuermann (2015), as well critics from the radical democratic tradition such as by Robin Celikates’ (2014, 2016). All of them take a de facto anarchist position deleting political authority from their accounts and thereby leaving their accounts of civil disobedience too inclusive, according to Jubb. (961). Those thinkers who have offered alternative accounts of how a political order might come to be authoritative similarly are not able to contribute to a more complex understanding of authority as authority is reduced to the question of the legitimacy of the political regime without distinguishing authority as enacted within: See for instance Joseph Raz “service conception of authority”; Christopher Wellman’s “Political Samaritanism” (1996, 2005); or accounts that arrive authority on the grounds of equality amongst citizens for instance by Thomas Christiano (2004, 2013) and David Estlund (2009). Furthermore, this also applies to what A J Simmon’s coins “necessity accounts” (2001, 102-121) closer to the communitarian tradition which share the understanding that political authority - as in the authority of a political regime - to be a facticity and a necessity e.g. instance for allowing virtuous agency (Elizabeth Anscombes 1981, Tristan J. Rogers 2019), or for providing “common good” (George Duke 2017).

¹¹⁸ See Duke, George. ‘Political Authority and the Common Good’. *Political Studies*, vol. 65, no. 4, 2017, 879; Hersowitz, Scott. ‘The Role of Authority’. *The Philosopher’s Imprint*, vol. 11, no. 7, 2011, 1, also Hersowitz, Scott. ‘The Authority of Law’. *The Routledge Companion to Philosophy of Law*, edited by Andrei Marmor, Routledge, 2012, 65–75; and Wendt, Fabian. ‘Justice and Political Authority in Left-Libertarianism’. *Politics, Philosophy & Economics*, vol. 14, no. 3, 2015, 320.

¹¹⁹ Dahl Robert A., and Bruce Stinebrickner. *Modern Political Analysis*, 42.

¹²⁰ See Simmons distinction between legitimacy and justification. Simmons, A. John. *Justification and Legitimacy: Essays on Rights and Obligations*. Cambridge University Press, 2001, 102-121. Vallentyne (2007), Michael Otsuka (2005) and Hillel Steiner (2008) dismiss the concept of authority for similarly pragmatic reasons in their work. Fabian Wendt groups these thinkers who investigate potential justifications for certain state orders whilst agreeing on the impossibility of them holding political authority with the notion of “justice-only-thesis”. See Wendt, Fabian. ‘Justice and Political Authority in Left-Libertarianism’. *Politics, Philosophy & Economics*, vol. 14, no. 3, 2015, 317.

¹²¹ In his article, Jubb only indicates that authority might be held on the grounds that a regime responsive, even if it is not fully democratic, in the sense that its “boundaries of acquiescence can legitimately be tested, but they cannot be forced.” Jubb, ‘Disaggregating Political Authority’, 968.

relationships vital to democratic society and the expression of individual freedom. Each drew on formative, personal relationships of authority to prepare citizens to occupy common public spaces organized through words and deeds. It appears that contemporary liberal theory, however, has come to forget the more complex accounts of authority of their predecessors and instead consider “authority” almost entirely in terms of rules that bind citizens and government.¹²² Mark Haugaard’s study of authority (2019) provides a slightly more complex understanding of the concept. By reading Weber’s account of authority alongside theories of performativity (following the work of Austin and Wittgenstein), Haugaard highlights the epistemic aspect of authority. He demonstrates that authority depends on a successful performance *within* an epistemological structure. Haugaard thereby opens a more complex perspective on the relationship between authority and hegemonic politico-epistemological orders. Concerned with the idea that authority would become relative to existing belief systems, however, Haugaard takes a “neo-Kantian, republican, pragmatist turn” following Joseph Raz’s service conception of authority, whereby political authority again becomes reduced to the question of the legitimacy of a specific political order and measured against liberal values of individual autonomy.¹²³

But it is not only the tradition of liberal thinkers that have come to reduce authority to oppressive relationships, as Luxon demonstrates: with the focus of contemporary scholars on Foucault’s notion of power, the concept of authority has become “unfashionable.”¹²⁴ Luxon argues that the reason for this is that appeals to authority are often understood to dismiss the complex disjuncture of power and knowledge and instead to rearticulate a traditional notion of order which remains more or less fixed and unchanging.¹²⁵ The notion of power, on the other hand, was introduced for cutting: “cutting through the pettifoggery of elite politics, through the veneer of a normal politics, through the sediment of unexamined modes of political thought and practice.”¹²⁶ With that, Foucauldian scholarship is able to address the disciplinary aspects of power and thus constraints that classical consent theories of political authority in the liberal tradition were not able to capture. The concern with political authority came to be understood as a conservative venture intended merely to defend traditional and given societal hierarchies and power relations. The language of power, with its insights into the epistemological aspects that inhere in categories of rule, promised to set aside unstable distinctions between power, violence, and authority, and thus to capture the potency in all forms of politics and rule. From this

¹²² Luxon, *Crisis of Authority*, 19.

¹²³ Haugaard, ‘What is Authority?’, 128. Haugaard follows Raz conviction that a legitimate authority acts in the interest of those over whom it is exercised (grantees) for it indicates that the authority enacts the decision the individual would have made under ideal rational circumstances. See also Raz, Joseph. *The Morality of Freedom*. Clarendon Press, 1986.

¹²⁴ Indeed, when browsing through the indexes of anglophone scholarship on Foucault and English editions of Foucault’s work, authority does not appear. This for the least demonstrates that authority is not understood as a significant category associated for Foucault in the anglophone context. Of course, the available literature was not only restricted by language, but also by the literature available to the author at the library at the University of Brighton and University of Sussex.

¹²⁵ Luxon, *Crisis of Authority*, 17.

¹²⁶ Luxon, *Crisis of Authority*, 3.

perspective, attempts to distinguish analytically between (legitimate) forms of power and (illegitimate) coercive power came under suspicion.

Luxon argues that one problem in general is that contemporary scholarship that follows Foucault's notion of power is preoccupied with the repressive aspects of power. In a 1980 interview, however, Michel Foucault himself emphasizes that power relations cannot be reduced to mere repression: "If I accepted the picture of power that is frequently adopted, namely that it's something horrible and repressive for the individual, it's clear that preventing a child from scribbling on the walls would be an unbearable tyranny." And he continues, "But that's not it: I say that power is a relation. A relation in which one guides the behavior of others. And there's no reason why this manner of guiding the behavior of others should not ultimately have results which are positive, valuable, interesting, and so on."¹²⁷ Luxon proposes to reconsider the concept of authority in order to distinguish nourishing and authoritative relationships from those hierarchies built on harm and force. She thus insists that such linguistic differentiations are valuable, even from a post-structuralist perspective which exactly criticizes and undermines strict analytical distinctions between different phenomena. Her project promises to challenge the common "presumption that the popular experience of authority can never be more than obedience" for behind it stands the assumption that liberty and authority are antithetical. Instead, Luxon argues that we should think "liberty and authority as entangled in paradox," and thus to be a relation that needs continuous renegotiation.¹²⁸ In contemporary post-structuralist scholarship that addresses the productive aspects of power, specifically in response to Foucault's late work on the "techniques of the self" in Hellenistic and Christian history (Foucault's theme in investigating sexuality in 1984, 1985, 1986), the notion of authority is used to designate how "the enfolding of authority" of the self, the work we perform upon ourselves, relates to other forms of authority.¹²⁹ In that spirit, Luxon considers the hierarchical relationships of truth and trust that emerge from psychoanalytic practice, as well as the pedagogic training involved in Foucault's work on parrhesia, or "speaking truth to power," in order to think about how these practices and training nourish the ethical work that equips citizens to participate in democratic authority. Luxon recognises the shortcoming of these accounts of authority which, by focusing on Foucault's

¹²⁷ Foucault cited in Luxon, *Crisis of Authority*, accompanying the front piece of Moritz von Schwind's *The Prisoner's Dream* (1836) right after the title page.

¹²⁸ Luxon, *Crisis of Authority*, 19.

¹²⁹ See Dean, Mitchell. 'Foucault, Government and the Enfolding of Authority'. *Foucault and Political Reason: Liberalism, Neo-Liberalism and Rationalities of Government*, edited by Andrew Barry et al., Routledge, 2005, 209–29; Luxon draws on Judith Butler, who in her own work emphasizes that power relations are not merely repressive but indeed necessary and productive in the process of the formation of the self. In that context, Butler is also concerned with the formative effect of the "authoritative voice" which hails the individual and thus the address of state authority as inaugurative. Luxon argues that Butler thereby considers how subjects might respond to hierarchies in way that redefine site so resistance and authorship. In *The Psychic Life of Power* (1997), for instance, Butler writes that "if, following Foucault, we understand power as forming the subject as well, as providing the very condition of its existence and the trajectory of its desire, then power is not simply what we oppose but also, in a strong sense, what we depend on for our existence and what we harbor and preserve in the beings that we are." Butler, Judith. *The Psychic Life of Power: Theories in Subjection*. Stanford University Press, 1997, 2.

notion of power, have displaced authority from the analysis of broader societal and political hierarchies towards self-formation and interpersonal relationships: “Uncertain of what might serve as foundation for governance, however provisional, political theorists have instead used the attention to power to focus more narrowly on questions of identity and self-formation.”¹³⁰ Luxon laments that whilst the appeals to relational selfhood and ethical dispositions have been made fruitful as a first step to overcome broader structural challenges, there is still not a clear sense as to how such subjective experiences could connect to collective, political practices:

Despite the impressive critiques offered of concepts central to liberal politics – freedom, equality, justice – and their political instantiations, contemporary politics still struggles to adapt these critiques for political practice in a way that does not deliver them back into the pathologies of liberalism.¹³¹

For Luxon, the objective of restoring a modern notion of authority necessitates the intervention in problems of post-truth society, a society in which claims to truth and trust which traditionally sustain authoritative relationships have come to be understood to merely mask claims to power.¹³² She therefore sets out the challenge to generate new grounds for the “seemingly bankrupt concepts of political authority, trust and truth telling”¹³³ Yet, her investigation in *Crisis of Authority* remains within the scope of inter-personal relationships and does not indicate how these insights translate to a broader structural level. The translatability of these relationships to a structural level cannot be taken for granted. In the context of her critique of the dialogical model of her teacher Karl Jasper’s, which she in earlier works praised for its focus on communication in contrast to the “existential solipsism” of Martin Heidegger, Arendt argues that the “I/Thou” relation can never be extended to the “plural We” of politics.¹³⁴ Recall, too, that Arendt argued that the Platonic application of pedagogical relationships to authority in the political realm undermined the equality vital to political relations. Mark Wenman notes, Luxon’s study shifts the focus toward the question of authority again: “In the context of pervasive mistrust in public officials and public institutions, and where the external markers of authority are in crisis, [Luxon] forcefully reasserts the distinction between legitimate authority and mere power and self-interest.”¹³⁵ Yet Luxon cannot convincingly respond to her question: how it is possible to make “ethical judgements of power and politics in the absence of a shared public context.”¹³⁶

¹³⁰ Luxon, *Crisis of Authority*, 6.

¹³¹ Luxon, *Crisis of Authority*, 6.

¹³² Luxon, *Crisis of Authority*, 5.

¹³³ Luxon, *Crisis of Authority*, 2.

¹³⁴ See Villa, *Arendt and Heidegger*, 120.

¹³⁵ Wenman, Mark. ‘Crisis of Authority: Politics, Trust and Truth-Telling in Freud and Foucault. By Nancy Luxon. New York: Cambridge University Press, 2013. 357p. \$99.00.’ *Perspectives on Politics*, vol. 12, no. 4, Dec. 2014, 897–99, 897.

¹³⁶ Luxon, *Crisis of Authority*, 4.

In contrast to Luxon, this work therefore turns to the thought of Weber, Schmitt, and Arendt for they reconceptualise authority from within the context of democratic institutions and regime politics. Before that, however, the last section of this chapter draws out the essential features of authority arguing that at the very heart of authority lies its own resistibility. This must constitute the point of departure to distinguish between *authoritative* and *authoritarian* politics for it allows to think authority with one foot in democratic contestation and resistance. So, let us begin again by asking the question: *what is authority?*

4. Asking again: what is authority?

Arendt's essay "What is Authority?" surely promises a definition of authority. However, already in the first lines she rectifies the question. "It would have been wiser to ask in the title," she states, "What was – and not what is – authority?"¹³⁷ Indeed, it was at the pressure of her editors that Arendt changed the original title of her essay into the present tense. According to Arendt, there no longer is an "authentic" and "undisputable" common experience of authority and, with that, "the very term has become clouded by controversy and confusion."¹³⁸ The rise of modernity was followed by a breakdown of traditional hierarchies and forms of authority that previously had been thought to be inseparable from the permanence and unity of the political order. Political authority, founded on religion and pre-revolutionary tradition, wilted away over the centuries. Although this crisis was, according to Arendt, political in origin and nature, it was not restricted to the political realm. The severity of the crisis is testified by its expansion into "prepolitical areas" such as child-rearing and education,

where authority in the widest sense has always been accepted as a natural necessity, obviously required as much by natural needs, the helplessness of the child, as by political necessity, the continuity of an established civilization which can be assured only if those who are newcomers by birth are guided through a pre-established world into which they are born as strangers.¹³⁹

Arendt is clear: "Then, as well as now, nothing is more questionable than the political relevance of examples drawn from the field of education."¹⁴⁰ Indeed, as will be discussed further in the fourth chapter, Arendt identifies Plato's recurring to examples of authority from unpolitical relations as holding far-reaching and detrimental consequences for political relations. Yet it is indisputable that "all the old time-honored metaphors and models for authoritarian relations have lost their plausibility,"¹⁴¹ and we no longer commonly experience any self-evident relations to

¹³⁷ Arendt, 'What is Authority?', 91.

¹³⁸ Arendt, 'What is Authority?', 91.

¹³⁹ Arendt, 'What Is Authority?', 92.

¹⁴⁰ Arendt, 'What is Authority?', 118.

¹⁴¹ Arendt, 'What is Authority?', 93.

authority, neither political nor in any other form.¹⁴² Authority, Arendt argues, has indeed “vanished” from the world.¹⁴³

There are further complications that obstruct a theoretical understanding of political authority. In *On Violence* (1970), Arendt insists that “authority” remains the “most elusive” and “most frequently abused” political category.¹⁴⁴ She laments the lack of care that is given to the gradations in meaning of different political categories generally, arguing that it undermines the ability to understand gradations of rule as they appear in political life – while recognizing that these different phenomena never appear in their pure form:

It is, I think, a rather sad reflection on the present state of political science that our terminology does not distinguish among such key words as “power,” “strength,” “force,” “authority,” and, finally, “violence” – all of which refer to distinct, different phenomena and would hardly exist unless they did. (In the words of d’Entrèves, “might, power, authority: these are all words to whose exact implication no great weight is attached in current speech; even the greatest thinkers sometimes use them at random. Yet it is fair to presume that they refer to different properties, and their meaning should therefore be carefully assessed and examined.... The correct use of these words is a question not only of logical grammar, but of historical perspective.”) To use them as synonyms not only indicates a certain deafness to linguistic meanings, which would be serious enough, but it has also resulted in a kind of blindness to the realities they correspond to.¹⁴⁵

For Arendt, behind this neglect of the variations in linguistic meanings is not an issue of “careless speech”; rather, it flows from a reduction of politics to the question of rule.

Behind the apparent confusion is a firm conviction in whose light all distinctions would be, at best, of minor importance: the conviction that the most crucial political issue is, and always has been, the question of Who rules Whom? Power, strength, force, authority, violence – these are but words to indicate the means by which man rules over man; they are held to be synonyms because they have the same function. It is only after one ceases to reduce public affairs to the business of dominion that the original data in the realm of human affairs will appear, or, rather, reappear, in their authentic diversity.¹⁴⁶

As previously mentioned, Luxon echoes this sentiment when she argues that contemporary scholarship influenced by Foucault’s notion of power is still preoccupied with the repressive aspects of rule.¹⁴⁷ Another aspect that renders a definition of authority difficult, Arendt argues, is that from the very beginning of its conceptualization in Ancient Greek thought, authority was

¹⁴² Later on, in regard to Aristotle’s reference to examples of child-rearing for his conceptualization of political authority, Arendt argues that “it is true that the necessity for “authority” is more plausible and evident in child-rearing and education than anywhere else. That is why it is so characteristic of our own time to want to eradicate even this extremely limited and politically irrelevant form of authority. Arendt, ‘What Is Authority’, 119.

¹⁴³ Arendt, ‘What is Authority?’, 91.

¹⁴⁴ Arendt, Hannah. *On Violence*. Harcourt Brace & Co, 1970, 45.

¹⁴⁵ Arendt, *On Violence*, 45.

¹⁴⁶ Arendt, *On Violence*, 45.

¹⁴⁷ Luxon, *Crisis of Authority: Politics*, 17.

mistaken for a form of domination, whereby the political character of the category became obscured. It is crucial to understand that Arendt here is grappling with what for her constitutes a deviant form of political authority grounded in an anti-political theorisation of the political realm. In great parts of her essay, Arendt is indeed not concerned with a general definition of authority, but instead with the critique of “what authority was *historically* and the sources of its strength and meaning.”¹⁴⁸ However, she provides us with “a few remarks on what authority never was, in order to avoid the more common misunderstandings and make sure that we visualize and consider the same phenomenon and not any number of connected and unconnected issues.”¹⁴⁹ As a result, Arendt defines authority mainly negatively, i.e., in relation to that which it is not.

Arendt presents a short but rich paragraph distinguishing authority from other significant political categories.

Since authority always demands obedience, it is commonly mistaken for some form of power or violence. Yet authority precludes the use of external means of coercion; where force is used authority itself has failed. Authority, on the other hand, is incompatible with persuasion, which presupposes equality and works through a process of argumentation. Where arguments are used, authority is left in abeyance. Against the egalitarian order of persuasion stands the authoritarian order, which is always hierarchical. If authority is to be defined at all, then, it must be in contradistinction to both persuasion and coercion by force.¹⁵⁰

This citation is worth unravelling. Arendt, here, contrasts authority with *power* and *violence* on the one side, and to *persuasion* on the other. Those familiar with Arendt’s oeuvre might be surprised by this formulation, for she famously *opposes* “power” to “violence” and, indeed, understands them to be mutually exclusive. In *On Violence*, she writes,

politically speaking, it is insufficient to say that power and violence are opposites; where one rules absolutely, the other is absent. Violence appears when power is in jeopardy, but left to its own course it ends in power’s disappearance.¹⁵¹

As Arendt here, however, lists “violence” and “power” in one breath, we must assume that she is using “power” in an everyday sense, closer to *coercion* (or maybe to *force*, although in *On Violence* she reserves this for “forces of nature”)¹⁵², rather than in the sense of power rising from

¹⁴⁸ Arendt, ‘What is Authority?’, 92, emphasis my own.

¹⁴⁹ Arendt, ‘What is Authority?’, 92.

¹⁵⁰ Arendt, ‘What is Authority?’, 92.

¹⁵¹ Arendt, *On Violence*, 56. It is important to insist that Arendt’s distinctions here are analytical. In fact, she writes earlier: “It is perhaps not superfluous to add that these distinctions, though by no means arbitrary, hardly ever correspond to watertight compartments in the real world, from which nevertheless they are drawn. (...) nothing is more common than the combination of violence and power, nothing less frequent than to find them in their pure and therefore extreme form.” (46-47)

¹⁵² Arendt, *On Violence*, 44.

concerted action as in her political thought.¹⁵³ This latter notion of power is strictly not instrumental and thereby distinct from any form of domination. Violence, in contrast, is distinguished by its instrumental character. “Phenomenologically, it is close to strength, since the implements of violence purpose of multiplying strength until they can substitute for it.”¹⁵⁴ Like violence, authority creates a hierarchical relationship of obedience, which is why it is tempting to understand them to be synonymous. There are, however, crucial differences. First, obedience to authority cannot be forced. Instead, it relies on the hierarchy being mutually recognized, by those who demand as much as those who obey. Again, the etymological meaning of “obedience” lends itself to consideration. “To obey” is usually understood as a passive or forced surrender to the other. Yet its roots are active, stemming from the combination of the Latin words *ob* (in the direction of) and *audire* (hear)¹⁵⁵. Arendt contends that authority depends on the respect for the person or the office from those it disciplines.¹⁵⁶ Violence, like strength, on the other hand, is not dependent on others and constitutes exactly the proof of superiority over and thus independence from others. Beyond that, Arendt reminds us that violence can be justifiable through the ends it pursues, but it can never be legitimate.¹⁵⁷ Authority on the other hand depends on the belief in its *legitimacy*, a belief shared by those in command and those obeying, rendering authority and violence as mutually exclusive.¹⁵⁸ When authority is held in contempt, it is most tempting to retain compliance and order by means of violence; yet the need for violence indicates that authority is no longer recognized which equals its demise. Mutual recognition and the connection to legitimacy are commonly emphasized in studies on the concept of authority. Alexandre Kojève, who would not be familiar with Arendt’s work, describes this in his study *On the Notion of Authority* written in 1940s Nazi-occupied France:

Authority is necessarily a *recognised* Authority; not to recognise an Authority is to negate it, and thereby destroy it. (...) Exercising an Authority is not only something different from using force [as in violence], but the two phenomena are mutually *exclusive*.¹⁵⁹

Furthermore and quite distinctively, Arendt insists that the moment that persuasion is needed, the hierarchical relationship of authority has failed and obedience to an order becomes, properly

¹⁵³ Mark Haugaard also takes the position that Arendt here uses power in the sense of force. See Haugaard, Mark. ‘What is Authority?’ *Journal of Classical Sociology*, vol. 18, no. 2, May 2018, 106.

¹⁵⁴ Arendt, *On Violence*, 46.

¹⁵⁵ It is worth noting that, in contrast to that, the verb “yield” originates in the Old-English *g(i)eldan* which means “pay, repay” which points to an economical debt and thus owed submission.

¹⁵⁶ See Arendt, *On Violence*, 45. See also Kojève, *The Notion of Authority*, 10. (“Authority is necessarily a *recognised* Authority; not to recognise an Authority is to negate it, and thereby destroy it. (...) Exercising an Authority is not only something different from using force (violence), but the two phenomena are mutually *exclusive*.”) Mark Haugaard’s (2018) characterisation of authority, following Arendt’s account, as “social”. In contrast to that, Dahl and Stinebrickner, who understand authority to imply that an order is followed “automatically, uncritically, and unreflectively” are brushing over this complexity. Dahl, Robert A., and Bruce Stinebrickner. *Modern Political Analysis*. 6th edn, Prentice Hall, 2003, 42.

¹⁵⁷ Arendt, *On Violence*, 50.

¹⁵⁸ See Haugaard, ‘What is Authority?’, 106.

¹⁵⁹ Kojève, *The Notion of Authority*, 10.

speaking, a democratic agreement between equals: “Where arguments are used, authority is left in abeyance.”¹⁶⁰ Authority thus implies that the demands given by those vested with it are followed without resistance, without compromise, and without requiring persuasion. Any form of deliberation is already a compromise.¹⁶¹ Hence, authority comes into effect without means; neither means of violence, nor means of persuasion. Instead, as Arendt argues, the “hallmark” of authority “is unquestioning recognition by those who are asked to obey”.¹⁶² Or, as Kojève puts it, “one needs to do nothing in order to exert Authority. The mere fact of being compelled to call on the intervention of force (violence [or arguments]) proves that no Authority is involved here.”¹⁶³ Arendt summarizes these points in the following paragraph of “What is Authority?”:

The authoritarian relation between the one who commands and the one who obeys rests neither on common reason nor on the power of the one who commands; what they have in common is the hierarchy itself, whose rightness and legitimacy both recognize and where both have their predetermined stable place.¹⁶⁴

It follows that authority is a *relational* concept. It is not a capacity, like strength and violence, that can be possessed by an individual or group. Arendt writes that authority is either “vested in a person” in the form of “personal authority” (which, however, immediately implies an interpersonal relationship, e.g., between parent and child or teacher and pupil); or it can be “vested in an office”, such as the Roman senate or a political institution bearing some relation to a people. Arendt’s choice of vocabulary here is decisive. To say that someone or some institution is “vested” with authority already indicates that authority is not a quality possessed by a person, but instead, following the etymological origin from the Latin “vestis” which means “garment” or “clothes”, it is something that is merely carried.¹⁶⁵ Interestingly, Kojève echoes this sentiment when he writes that the agent is the “support” for authority, thereby agreeing with Arendt on authority not having a possessive character.¹⁶⁶ Moreover, Arendt here chooses a passive formulation, implying that authority is not something someone chooses to have, but instead something that is given or attributed to them. It is, however, not attributed by those who directly obey the person vested with authority, for that would mean that they deliberated and freely chose an action, rather than following an order. Instead, it is the relationship itself which determines the place of both parties.

¹⁶⁰ Arendt, ‘What is Authority?’, 92.

¹⁶¹ Kojève recognizes this in his study: “If the given order provokes a discussion, that is to say, forces the one who gives it to do something himself – namely engage in a discussion – as a function of this order, then there is no authority.” Kojève, *The Notion of Authority*, 9.

¹⁶² Arendt, *On Violence*, 45.

¹⁶³ Kojève, *The Notion of Authority*, 10.

¹⁶⁴ Arendt, ‘What is Authority?’, 93.

¹⁶⁵ In her lecture on the breakdown of authority she notes: “Authority itself is transcendent in its source; persons are only vested with authority.” Arendt, ‘Breakdown of Authority’.

¹⁶⁶ Kojève, *The Notion of Authority*, 7.

Arendt further distinguishes the concept of authority from the category of *power*. This relationship is complex, especially considering that there are two different understandings of power at play in Arendt's work. First, Arendt's own narrow understanding of power, which is intricately related to her understanding of *action*. Following her notes on power as the essence of government in *On Violence*, Arendt argues that "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."¹⁶⁷ In this sense, there is an overlap between her descriptions of authority and of power insofar as neither of them needs "justification" but "legitimacy." Authority, then, will, by virtue of its foundation in mutually recognized, thus relational, legitimacy, fall in the same category with *power*, understood in Arendt's strict sense of the word as democratic acting together. "Authority" is therefore a legitimate form of power in the broad sense of the word. Mark Haugaard (2018) develops the relation to legitimacy implied in Arendt's definition of authority by connecting it to a Foucauldian understanding of epistemic power. This is helpful insofar it draws out an important but otherwise latent *performative* aspect in Arendt's description of authority as well as clarifying its relation to Arendt's concept of power. Haugaard argues that authority rests upon an epistemic perception of reasonableness of performance, or its legitimacy in Arendtian terms. What distinguishes power (in the Arendtian sense) from authority, then, is that the relationship of authority creates a hierarchy amongst the people it involves, whereas the order created through power is strictly egalitarian. Authority is enacted in reliance on the existence and validity of a particular order, which determines the hierarchical relationship, and which is reiterated in the enactment of authority. Authority and its potential to succeed are thus regulated by and reproduce a specific discursive order. For this reason, Haugaard argues, the "position of authority constitutes a performative act (...) or an act of structuration that is successful when it is considered felicitous by others."¹⁶⁸ I investigate the relationship between authority and (discursive) order in more detail in the context of Max Weber's types of legitimate authority in the following chapter. As authority only comes into existence in its enactment, we can say that its temporality is that of the *future antérieur* (*future perfect*), as authority is assumed to have been held by the time it is performed. Let me illustrate this with an example, although an example from what Arendt considers to be a "prepolitical" context. Upon entering a classroom, a teacher performs the role of an *authority*, expecting the students to obey their own role respectively. The effective performance of authority through gestures, e.g., deciding upon the course of the lecture, or the confirmation or correction of students, assumes the recognition of her

¹⁶⁷ Arendt, *On Violence*, 52.

¹⁶⁸ Haugaard, Mark. 'Democracy, Political Power, and Authority'. *Social Research*, vol. 77, no. 4, From Impunity to Accountability: Africa's Development in the 21st Century, Winter 2010, 1058. Haugaard here follows Austin's theory of performativity whereby performative utterances cannot be said to be "true" or "false," but can only be judged either "happy" or "infelicitous" depending on whether the conditions of their success, i.e., the coincidence of the speaker's intention (illocutionary force) and actual effect on the interlocutor (perlocutionary effect). See also Austin, J. L. *How To Do Things With Words: The William James Lectures Delivered at Harvard University in 1955*. Harvard Univ. Press, 2009.

position by the students and reaffirms a shared understanding of the order of the classroom and the allocation of different roles. Hence, her authority needs not be established, but is instead already vested in her qua entering the room as teacher. Every performance constitutes an authoritative gesture reiterating and further normalizing the hierarchies between teacher and student.

Although authority rests upon and recreates a hierarchical relationship, there is an essential characteristic to authority that renders it compatible with equality, though it is not egalitarian *per se*. For authority to be recognized as legitimate, it must presume the *potential for resistance* by those who are asked to obey, and the conscious and deliberate renunciation of the potential to resist. This is well illustrated by an example in Kojève's study. He points out that

if I throw someone out of the window, the fact that he falls has nothing to do with my authority; but I am exerting a manifest authority on him if he throws himself out of the window following an order that I give him, and which, materially, he was in the position to choose not to carry out.¹⁶⁹

This potential must, of course, remain exactly that: a potentiality. The moment resistance becomes realised, authority is negated.¹⁷⁰ Any form of resistance is the death of authority (which does not mean that the hierarchy is not then reinforced with other means.) Arendt reminds us that the greatest enemy of authority is "contempt" and "the surest way to undermine it is laughter."¹⁷¹ Strictly speaking, this means that there is no such thing as resistance against authority. Again, Kojève argues, "We can certainly say that any (revolutionary) action directed against a Power invested with Authority would be 'illegal' and 'illegitimate'; but this is a meaningless tautology, inasmuch as Authority precisely excludes all action against it."¹⁷² Resistance in its actuality has already diminished authority, or at least suspended it momentarily. What it actively seeks to overthrow at this moment are what Kojève calls the "cadavers" of authority, "or more precisely, its 'mummy' – a corpse that endures while being deprived of a soul or life."¹⁷³ This mummy includes legal structures and any form of democratic institutions that are no longer endorsed by power and thus no longer are legitimate. The potential of resistance, or *resistibility*—to use Bonnie Honig's (1991, 1993) formulation – is decisive for Arendt's conceptualisation of authority, yet it

¹⁶⁹ Kojève, *The Notion of Authority*, 8.

¹⁷⁰ It is at this point Kojève distinguishes *Authority* from *Right*: "With *Right*, by contrast, the 'reaction' can be actualized without thereby destroying *Right*: all that is needed is for this 'reaction' to be directed against a person other than the one who has the *Right*. (...) What follows from this distinction is that, in principle *Authority* excludes force, *Right* implies and presupposes force while being something different from it (there is no *Right* without court of law, no court without police that can carry out the decisions of the court by force.)" Kojève, *The Notion of Authority*, 10.

¹⁷¹ Arendt, *On Violence*, 45.

¹⁷² Kojève, *The Notion of Authority*, 11.

¹⁷³ Kojève, *The Notion of Authority*, 11.

is overlooked by many readers.¹⁷⁴ This aspect will be discussed in more depth in the last chapter of this work.

To summarize the preceding considerations, then: authority is distinct from other political categories in that it is

1. *Hierarchical*: Authority constitutes a hierarchical relationship of obedience between two parties.
2. *Relational*: Authority relies on the recognition by those who are asked to obey.
3. *Performative*: Authority only comes into presence in the moment of its enactment.
4. *Resistible*: Following from 2. and 3., authority relies on the potential of the resistance of those it addresses. This however must remain a potentiality as the realisation of resistance negates authority.

This provides us with a general idea of authority, and how it is distinct from forms of domination, on the one hand, and democratic forms of persuasion and argumentation, on the other. Moreover, the insight that *resistibility* is an essential feature of authority provides an important indication how relationships of authority are distinct from authoritarian forms of rule.

Conclusion

The present chapter has laid the groundwork for an inquiry into the concept of authority in the work of Weber, Schmitt, and Arendt. The reconsiderations of authority by these three thinkers are connected by a shared concern with the breach left by the modern demise of traditional hierarchies and religious forms of authority. For all three thinkers, the question of authority is inherently connected to the loss of meaning in modern politics, i.e., to the question how judgements regarding power and domination are possible in modern democratic society without recourse to absolute and/or shared values and foundations. I argued that the concern with the question of authority that compels Weber, Schmitt and Arendt's enquiries into the concept directly connect to contemporary debates in political theory – most pertinently in the context of “new authoritarianisms” – that grapple with the question how judgements about power and politics are still possible in the absence of a shared public context. I have suggested that the concept that was lost in modernity, however, was not authority *per se*, but a particular understanding of authority asserting that it derives from absolute foundations and from shared truths. The possibility then exists for a post-foundational, post-modern, post-modernist understanding of authority that remains valid in modern democratic and post-truth societies. In

¹⁷⁴ Honig, Bonnie. ‘Declarations of Independence: Arendt and Derrida on the Problem of Founding a Republic’. *The American Political Science Review*, vol. 85, no. 1, 1991, 108; see also Honig, Bonnie. *Political Theory and the Displacement of Politics*. Cornell University Press, 1993, 109-115.

the following, I turn to Weber, Schmitt, and Arendt, who in different ways and with different consequences all undertake a serious attempt to reconceptualize authority on the basis of what I show to be post-foundationalist premises and gestures. I begin with a discussion of Weber's notion of charismatic authority, which, I argue, inaugurated a fateful transformation of political authority with sovereign power that culminates in Schmitt's theory of sovereign decisionism.

Chapter 2: Max Weber. Charismatic Authority

In the first chapter of this dissertation, I addressed the “dearth” in modernity that has left the concept of authority in crisis. I argued that without common grounds, upon which the authoritative role of political institutions and procedures in democratic regimes can be justified, democratic theory lacks the conceptual tools to resist authoritarian and fascist trends. As laid out in chapter 1, contemporary scholars of democratic theory have already acknowledged the need for a reconceptualization of authority, yet so far attempts to theorize a notion of authority that can withstand post-foundational critique have been unconvincing. I concluded the chapter by contending that the development of a modern understanding of authority should begin with a critique of the role of authority in the work of Max Weber, who turns to the notion to defend the democratic constitution against the progressing societal frictions which culminated in the rise of totalitarian politics.

The present chapter turns to this task, investigating the role of authority in Weber’s thought and its relationship to political order. I argue that Weber conceptualises authority as a relational concept whose effectiveness relies upon the validity of corresponding socio-political orders, most evident in his critique of traditional and legal-bureaucratic authority. He explains that it is the successful enactment of authority and the mutual recognition of the hierarchical relationship by both ruler and ruled that legitimizes rule. This relationship, however, is broadly missed in English scholarship about Weber, for the relationship between authority and legitimate rule has been concealed by a history of English translations which use the term “authority” commonly to translate “Herrschaft” (rule) directly. Yet Weber distinguishes charisma from established, ordinary forms of traditional and legal-bureaucratic rule based on its revolutionary potential. This characterisation of charisma as extra-ordinary force has drawn attention, most recently from Andreas Kalyvas, who attempts to appropriate the term for a democratic theory of constitutional founding via a collective formulation of charisma. I contest this democratic rendering of charisma as extra-ordinary force whereby the recognition of authority is thought to be no longer derived from socio-political orders, but instead to be immediately present in a person, which renders it irresistible, an *authoritarian* power as Weber himself admits. Drawing on Cedric Robinson’s (2016) critique, I explore the idea that charismatic authority is not only sustained by messianic and patriarchal narratives of leadership, but it also further reiterates an understanding of politics as characterized by the paternal intervention of a sovereign individual crucially able to suppress democratic movements and preserve order. Weber’s notion of *charisma*, I argue, constitutes the beginning of a confusion of authority and sovereignty that leads to Carl Schmitt’s dismissal of authority in favour of a fascist theory of decisionist sovereignty. Developing Robinson’s critique, however, I argue that it is exactly the relational understanding of authority that his critique

highlights which holds a critical potential, for it opens charismatic leadership up to democratic renegotiation and contestation.

The present chapter is structured as follows. I begin by drawing out the democratic interest behind Weber's introduction of a charismatic form of authority, and further explain why his rendering of charisma as extra-ordinary power remains attractive for contemporary accounts of democratic theory. I contend that it is, however, crucial to revise this understanding of charisma. In order to reconsider the role of authority in the legitimation process of different forms of *Herrschaft* (rule), I begin with a critical examination of the history of English translations of Weber's work that has concealed this relationship by equating the terms of authority and *Herrschaft*. Through a detailed analysis of traditional and legal-bureaucratic authority, I then draw out authority's reliance on the validity of specific socio-political orders as well as authority's role in the reproduction of these orders. In the fourth part, I contest the conceptualisation of charismatic authority as an extra-ordinary and revolutionary power and its appropriation for democratic change. Drawing on Cedric Robinson's (2016) and Erica R. Edwards's (2012) critique of the historical and cultural situatedness of charismatic leadership, I show that charismatic authority relies on a messianic narrative in which leadership rests on miracles and divine intervention. I conclude the chapter by arguing that it is this messianic narrative which has come to determine the concept of authority, covering its relational character and rendering it *irresistible*. The political implications of this conclusion will become evident in the following chapter, which investigates Carl Schmitt's radicalisation of Weber's messianic understanding of authority in the form of sovereign decisionism. In the last section of this chapter, I consider the critical potential of the reinterpretation of charismatic authority as relational and demonstrate how it opens a way to reconsider the distinction between *authoritative* and *authoritarian* forms of rule.

1. Charismatic authority and democratic change

Let me begin by introducing Weber's notion of charismatic authority, with which he hoped to answer to the totalitarian tendencies of modern disenchanted and rationalised society discussed in the previous chapter. The present section also considers Andreas Kalyvas recent attempt to salvage exactly this revolutionary potential via a plural interpretation of charisma, before I develop my argument against both Weber's and Kalyvas's understandings of charisma as extra-ordinary, democratic form of politics.

Max Weber concludes his famous study of the origins of capitalism with a prognosis of the possible future of modern Western societies. Those societies might live in the *shell hard as steel* (*iron cage*) of modern rationality, tending toward complete, mechanical fossilization and to the

reduction of reason to technology.¹⁷⁵ Alternatively, at the end of the development of capitalism there will be either “a great rebirth of old ideas and ideals”, or “entirely new prophets will arise” capable of interrupting and breaking with the suffocating capitalist reproduction.¹⁷⁶ In his late political writings, Weber himself advocated the latter, in the figure of the plebiscitarian leader. For Weber, there are no structural economic imperatives or historical laws, no cunning of reason, that would fully relieve people from their responsibility in these political struggles.¹⁷⁷ Instead, the different paths that capitalism may follow are politically contested and affected by contingent social-historical factors and decisions. Weber placed his hopes upon the extra-ordinary powers of *charismatic authority* to break with the tendential closure of disenchanting mass societies.¹⁷⁸ He came to advocate strong plebiscitarian leadership driven by charismatic authority as an antagonistic force against the mechanical processes of bureaucratic rule and legal formalism, and with the ability to unite weak and segregated parliaments, instrumental rationality and the factional politics of mere interests.¹⁷⁹ Hence, Weber hoped that charismatic authority would awaken and re-enchant the masses, unite them in a way that allows for wide-ranging political decisions; a “great revolutionary force” that could usher in social change.¹⁸⁰ The charismatic process describes “the natural development of the vertical relationship between charismatic leader and followers,”¹⁸¹ which further manifests in a seemingly irresistible force of attraction, which tantalizes others who become fully subjected to it.

The personal and irrational character of Weber’s account of charisma led many scholars to dismiss *charisma* as a “Dionysian force”¹⁸² and “celebration of irrationalism” – despite acknowledging its creative and instituting powers.¹⁸³ Particularly concerning was that Weber indeed argued for

¹⁷⁵ Weber, Max. *Die protestantische Ethik und der ‘Geist’ des Kapitalismus*. Ed. Klaus Lichtblau and Johannes Weiß, Springer VS, 2016, 171; Weber, Max. *The Protestant Ethic and the Spirit of Capitalism*. Translated by Talcott Parsons, Routledge, 2001. Following Baehr’s critique, I use the translation of “shell as hard as steel.” Baehr, Peter. ‘The “Iron Cage” and the “Shell as Hard as Steel”’: Parsons, Weber, and the Stahlhartes Gehäuse Metaphor in the Protestant Ethic and the Spirit of Capitalism’. *History and Theory*, vol. 40, no. 2, 2001, 153–69. See also my discussion below.

¹⁷⁶ Weber, *The Protestant Ethic*, 124; Weber, *Die protestantische Ethik*, 172.

¹⁷⁷ For a discussion of Weber’s critique of Marx’s historical materialism see Löwith, Karl. *Max Weber and Karl Marx*. Routledge, 1993, 119-125.

¹⁷⁸ Weber, Max. *Economy and Society: An Outline of Interpretive Sociology*. Edited by Guenther Roth and Claus Wittich, University of California Press, 1978, 245, 266-271.

¹⁷⁹ Kalyvas, Andreas. *Democracy and the Politics of the Extraordinary: Max Weber, Carl Schmitt, and Hannah Arendt*. Cambridge University Press, 2008, 21; Kalyvas here follows Mommsen, Wolfgang J. *Max Weber and German Politics, 1890-1920*. University of Chicago Press, 1990, 390-414. See also Beetham, David. *Max Weber and the Theory of Modern Politics*. Polity Press, 1985.

¹⁸⁰ Weber, Max. *Economy and Society: An Outline of Interpretive Sociology*. Edited by Guenther Roth and Claus Wittich, University of California Press, 1978, 1115, 1117.

¹⁸¹ See Luciano Cavalli, “Charisma and Twentieth-Century Politics,” in Max Weber: Rationality and Modernity, ed. Sam Whimster and Scott Lash, London: Allen and Unwin, 1987, 317–34, 318. Julian Freund characterizes Weber’s *Economy and Society* as “a sociology of domination.” Freund, *The Sociology of Max Weber*, 218.

¹⁸² See for example Dow, Thomas E. ‘An Analysis of Weber’s Work on Charisma’. *British Journal of Sociology*, vol. 29, no. 1, Mar. 1978, 83–93, especially 84–85.

¹⁸³ See Cavalli, “Charisma and Twentieth-Century Politics,” 319. See also Bensman, Joseph, and Michael Givant. ‘Charisma and Modernity: The Use and Abuse of a Concept’. *Social Research*, vol. 42, no. 4, 1975, pp. 570–614, 600; Kontos, Alkis. ‘The World Disenchanted, and the Return of Gods and Demons’. *The Barbarism of Reason: Max Weber and the Twilight of Enlightenment*, ed. Asher Horowitz and Terry Maley, University of Toronto Press, 1994, 223–47, 238–239; Germain, Gilbert G. ‘The Revenge of the Sacred: Technology and Reenchantment’. *The Barbarism of Reason: Max Weber and the Twilight of Enlightenment*, University of Toronto Press, 1994, 248–67, 259–261. For a critique of this perception see Kalyvas, Andreas. ‘Charismatic Politics and the Symbolic Foundations of Power in Max Weber’. *New German Critique*, no. 85, Winter 2002, 68.

the plebiscitarian *Reichspräsident* to be endowed with discretionary powers, specifically in political crisis and states of emergency. These interpretations are reinforced by the significant role that Weber took in the drafting of the Weimar Constitutions and his successful efforts to include exceptional powers for the president in Articles 41 and 48.¹⁸⁴

Arguing against this dismissal, Kalyvas (2006) insists on the democratic potential of charisma to generate extra-institutional movements, able to challenge established power structures, instituted legality, and hegemonic value systems. Kalyvas turns to a collective version of charisma he finds in Weber's early work on the sociology of world-religions, and suggests that this version offers a preferable alternative to the individualistic account in his later work.¹⁸⁵ Accounts that solely stress the Caesarist framing in Weber's later work, Kalyvas says, are incomplete insofar as they neglect the first version of charismatic change in the early, pre-1913 sections of *Economy and Society*, where Weber describes charisma as a "collective, impersonal form of rebellious hegemonic politics"¹⁸⁶. Kalyvas traces Weber's later disavowal of collective charismatic movements back to his deep distrust of the multitude and argues that Weber "unimaginatively" follows the then conventional dismissal of "the masses", as also has been expressed by Gustavo Le Bon, Gaetano Mosca, and Vilfredo Pareto¹⁸⁷. Along these lines, Weber comes to attribute irrationality, uncontrollable emotions and impulses and dangerous passions to mass society. For Kalyvas, the collective account allows us to reconsider the extra-ordinary power of charisma to generate extra-institutional movements, which challenge established power structures, instituted legality, and the hegemonic value system. Charismatic communities constitute extra-ordinary structures that neither recognize nor are recognized by hegemonic traditional or rational social orders, since they appeal to alternative powers that promise change and redemption. In this sense, charismatic communities constitute laboratories of innovative ideas and social structures that foster not only sub-cultures, but also revolutionary counter-hegemonic movements. Charisma's potential for collective revolutionary force and the radical (re)institution of society places the concept right at the heart of the symbolic foundations of political power.¹⁸⁸ This potential promises a "charismatic revolution" seizing control over the symbolic order and shifting the power dynamics by reconstituting those structures that determine whether and when politics is exercised. It shakes the borders of the historical and territorial community. What makes charisma so powerful, according to Kalyvas, is that it effects a "revolution of convictions (*Gesinnungsrevolution*)," inducing its followers with the belief in the charismatic person's ability to break with what they otherwise feel surrendered to.¹⁸⁹ It is

¹⁸⁴ See Kalyvas, *Democracy and Politics of the Extraordinary*, 19.

¹⁸⁵ Kalyvas argues that even though there are indeed "interesting interpretative studies" on charisma as it appears in Weber's sociology of world-religions, these fail to establish the relevance for modern politics and how it challenges the conventional depiction of Weber's political project. Kalyvas, *Democracy and the Politics of the Extraordinary*, 22.

¹⁸⁶ Kalyvas, *Democracy and the Politics of the Extraordinary*, 20.

¹⁸⁷ Kalyvas, *Democracy and the Politics of the Extraordinary*, 20.

¹⁸⁸ Kalyvas, *Democracy and the Politics of the Extraordinary*, 7.

¹⁸⁹ Kalyvas, *Democracy and the Politics of the Extraordinary*, 27. For Charisma is therefore contrasted to the external revolution of rationalization, which constitutes major changes of living conditions and to which people merely adapt.

...a subjective or internal reorientation born out of suffering, conflicts, or enthusiasm. It may then result in a radical alteration of the central attitudes and directions of action with a completely new orientation of all attitudes toward the different problems of the 'world.'¹⁹⁰

Kalyvas thereby turns against Weber's own gesture to de-radicalize, or "de-charismatize." charisma.¹⁹¹ In his late political writings, Kalyvas notes, Weber distances himself from his earlier advocacy of charisma as a revolutionary power. Instead, he now rejects the idea of sudden legal breaks and original founding:

Taken to its ultimate conclusion, and despite his continuing invocation of charisma, Weber's doubts about the viability and desirability of its instituting powers led him to obliterate the issue of radical symbolic transformations and founding events, to cancel the distinction between extraordinary and normal politics, and to endorse a particular variant of a liberal doctrine of the ordinary.¹⁹²

The de-radicalization of charisma is especially evident in the essay *Politics as Vocation* (2004, *Politik als Beruf* (1988)), where Weber in a rather gloomy tone doubts whether charismatic revolutions, even when initiated by a heroic, visionary leader, are still possible. Charisma is more and more divested of its creative potentialities and, instead, becomes integrated into everyday politics as part of the constitutional order. The plebiscitarian president of the Deutsche Reich is henceforth not a founder, not even a legislator, but an institutional means for counter-balancing legal formalism, bureaucratic rule, instrumental rationality, weak parliaments, and the politics of mere interest.¹⁹³ In a short version of *Three Types of Legitimate Rule* published by Johannes Winckelmann, Weber acknowledges that the difference between the institutionalized plebiscitarian politician and elected civil servant is minimal, one only "of spirit" (*des Sinnes*):

The difference between an elected leader and an elected official then remains merely one of the meaning which the elected himself gives to his conduct and - according to his personal qualities - is able to give to the staff and the governed; the official will behave entirely as the mandatary of his master, in this case the electorate, the leader (himself) as exclusively self-responsible; the latter will thus, as long as he successfully claims their trust, act entirely at his own discretion (leader-democracy) and not, like the official, according to the will of the electorate expressed or assumed (in an 'imperative mandate').¹⁹⁴

See for instance, Bendix, Reinhard. *Max Weber: An Intellectual Portrait*. Routledge, 1998, 309; and Utz, Richard. 'Charisma'. *Max Weber-Handbuch: Leben, Werk, Wirkung*, ed. Hans-Peter Müller and Steffen Sigmund, J.B. Metzler, 2014, 42–46. Peter Baehr's analysis of capitalism's "shell as hard as steel," which emphasizes that the notion of "shell" (*Gehäuse*) indicates a transformative effect upon individuals, puts this distinction into doubt. Baehr, Peter. 'The "Iron Cage" and the "Shell as Hard as Steel": Parsons, Weber, and the Stahlhartes Gehäuse Metaphor in the Protestant Ethic and the Spirit of Capitalism'. *History and Theory*, vol. 40, no. 2, 2001, 153–69.

¹⁹⁰ Kalyvas, *Democracy and the Politics of the Extraordinary*, 27.

¹⁹¹ Kalyvas, *Democracy and the Politics of the Extraordinary*, 73.

¹⁹² Kalyvas, *Democracy and the Politics of the Extraordinary*, 77-78.

¹⁹³ Kalyvas, *Democracy and the Politics of the Extraordinary*, 65.

¹⁹⁴ Weber, Max. 'Die Drei Reinen Typen Der Legitimen Herrschaft'. *Gesammelte Aufsätze Zur Wissenschaftslehre*, edited by Johannes Winckelmann, Mohr Siebeck, 1988, 488, translation my own. Wickelmann takes this specific

With his collective account of charisma, Kalyvas attempts to revive charisma's extraordinary potential for democratic politics and salvage it from Weber's own anti-democratic personal figuration. Drawing on the critique of charisma voiced in Black studies, however, I argue that it is exactly the understanding of charisma as extraordinary force – even in its collective form as espoused by Kalyvas –, in the sense of an extra-ordinary power holding the potential to contest the hegemonic value systems and socio-political orders from an outside, that renders charismatic rule *authoritarian*. The reason for this is that by being based on a theological narrative of divine intervention its enactment becomes irresistible. Before it is possible to examine how authority becomes thereby de-politicised in Weber's charismatic rendering, it is first necessary to understand the role of authority in legitimising specific forms of rule, as well as how this process of legitimation relies upon and reiterates certain socio-political orders and value systems.

2. Revisiting Weber's notion of authority: methodological considerations

The following section begins to address methodological challenges that complicate the study of the relationship between authority and rule (*Herrschaft*) in Weber's texts, before using the space that is opened by the translation from the German and the English translation of the terms for a critical consideration of the role of authority in Weber's distinction between *authoritative* and *authoritarian* forms of rule. There are three related reasons that make a pursuit of an analytical differentiation between the concepts of authority and rule (*Herrschaft*) in Weber's work a demanding yet necessary undertaking. In the first place, Weber's convoluted writing style; second, the fact that Weber did not use authority as a distinct technical term; and finally a history of English translation in which authority has been used as a substitute for *Herrschaft* (better translated as rule or domination), rather than as a concept in its own right.

Weber is known, and probably slightly feared, for his complex writing style, which makes extensive use of long nested sentences and has the tendency to bury the main points of the argument in a “jungle of statements.”¹⁹⁵ His vast interest in details often leads him to digress into long analyses of topics that are by no means clearly related to either the preceding or subsequent materials.¹⁹⁶ Marianne Weber, who edited parts of his work for posthumous publication, describes in the biography of her husband how Weber often followed several independent lines of investigation simultaneously. For him, the priority for the final text was to bring his research together in detail, disregarding whether the relation between the different themes or their significance in relation to each other was explicit:

version of “The three pure types of legitimate rule” from Weber's literary remains. It forms the first formulation of what was later extended and published in the *Conceptual Exposition (Soziologische Kategorienlehre)*. To my knowledge, this version of the text is not available in English.

¹⁹⁵ Bendix, *Max Weber*, 18.

¹⁹⁶ Bendix, *Max Weber*, 18-19.

He was entirely unconcerned with the form in which he presented his wealth of ideas. So many things came to him out of that storehouse of his mind, once the mass (of ideas) was in motion, that many times they could not be readily forced into a lucid sentence structure. And he wants to be done with it quickly and be brief about it on top of that, because ever new problems of reality crowd in upon him. What a limitation of discursive thought that it does not permit the simultaneous expression of several lines of thought which belong together! Therefore, much must be pressed hurriedly into long involved periods and what cannot be accommodated there has to be put into the footnotes. After all, let the reader take as much trouble with these matters as he had done himself.¹⁹⁷

Furthermore, key terms in Weber's work often become blurred by a complex web of relations to other terms, which makes an isolated definition of Weberian concepts impossible. This is not merely due to a disregard for stylistic form but corresponds to certain epistemological convictions.¹⁹⁸ In his *Sociological Writings*, most prominently in his *Objektivitätsaufsatz* (1988), Weber positions himself in a neo-Kantian tradition, influenced particularly by Heinrich Rickert, a prominent figure in Weber's methodological deliberations who considers the formation of concepts a process of abstraction that imposes an order upon the heterogeneous continuum of reality. Weber turns against a dogmatic rationalism that understands concepts to represent an "objective" reality. Equally, however, he criticizes the idea that deduced general laws and concepts in their abstraction would constitute the actual objective of social sciences: "...in cultural studies, the cognition of the general is never valuable for its own sake. [...die Erkenntnis des Generellen ist uns in den Kulturwissenschaften nie um sich selbst willen wertvoll.]"¹⁹⁹ An abstracted conceptual structure is neither directly applicable to reality, nor does it constitute or grant access to the truth of that reality.²⁰⁰ Cognition, which can always only represent a finite account of an infinitely complex and heterogeneous reality, therefore involves the judgement of what is "essential" in the sense of what is "worth knowing."²⁰¹ For this reason, Weber argues that cultural studies involves the continuous deliberation of the tension between concept and historical formation and the evaluation of concepts against specific historical material. This is reflected in Weber's failure to present the reader with a clear-cut definition or understanding of concepts. Instead, he spends a significant amount of time explaining their limitations and weighting their

¹⁹⁷ Weber, Marianne. *Max Weber: Ein Lebensbild*. Lambert Schneider, 1950, 350; translation from Bendix, *Max Weber*, 18.

¹⁹⁸ Weber himself refuses to take a clear position regarding epistemological and historico-philosophical questions in his studies on logic and methodology of cultural studies. Wolfgang Schluchter, however, demonstrates that Weber develops a more or less clear position toward the structure of concepts and their relation to reality. Schluchter, Wolfgang. *The Rise of Western Rationalism: Max Weber's Developmental History*. Translated by Guenther Roth, University of California Press, 1985, 13-15.

¹⁹⁹ Weber, Max. 'Die "Objektivität" Sozialwissenschaftlicher und Sozialpolitischer Erkenntnis'. *Gesammelte Aufsätze Zur Wissenschaftslehre*, edited by Johannes Winckelmann, Mohr Siebeck, 1988, 180, translation my own.

²⁰⁰ See Schluchter, *The Rise of Western Rationalism*, 14-16.

²⁰¹ Here, comes in Weber's insistence on the involvement of judgement (*Werturteil*) in all cognitive and scientific processes, which is unavoidable, but which must consciously be studied and communicated: "All thinking cognition of infinite reality by the finite human mind is therefore based on the tacit presupposition that, at a time, only a finite part of it should form the object of scientific comprehension, and that only that part is 'essential' in the sense of 'worth knowing'." Weber, "Objektivität" Sozialwissenschaftlicher und Sozialpolitischer Erkenntnis, 171, translation my own.

significance for the study of concrete historical and cultural phenomena. The convoluted presentation of technical terms in Weber's text flows from his concern with the limitation of their usefulness – a commitment that makes the study of individual concepts in general a demanding task.

In the case of the concept of authority, there is yet another layer of complication that renders the study of this notion in Weber's work difficult. The term "authority" has been used as a substitute for terms besides the German "Autorität" in the process of the translation of Weber's works into English; the history of translation has veiled the meaning of authority in Weber's work.

According to Guenther Roth, the translation of Weber into English is actually "relatively easy" in view of Weber's "elected affinities" with the Anglo-Saxon world and his adaptation to the patterns of a broader international scholarship.²⁰² For this reason, Roth blames conceptual disparities between the original and translated text mainly on simple mistakes in translation, and on the "carelessness, negligence, rashness" of the translator.²⁰³ Some significant shortcomings in Gerth and Wittich's translation in the English from 1968 (1978), for instance, Roth attributes to their relative ignorance of the English or German language respectively.²⁰⁴ Peter Baehr (2001), however, speaks of at least three further aspects in which the English translation shapes the Anglophone scholarship of Weber's work. One difficulty is the "underestimation of literary qualities and philosophical allusions."²⁰⁵ The creative license German language has to form nouns is a known difficulty that often renders translations from German stilted and at times impossible to apprehend without ample exegesis – and Weber uses this licence extensively in order to draw compelling images and express sarcasm.²⁰⁶ Furthermore, Baehr argues that where the philosophical perspectives of translators and authors come into conflict the process of translation moves beyond mere technicality by pulling the text into an "interpretative orbit that disturbs the original constellation of themes, idioms, and emphases."²⁰⁷ In both respects, translations risk what Gisela Hinkle calls an "Americanization" of Weber's work:

By "Americanization" we mean an interpretive transformation of Weber's writings through the process of translation. Translation from one language to another and more specifically from one intellectual and linguistic context to another, entails not merely a substitution of words but a transformation of ideas, styles of thinking, modes of

²⁰² Roth, Guenther. 'Interpreting and Translating Max Weber'. *International Sociology*, vol. 7, no. 4, 1992, 449, also 451.

²⁰³ Baehr, Peter. 'The "Iron Cage" and the "Shell as Hard as Steel": Parsons, Weber, and the Stahlhartes Gehäuse Metaphor in the Protestant Ethic and the Spirit of Capitalism'. *History and Theory*, vol. 40, no. 2, 2001, 155.

²⁰⁴ Roth, 'Interpreting and Translating', 455.

²⁰⁵ Baehr, 'The Iron Cage', 156. As an example, Baehr mentions Parsons's translation of "Wahlverwandtschaften" as "correlations", rather than "elective affinities" for example, in Protestant Ethic, which veils the aspects of eroticism and attraction suggested in the German term.

²⁰⁶ Dagmar Waters and Tony Waters, *Weber's Rationalism and Modern Society. New Translations on Politics, Bureaucracy, and Social Stratification* (Basingstoke: Palgrave Macmillan, 2015), 29.

²⁰⁷ Baehr, 'The Iron Cage', 156.

expression, indeed a whole context of mental imagery and assumptions many of which may be unnoticed by the writer, the translator, and the reader.²⁰⁸

The concern here is that in the translated text the original conceptual matrix is lost, or at least insufficiently conveyed.²⁰⁹ Depending on the philosophical perspective regarding the relation between translation and original, the following statement by Guenther Roth can be understood in one of two ways. He argues that

general readability is the best that can be achieved in a translation, because it becomes outdated whenever new theoretical issues arise. Translators cannot anticipate which terms will become important in a few years. For each specific purpose new choices must often be made. Terms that were not standardized previously suddenly are in need of uniform rendering. [...] (I find that I must often change my own translation of Weber and others, and that includes texts I revised previously.)²¹⁰

One might, like Baehr, understand Roth to be arguing that scholars become progressively aware of the total configuration of Weber's language and come to highlight previously neglected but central terms in Weber's work. This is done by "offering a gloss on a German word but more often inviting Anglophone readers to familiarize themselves with the peculiarities of the German language itself, especially where no clear English equivalents are available."²¹¹ This presupposes the paradoxical ideas of the superiority of the original language over the translation, on the one hand, and the universality of language according to which the translation is corrected according to the principle of equivalence.²¹² This narrative resonates with Baehr's reconsideration of Weber's original notion of "stahlhartes Gehäuse" as more modern conceptualisation than indicated by Parsons's translation of "iron cage," which, according to Baehr, is derived from a false literary analogy.²¹³ No translation is a perfect substitution of a chain of words from one language into another, for the complex webs of language never find perfect correspondence.

²⁰⁸ Hinkle, Gisela J. 'The Americanization of Max Weber'. *Current Perspectives in Social Theory*, vol. 7, 1986, 89.

²⁰⁹ Hinkle takes Parsons's translation as an example for its "insufficient awareness of [Weber's] neo-Kantian inclinations has repeatedly distorted the meaning of the text." Hinkle, 'The Americanization of Max Weber', 89; see also 101.

²¹⁰ Roth, 'Interpreting and Translating', 457.

²¹¹ Baehr, 'The Iron Cage', 156.

²¹² The idea of equivalence dominated translation theory since the 60s up to deconstructive critique (which references back to translation commentary by philosophers from the beginning of the century including Martin Heidegger and Walter Benjamin) and continues to hold a strong grip over today's understanding of translations. It implies that the translation is subordinated to an original work rendering translation a functional and teleological task in which the translator remains faithful to the original. See for instance Nida's idea of "dynamic equivalence," who inaugurated the understanding of translating as "science." *Toward a Science of Translating, with Special Reference to Principles and Procedures Involved in Bible Translating*. Brill, 1964. Linguists like J. C. Catford assume a certain universality of language and argue for the functionality of translation and the task of coming to terms with "shifts" between foreign and translating texts. Catford, J. C. *A Linguistic Theory of Translation: An Essay in Applied Linguistics*. Oxford University Press, 1965. For an overview see Gentzler, Edwin. *Contemporary Translation Theories*. 2., rev. Ed, Multilingual Matters, 2001; and Venuti, Lawrence. *The Translation Studies Reader*. Routledge, 2000.

²¹³ Baehr argues that Parsons's rendition of Weber's metaphor is an example of how the English notion has become a "traveling idea", exemplifying how a translator's coinage can impose itself upon the perception of the text. 'The Iron Cage', 157.

Every translation is of course at the same time an interpretation: it transforms the text and creates a different mental imaginary.

Let us have a closer look at how the translation of Weber's work into English has impacted the connotation of authority, or "Autorität" in German. The common association of Weber with the notion of authority stems on one hand from a neglect of his specific uses of the term, and on the other from his use of the adjective *autoritär* (authoritarian) to characterize *Herrschaft*.²¹⁴ What is immediately striking is that the term "authority" has gained a peculiar prominence in the perception of Weber's work mainly in English speaking academy.²¹⁵ The reasons for this are not immediately clear. As far as the notion of "Autorität" in Weber's text is concerned, the crux of the matter does not lie in the translatability of the term itself. Both the German *Autorität* and the English *authority* are derived from the Latin *auctoritas* and appear to be used with the same connotation and similar frequency. They share a similar history of being introduced into common speech in the 13th and 14th century. In both languages, the nuances of the term were significantly impacted by the Enlightenment's rejection of authority for impeding individuals' use of their own reason. With this rejection, however, the notion of authority, both in English and in German, started to lose significance and specificity. In the aftermath of World War II authority became more and more blurred with the notions of *authoritarian* (*autoritär*) and *authoritarianism* (*Autoritarismus*), terms that were only introduced in the 19th century.²¹⁶ More and more, authority was reduced to a negative meaning, losing its distinctiveness from concepts such as *force* or *domination*. This, together with the fact that Weber himself did not conceptualize "Autorität" as a separate technical term and, in fact, mentions it only rarely throughout his work, meant, it seems, that translators did not give much attention to the German term and, instead, exactly for its inferior status, utilized the notion of "authority" to translate the more significant concept of *Herrschaft*, otherwise translated as "rule" or "domination" – which explains the frequency in which "authority" appears in the English texts.²¹⁷ Roth's sentiment that translations might have to be adapted depending on the terms that have become important takes on a slightly different sense in

²¹⁴ This point is inspired by Reinhardt Koselleck's *Begriffsgeschichte*, which emphasizes the sedimentation of socio-political history in linguistic material thereby turning against an abstract history of ideas. See Koselleck, Reinhart. *Sediments of Time: On Possible Histories*. Translated by Stefan-Ludwig Hoffmann and Sean Franzel, Stanford University Press, 2018. (*Begriffsgeschichten: Studien zur Semantik und Pragmatik der politischen und sozialen Sprache*. Suhrkamp Verlag, 2006.)

²¹⁵ Let us compare the table of contents of both standard translations of *Economy and Society*, Talcott Parsons's from 1947 and the full edition by Guenther Roth and Claus Wittich (1968, 1978), to the German original as edited by Marianne Weber and later Johannes Winkelmann (1964). Roth and Wittich's edition used previous translation of parts of the book *inter alia* the one by Talcott Parsons. The editors, however, revised and edited those, and at times completely rewrote whole passages or replaced chapters with their own translations. It constitutes the first complete English translation of *Wirtschaft und Gesellschaft*. The German original was only completed posthumously. Parsons's translation is based on the first two parts which were edited by Weber himself. The third part was only published posthumously already after Parsons's translation by Marianne Weber and then Johannes Winkelmann. The term "authority" appears fourteen times to be precise, in Parsons's translation comparatively more.

²¹⁶ 'Authoritarianism'. *The Merriam-Webster Dictionary*, Merriam-Webster, 1968. The suffix "-arian" connects the root word *authority* to the notion of a concern of a belief. The term *authoritarian* was accordingly introduced to describe a person that holds a strong belief in authority as opposed to individual freedom.

²¹⁷ Bendix, *Max Weber*, 296, footnote 16.

this context, for the role of authority in Weber's work itself has not been studied independently, but only as a substitute for the German concept of *Herrschaft*. I will address in a moment how political and historical realities further contributed to the convergence of the term *authority* with *Herrschaft*.

For the endeavour of this work to distinguish between *authoritative* and *authoritarian* forms of rule it is necessary to examine Weber's understanding the role of authority in the legitimation process of rule (*Herrschaft*). This is only possible if we render the two terms –authority and *Herrschaft* – as distinctly as possible from each other. That is not to say that the two notions can be fully detached from one another. In fact, because authority, as I argue in the following, is inseparable from the process of the legitimation of rule. The task is instead to distinguish the two terms analytically without rendering them as separate phenomena. In the following section, therefore, I seek to salvage the notion of *Autorität* in Weber's work from its obliteration by its history of translation. Approaching authority from the perspective of the concept's translations proves fruitful for this end because the space that is opened by the divergence between original and translated text allows, even demands, a continuing critical consideration of the authority of the original.²¹⁸

3. Translation, substitution, untranslatables

As was already indicated, Weber himself is not concerned with the concept of authority specifically and, in fact, uses the term “*Autorität*” only rarely. Bendix therefore rightly notes that, because Weber does not use “authority” as a specific technical term, any attempt to retrieve an

²¹⁸ This conflicts with the indeterminability proper to writing, absent all final and absolute interpretation. The translation marks a stage in the continued life of a text, as Walter Benjamin describes it. Benjamin, Walter. ‘The Task of the Translator’. *The Translation Studies Reader*, by Lawrence Venuti, translated by Harry Zohn, Routledge, 2000, 16.

To reiterate, the interest underlying this endeavour primarily is not to insist on the precedence and superiority of the original German text as, for instance, Baehr's (2001) critique of the translation of “iron cage” seems to reverberate. The idea of equivalence between original and translated text certainly underlies Baehr's critical commentary of translatability of Weber's work that precede his reconsideration of Weber's notion of “*stahlhartes Gehäuse*”. The critique he develops in the following, however, is not concerned with the superiority of the German original per se but rather with the different philosophical horizon that is opened up in contrast to Parsons's rendering. This study therefore takes serious Walter Benjamin's idea that a translation participates in the afterlife of a text and thus cannot and should not be deleted through correction. See Benjamin, ‘The Task of the Translator’, 15–25. The reader should remember the problematic of this decision for, especially in the German tradition, foreignizing strategies both in translations and philosophy have been intensively interwoven with nationalistic convictions and imperialist strategies. See Lefevre, André. *Translating Literature: The German Tradition from Luther to Rosenzweig*. Van Gorcum, 1977, 97. The relation between language and nationalism remains a concern particularly in regard to Martin Heidegger's work, which emphasizes the primacy and superiority of the German language due to its affinity to Greek language and thus access to authentic philosophical concepts. See for instance his remarks on the superiority of German for philosophical discussions in his interview with the Spiegel: Heidegger, Martin. ““Only a God Can Save Us””. *The Heidegger Controversy: A Critical Reader*, ed. Richard Wolin, MIT Press, 1993, pp. 91–116. In the lectures that came to form the *Geschlecht* series, Derrida plays Heidegger's employment of Old and High German, turning it against him, in response to a serious concern that Heidegger's use of language is not only nationalistic, but moreover re-enacts a metaphysical logic according to which Being depends on the propriety of location and origin (the West). See for instance Derrida, Jacques, et al. *Geschlecht III: Sex, Race, Nation, Humanity*. University of Chicago Press, 2020.

authentic definition or conceptualization from Weber's work would be misleading.²¹⁹ Yet whilst the notion of authority scarcely appears in earlier texts, it nevertheless plays a vital role in Weber's typology of legitimate *Herrschaft*. For that reason, I begin by problematizing the use of "authority" to substitute for the "untranslatable" term *Herrschaft*. To do so, I argue, is to imply the equivalence of the terms and thus to obscure the relationship between them. This exercise clears the ground for the study of the role of authority in the legitimation process of rule that Weber describes in his work.

It is not surprising that translators reached for the term "authority" to translate *Herrschaft* since it is considered a term so controversial that it figures among the so-called "untranslatables" in *The Dictionary of Untranslatables* (2014). *Herrschaft* has, of course, been translated into English, but it is, as Barbara Cassin explains in the introduction to this *Dictionary*, one of those "untranslatables" that "one keeps on (not) translating," for its translation "into one language or another, creates a problem, to the extent of sometimes generating a neologism or imposing a new meaning on an old word."²²⁰ The distortion of terms including *Herrschaft* in translation creates a history and geography of languages and cultures thus drawing out the principal symptoms of difference in language. This thereby indicates moments of what Deleuze coins "deterritorialisation" of a philosophical and cultural nexus.²²¹ In the *Dictionary*, Marc de Launay analyses this "untranslatable" by charting the complex semantic evolution the term has undergone, specifically the changing relationship to the notions of property and power (here, in the sense of *Gewalt*) that left the term abstract and multifaceted and made the meaning difficult to capture in English.²²² Yet, the substitution of "authority" for *Herrschaft* obliterates that in Weber's text there *Autorität* and *Herrschaft* are two distinct concepts that stand in relationship to each other. In a linguistic level, this is evident in the early part of *Economy and Society*, where Weber distinguishes between two types of *Herrschaft*: *Herrschaft* "by virtue of a constellation of interests" and *Herrschaft* "by virtue of authority."²²³ The proposition *by virtue of (kraft)* here is crucial for it both connects and separates those terms as two distinct concepts. According to this, logically, *Herrschaft* and the concept of *Autorität*, are not at all synonymous, and that authority cannot serve as a translation for *Herrschaft* without obliterating the meaning of the concept of *Autorität*. Instead, "by virtue of," or "kraft" in German, points us to a relationship between the

²¹⁹ Bendix, *Max Weber*, 296.

²²⁰ Cassin, Barbara. 'Introduction'. *Dictionary of Untranslatables: A Philosophical Lexicon*, edited by Barbara Cassin et al., Princeton University Press, 2014, xvii.

²²¹ See Cassin, 'Introduction', especially xviii-xix.

²²² De Launay, Marc. 'Herrschaft'. *Dictionary of Untranslatables: A Philosophical Lexicon*, edited by Barbara Cassin et al., Princeton University Press, 2014, 436. Reinhardt Koselleck in his *Begriffsgeschichte (History of Concepts)* had already drawn out the complex socio-historical sedimentation in the term *Herrschaft*. Koselleck, *Sediments of Time*, 2018.

²²³ Weber, Max. *Wirtschaft Und Gesellschaft. Grundriss Der Verstehenden Soziologie*. Ed. Johannes Winkelmann, Kiepenhauer, 1964, 692; Weber, Max. *Economy and Society: An Outline of Interpretive Sociology*. Ed. Guenther Roth and Claus Wittich, University of California Press, 1978, 943.

two terms whereby *Herrschaft* is somehow derived from authority. The use of “authority” to translate both *Herrschaft* and *Autorität* leads us into a tautological argument whereby it is claimed that *Herrschaft* is derived from something it is identical to (because authority = *Herrschaft*). The argument runs *ad absurdum*.

Reinhard Bendix in his *Intellectual Portrait of Weber* (1998) still insists on alternating between using “domination”²²⁴ and “authority” to translate *Herrschaft*, which he justifies through the argument that Weber did not use *Autorität* as a separate technical term. In fact, he argues that Weber himself thought of *Autorität* as a synonym for *Herrschaft* because Weber “specifically identified ‘authority’ as the power to command and the duty to obey.”²²⁵ This allows him “to use the term as a synonym for “domination” whenever this is in the interest of fluency.”²²⁶ This neglects that Weber’s *Economy and Society* (*Wirtschaft und Gesellschaft*) is not a coherent piece of writing and consists of a collection of texts, articles and fragments on which Weber worked at different points throughout his career, some of which have been edited and published posthumously.²²⁷ Whilst there is certainly a grand objective which runs throughout this *opus magnum*,²²⁸ Weber renders terms including both *Herrschaft* and *Autorität* differently depending on the context of his analysis. In the earlier chapters of *Economy and Society*,²²⁹ he deals extensively with both faces of *Herrschaft*: force and legitimacy. In his later political writings, on the other hand, Weber’s analysis is limited to types of legitimate *Herrschaft*.²³⁰ Similarly, there are significant inconsistencies in Weber’s use of “*Autorität*.” In the section *Domination by Economic Power and by Authority* (*Macht und Herrschaft. Übergangsformen*), on which basis Reinhardt Bendix justifies his use of authority as a synonym for domination, Weber uses the term “*Autorität*” several times, reducing its significance to connote forceful relationships of command and obedience (for instance, the “authoritarian” relationship between master and slave). In his

²²⁴ “Domination” is also used by Roth and Wittich (1978). Keith Tribe (2019) uses “rulership” in the first chapter of his translation. See also Mommsen, Wolfgang J. *The Age of Bureaucracy: Perspectives on the Political Sociology of Max Weber*. Blackwell, 1974, 72.

²²⁵ Bendix, *Max Weber*, 296 footnote 16.

²²⁶ Bendix, *Max Weber*, 296 footnote 16.

²²⁷ Commentators have long pointed to the fragmentary character of Weber’s works and, connected to that, the difficulty to classify them according to established disciplinary lines. See Mommsen, Wolfgang J. *The Age of Bureaucracy: Perspectives on the Political Sociology of Max Weber*. Blackwell, 1974, 1; Mommsen, Wolfgang J. ‘Introduction’. *Max Weber and His Contemporaries*, ed. Wolfgang J Mommsen and Jürgen Osterhammel, Allen, 1987, 6; Kahlberg, Stephen. ‘The Search for Thematic Orientations in a Fragmented Oeuvre: The Discussion of Max Weber in Recent German Sociological Literature’. *Sociology*, vol. 13, no. 1, 1979, pp. 127–39, 127. Árpád Szokolczai addresses the question of coherence in Weber’s work through authorial self-reflections. He specifically draws on Weber’s anti-critical essays in which Weber himself contemplates the lack of coherence as a problem for the status and reception of his work. Szokolczai, Árpád. *Max Weber and Michel Foucault: Parallel Life-Works*. Routledge, 1998, 4-6, 70-76.

²²⁸ Reinhard Bendix argues that Weber’s greater objective to investigate the relations of ideas and values that enable (rather than cause) stability and dynamics of a society connects his religious and political studies but also his reflection of his own position in his methodological writings. Bendix, *Max Weber*, Chapter VIII.

²²⁹ See specifically chapter X in the version of Roth and Wittich’s translation. Weber, Max. *Economy and Society: An Outline of Interpretive Sociology*. Ed. Guenther Roth and Claus Wittich, University of California Press, 1978.

²³⁰ In secondary literature, however, this specification of his late texts is often overlooked. De Launay, for instance, only mentions Weber’s distinction between “three types of domination” without indicating that these types are solely the specifically legitimate forms of *Herrschaft*. See ‘*Herrschaft*’, 433-436.

later text *Three Ideal Types of Legitimate Domination (Die drei Typen Legitimer Herrschaft)*, which was first published in 1922, Weber uses the notion of *Autorität* with a slightly different connotation.²³¹ Weber here speaks of *Herrschaft* in the narrow sense, excluding from its scope those situations where power is derived from constellations of interest or based on force or violence. The term “Autorität” appears primarily in the context of charismatic *Herrschaft*. Weber argues that the legitimation principle of charismatic *Herrschaft* is “autoritär”, thereby lexically aligning it with the relationship between master and slave. In this text, however, he emphasizes that the rule rests upon the recognition of the ruled. He acknowledges the ambiguity regarding the legitimation principles here for it could also be interpreted in a democratic, anti-authoritarian (*anti-autoritär*) way when the ruled *deliberately* elect the ruler.²³² Accordingly, other translators and scholars have been more specific in their use of “authority.” Most significantly, Talcott Parsons originally adopted the term “imperative control”, later “leadership”, as a general translation for *Herrschaft*, and insisted on using *authority* specifically in the context of Weber’s studies of *legitimate Herrschaft*,²³³ Parsons hereby points to Weber’s “tremendous emphasis” on the significance of legitimation in this particular study suggesting that there is indeed a connection between authority and the *legitimation* of rule, rather than rule in general.²³⁴

For the purpose of this work to distinguish between *authoritative* and *authoritarian* forms of rule, neither of which rely on the use of explicit forms of violence, the notion of “Autorität” as it appears in Weber’s *Three Ideal Types of Legitimate Domination* is especially interesting. Weber here speaks of *Herrschaft* in the narrow sense, excluding from its scope those situations where power is derived from constellations of interest or based on force or violence, thereby narrowing his analysis to legitimate forms of rule. Here, he defines *Herrschaft*, as the “authoritarian power to command [*autoritäre Befehlsgewalt*],”²³⁵ which assumes a reciprocal relationship between rulers and ruled even though, as he emphasizes, the position of power is not completely dependent

²³¹ The following analysis is based on the text as it was originally published in *Preußische Jahrbücher*. This text differs slightly from the version as published in the second full edition of *Wirtschaft und Gesellschaft*, which was edited by Marianne Weber and Johannes Winkelmann.

²³² Weber, Max. ‘Die Drei Reinen Typen Der Legitimen Herrschaft’. *Gesammelte Aufsätze Zur Wissenschaftslehre*, ed. Johannes Winkelmann, 7. Aufl, Mohr Siebeck, 1988, 475–88, 487, emphasis my own.

²³³ Parsons objected to the notion of *domination* (as used by Bendix and Rheinstein/Shils), noting that while *Herrschaft* indeed indicates that the leader holds power over his followers, the term *domination* would be limited to such power, and miss Weber’s emphasis on “the integration of the collectivity, in the interest of effective functioning (especially the integration of the crucial Verband or corporate group).” Talcott Parsons, ‘Review: Max Weber: An Intellectual Portrait, by Reinhard Bendix’, *American Sociological Association* 25, no. 5 (1960), 752.

²³⁴ Parsons, Review, 752. Günther Roth agrees with Parsons to translate *Herrschaft* as authority because, he argues, Weber most of the time speaks of legitimate *Herrschaft* in *Economy and Society*. Roth, Guenther. ‘Interpreting and Translating Max Weber’. *International Sociology*, vol. 7, no. 4, 1992, pp. 449–59, on 453. Similarly, while Roth/Wittich maintain “domination” as the general translation for *Herrschaft*, they too understand “authority” to be at least “feasible” for the texts in which Weber focuses on “legitimate” *Herrschaft*. Weber, Max. *Economy and Society: An Outline of Interpretive Sociology*. Ed. Guenther Roth and Claus Wittich, University of California Press, 1978, footnote on 62.

²³⁵ See Bendix, *Max Weber*, 295. Weber, Max. *Economy and Society: An Outline of Interpretive Sociology*. Ed. Guenther Roth and Claus Wittich, University of California Press, 1978, 946.

on the actual frequency of compliance.²³⁶ One might hear a faint echo of Kant's voice when Weber argues:

The manifested will (command) of the ruler or rulers is meant to influence the conduct of one or more others (the ruled) and actually does influence it in such a way that their conduct to a socially relevant degree occurs as if the ruled had made the content of the command the maxim of their conduct for its very own sake.²³⁷

According to this, Bendix summarizes five analytical components that constitute *Herrschaft* in Weber's sense of legitimate rule: there must be (1) one or several rulers; (2) an individual or group who is ruled; (3) the will by the ruler to command, i.e., to influence the conduct of others and an expression of it; (4) evidence of the influence and compliance with the command; and, most significantly for our interest, (5) compliance in the sense of subjective acceptance with which the ruled obey the command.²³⁸ In the above quotation, Weber emphasizes that this obedience is not forced, but is adhered to on a voluntary basis. Yet, because the one in command presupposes authority, they are not waiting for the validity of their command to be actively agreed by others. Accordingly, when the ruler claims to have the authority to command they imply that they are legitimately issuing commands and that they can expect these demands to be obeyed, without first requesting obedience: "[T]he charismatically legitimized leader" for example "considers faith and the acknowledgement of his charisma obligatory and punishes their violation."²³⁹ This brings us to the core of Weber's distinction between democratically legitimized rule and rule legitimate "by virtue of authority" (*kraft einer Autorität*).²⁴⁰ When ruling by virtue of authority, the ruler actively imposes their position. They give an order upon the presupposition that there is a hierarchical structure whose legitimacy is already recognized as valid by those obeying. Hence, the ruler enacts a position they assume they already have. Here, Weber implies the temporality of the concept to be the future perfect: Authority is expected to have been held by the time it was performed. It is because of this intricate relationship between order and authority that the master as an individual never enters a struggle for domination before issuing his demands, but assumes the position of power as already given.

²³⁶ In general, I agree with Roth/Wittich and Bendix in their translation of *Herrschaft* as domination. It makes sense especially in the context of Weber's earlier writings in *Economy and Society*, where he speaks of the domination of dialects and domination on the basis of shared interests. In the following, however, the focus remains on his typology of three different types of *Herrschaft*, where rule appears to me to be a more appropriate translation. There, Weber speaks about political rule, i.e., the acquisition of political offices. Accordingly, I will translate *Herrschaft* as rule unless otherwise indicated.

²³⁷ Weber, Max. *Economy and Society: An Outline of Interpretive Sociology*. Ed. Guenther Roth and Claus Wittich, University of California Press, 1978, 946.

²³⁸ Bendix, *Max Weber*, 295.

²³⁹ Weber, Max. 'Die Drei Reinen Typen Der Legitimen Herrschaft'. *Gesammelte Aufsätze Zur Wissenschaftslehre*, ed. Johannes Winckelmann, 7. Aufl, Mohr Siebeck, 1988, pp. 475–88, 483.

²⁴⁰ Weber, Max. *Wirtschaft Und Gesellschaft. Grundriss Der Verstehenden Soziologie*. Ed. Johannes Winckelmann, Kiepenhauer, 1964, 692; Weber, Max. *Economy and Society: An Outline of Interpretive Sociology*. Ed. Guenther Roth and Claus Wittich, University of California Press, 1978, 943.

Hence, what we find in Weber is the performative aspect of authority, which I already suggested in the first chapter. This suggests that there is a certain arbitrariness to the performance of authority, whereby it is open to be either recognised or contested. The question then is upon which grounds the ruler makes the claim to be in the place of authority. In the following, I argue that Weber's analysis of the different types of legitimate rule indicates that the ruler claims authority based upon the validity of specific socio-political orders that are mutually recognized by rulers and ruled and which determines their place in societal hierarchies respectively. These symbolic orders depict registers of customs, institutions, laws, practices, rituals, and tradition, intertwined with language. Persons thereby find themselves in pre-existing orders – symbolic orders depicting different registers of customs, institutions, laws, practices, rituals, and tradition, intertwined with language – which dictate an identity and a place for them, for and against which the individual must manoeuvre. In the following, I take a closer look at Weber's analysis of different types of legitimate rule and the symbolic orders upon which rulers claim their authority. The critical comparison between traditional and legal-bureaucratic orders on the one hand, and charismatic rule on the other, demonstrates that the enactment of charismatic rule gains a different *authoritarian* character insofar as it claims its legitimacy upon miraculous intervention rather than custom.

4. Authority, order, and tential closure

Bendix argues that Weber understands power as Clausewitz' understands war: as “an act of violence intended to compel our opponent to fulfil our will” directed by political motives and morality.²⁴¹ This, however, neglects that Weber in his analysis of legitimate rule speaks of “the possibility” or “the chance” of imposing one's will upon the behaviour of other persons.”²⁴² The power connected to authority is disciplinary in nature; it is the *sway* held by those who take the appropriate place in existing hierarchies. Accordingly, Weber puts the terms “leader” and “follower” in the context of charismatic rule in quotation marks to indicate that these positions are socially constructed and not ontological descriptors. It describes a relation that operates between the behaviour of a “somehow qualified person” on the one hand, and the judgement of this behaviour by some other “somehow qualified persons”.²⁴³ This means that the enactment of *legitimate* rule, by relying on its recognition, is much less linear than Bendix's comparison suggests. At the same time, his rule is not democratic and the execution of his orders by his servants is never based on an equal agreement. Authority precludes the use of persuasion or argument as the hierarchies from which authority is derived are not agreed, but instead assumed.

²⁴¹ Clausewitz in Bendix, *Max Weber*, 294 footnote.

²⁴² Weber, Max. *Wirtschaft Und Gesellschaft. Grundriss Der Verstehenden Soziologie*. Ed. Johannes Winkelmann, Kiepenhauer, 1964, 28.

²⁴³ Utz, Richard. ‘Charisma’. *Max Weber-Handbuch: Leben, Werk, Wirkung*, ed. Hans-Peter Müller and Steffen Sigmund, J.B. Metzler, 2014, pp. 42–46, 42 (translation my own).

The power related to authority assumes its recognition and thus on acts of conformity. The orders of the ruler are effective without the use of violence because there is a sense of the naturalness of the underlying order, whereby the enacted authority appears to be self-evident. Pablo Oyarzún (2011), in this short study of authority which draws on Weber's understanding, describes this as the "index of objectivity" that lies at the heart of the performance of authority and which distinguishes it, for example, from prestige.²⁴⁴ Oyarzún argues that the enactment of authority is to be distinguished from operations of recognition: enacted authority is endowed with an aura of naturalness which tends to subtract individual enactments of authority from their primary social and dynamic character.²⁴⁵ It is exactly the sense and sentiment of natural or self-evident order that is established and thereby institutes authority.

The traditional ruler, the lord, legitimizes his rule by virtue of the authority he derives from his position within established hierarchies. This is most distinct in the upbringing and habituation of a child to the *pater familias*, which is, according to Weber, the purest type of traditional rule.²⁴⁶ Traditional authority thereby relies on the customary faith in the sanctity of past orders and hierarchies, and gains power through the sense of their immutability. Weber explicates that traditional rule relies on the idea that existing hierarchies and power structures stem "von jeher"²⁴⁷ meaning that they reach back indefinitely – or at least as long as memory lasts. This echoes Hannah Arendt's analysis of Roman *auctoritas*, explicated in Chapter 1, which bestowed institutions with a sense of immortality for they reached beyond individual lives. For that reason, Weber deems the creation of new law outside traditional norms principally impossible. Instead, rules that are innovative can only be legitimized through the claim that they have been "valid by yore" (*von jeher geltend*) but have only been recognized now by means of "wisdom" (*Weistum* in ancient Germanic law).²⁴⁸ Any finding of law or rules must refer to documents of tradition and be based in precedent. Hence, what connects different types of traditional rule (*Obrigkeit*), Weber explains, is that they derive their authority from custom. In the case of bureaucratic rule, Weber argues that it is the value of rationality that orders hierarchies and power, not that of tradition. Similarly to the traditional ruler, the civil servant rules by virtue of his office and his expertise,

²⁴⁴ Oyarzún here connects Weber's notion of authority to Georg Simmel's distinction between *authority* and *prestige*. Oyarzún Robles, Pablo. 'On the Concept of Authority'. *The New Centennial Review*, vol. 11, no. 3, 2011, pp. 225–52, 229.

²⁴⁵ Drawing on Walter Benjamin's notion of "aura," Oyarzún coins these "properly auratic operations." 'On the Concept of Authority,' 233.

²⁴⁶ Weber, 'Die Drei Reinen Typen Der Legitimen Herrschaft,' 478. Weber, Max. 'The Three Types of Legitimate Rule.' *Berkeley Publications in Society and Institutions*, translated by Hans Gerth, vol. 4, no. 1, 1958, 3.

²⁴⁷ Weber, 'Die Drei Reinen Typen Der Legitimen Herrschaft,' 478. Weber, Max. 'The Three Types of Legitimate Rule.' *Berkeley Publications in Society and Institutions*, translated by Hans Gerth, vol. 4, no. 1, 1958, 3. This is the translation to Weber's essay as it appeared posthumously in the *Preussische Jahrbücher* in 1922. (This exposition was not included in the first editions of *Wirtschaft und Gesellschaft*. For the 1956 edition of *Wirtschaft und Gesellschaft* it was substantially revised by the editor Johannes Winkelmann. I am working from a reprint of the German essay as it appeared originally. The only version of Gerth's translation I could find does not include clear page numbers, which might mean that some of the references are not completely accurate. Seeing that the essay only comprises 11 pages, I trust that the reader would be able to find the referenced passages on the basis of this approximation, nevertheless. In the following, I will add the reference to Gerth's translation in brackets in the format of the next footnote.)

²⁴⁸ Weber, 'Die Drei Reinen Typen Der Legitimen Herrschaft,' 478 (3). See also Weber. *Economy and Society*, 227 (Roth/Wittich) for extended explication.

following rational rules with strict formality: “ideally the administrator proceeds *sine ira et studio*, not allowing personal motive or temper to influence conduct, free of arbitrariness and unpredictability; especially he proceeds ‘without regard to person.’. Where rules fail, he adheres to ‘functional’ considerations of expediency.”²⁴⁹ Legal-bureaucratic rule therefore is no different from traditional rule in the sense that it, too, relies on custom and gains its self-evidence from its repetition and reinstatement: “The empirical ‘validity’ particularly of a ‘rational’ order, too, rests, on the consent of docility to what is familiar, lived-in, acquired, always repetitive...”²⁵⁰ Hence, at the core of both of these forms of legitimate rule, traditional and legal-bureaucratic rule, lies the interplay between socio-political order and authority, whereby the authority is vested in the person and not a personal form of power:

The lord is obeyed since his dignity is sanctified by tradition; by virtue of piety. Commands are substantively bound by tradition, and the lord’s inconsiderate violation of that tradition would endanger the legitimacy of his own position since it rests upon the sacredness of it.²⁵¹

Similarly, the bureaucrat asserts authority *qua* the office he or she holds. The moment the person leaves the position the power relation ceases. In this case, “Obedience is not owed to anybody personally, *by virtue of their own right*, but to enacted rules and regulations which specify to whom and to what rule people owe obedience.”²⁵² The notion of authoritative power we find in Weber’s work, even regarding traditional forms of authority, is thus much closer to Michel Foucault’s disciplinary understanding of power in the sense that power pervades socio-political structures, by regulating space, time, and behaviour.²⁵³ The force of authority is therefore not *sovereign* insofar it is not possessed by those in power, but it instead only exists in the relationship between those who command and those who are ruled. With that, the actions of the traditional ruler, for example, are strictly bound to the realm of traditional authority, which defines and

²⁴⁹ Weber, ‘Die Drei Reinen Typen Der Legitimen Herrschaft,’ 467 (2).

²⁵⁰ Weber, ‘Die Drei Reinen Typen Der Legitimen Herrschaft,’ 473: “Die empirische “Geltung” gerade einer “rationale” Ordnung ruht also dem Schwerpunkt nach ihrerseits wieder auf dem Einverständnis der Fügsamkeit in das Gewohnte, Eingelebte, Anerzogene, immer sich Wiederholende....” Translation my own slightly deviating from Gerth’s

²⁵¹ Weber, ‘Die Drei Reinen Typen Der Legitimen Herrschaft,’ 478 (3), translation my own slightly deviating from Gerth’s: “Der Inhalt der Befehle ist durch Tradition gebunden, deren rücksichtslose Verletzung seitens des Herrn die Legitimität seiner eignen, lediglich auf ihrer Heiligkeit ruhenden, Herrschaft selbst gefährden würde. Neues Recht gegenüber der Traditionsnormen zu schaffen, gilt als prinzipiell unmöglich.”

²⁵² Weber, ‘Die Drei Reinen Typen Der Legitimen Herrschaft,’ 467 (2), emphasis added on the basis of the German: “Gehorcht wird nicht der Person, *kraft* deren Eigenrecht, sondern der gesetzten Regel, die dafür maßgebend ist, wem und inwieweit ihr zu gehorchen ist.”

²⁵³ This comparison here would be in no way new or surprising for Foucault considering that, toward the end of his life, he spoke of a growing contemporary relevance of Weber’s work. I turn to Foucault’s interest in Weber’s notion of rationalization in a moment. Gordon Colon demonstrates that the Foucauldian analysis of governmental power in the sense of *la conduite de la conduite* (the conduct of conduct) has a strong Weberian character and draws out the parallels between Foucault’s and Weber’s concern with “power of rationality over man.” Gordon, Colin. ‘The Soul of the Citizen: Max Weber and Michel Foucault on Rationality and Government’. *Max Weber, Rationality and Modernity*, ed. Scott Lash and Sam Whimster, Allen & Unwin, 1987, 293–316, 293f. See also Szokolczai, Árpád. *Max Weber and Michel Foucault: Parallel Life-Works*. Routledge, 1998, 1 and 267 footnote 1.

restricts what actions conform to traditional order. Weber himself shows that the power that comes with traditional authority is, properly speaking, not arbitrary; its demands are restricted to what tradition prescribes is appropriate for the relationship between the ruler and ruled: “Commands are substantially bound to tradition, and the lord’s inconsiderate violation of tradition would endanger the legitimacy of his personal rule, which rests merely upon the sacredness of tradition.”²⁵⁴ Authority, therefore, is not an arbitrary power held by the lord to assert his personal will because the moment he uses force his authority has failed and he rules not by virtue of his position, but instead by means of mere violence.

On the other hand, however, Weber acknowledges that it is not always possible to make a clear distinction between those cases the lord’s power rests on authority, and those it rests fear or on arbitrary endorsement (*Billigung*):

Outside the norms of tradition, however, the lord’s sway in a given case is restricted only by sentiments of equity [*durch Schranken, die im Einzelfall das Billigkeitsgefühl zieht*], hence by quite elastic bonds: the rule of the lord divides into a strictly tradition-bound sphere and one of free favor and arbitrariness where he rules at pleasure, by sympathy and antipathy, and following purely personal considerations subject especially to the influence of “good turns”.²⁵⁵

Cedric Robinson (2016), in a seriously challenging yet generally neglected critique of Weber’s notion of authority, grasps this ambiguity according to which the enactment of authority relies on socio-political orders and at the same time holds a factor of arbitrariness. He contends that the relationship between hegemonic politico-epistemological orders and the performance of authority is not linear. Order, according to Robinson, is the pre-condition for authority, however, this does not mean that there is a clear temporal succession between order and authority. Instead, “Order is not distinct from authority but it is the precept which is authority’s precondition. In corollary, authority is the rationalization of order, authorities the rationalizations of orders.”²⁵⁶ This means that it is only with the successful and repeated enactment of authority that the validity of a certain socio-political order is confirmed; it provides the order with the continuous re-iteration through which it gains its apparent immutability. It is a term of the order’s *autopoietic* reproduction. From there follows that the identity of the order is not as closed and fixed as it might seem at first. When authority is established based on an existing symbolic order, it becomes incorporated as a precedent for traditional or legal authority similarly to what Niklas Luhmann depicts when he describes how systems incorporate external irritations in their “storehouse of expectations [*Erwartungsstrukturen*].”²⁵⁷ (Weber’s description then suggests that the rule of tradition is self-referential only insofar as the master enacts his authority based on preceding and habitual

²⁵⁴ Weber, ‘Die drei reinen Typen der legitimen Herrschaft’, 478 (3).

²⁵⁵ Weber, ‘Die drei reinen Typen der legitimen Herrschaft’, 478 (3).

²⁵⁶ Robinson, *The Terms of Order*, 29.

²⁵⁷ See Luhmann, Niklas. *Soziale Systeme: Grundriß einer allgemeinen Theorie*. Suhrkamp, 2001, 392-393.

hierarchies. The moment his demand is met with obedience, it augments traditional structures and constitutes part of what traditional rule is understood to be. The idea of augmentation is crucial: it entails that the interplay between order and authority is neither linear, nor a closed, self-referential circuit. Weber, for example, indicates the mutability of traditional structures when he refers to the possibility to incorporate new law and thereby amending the idea of tradition – as long as the change can be legitimized as being in fact “valid by yore” and had previously been missed from the understanding of authority. The identity of tradition is therefore not total, but inherently open to its own renegotiation, for every time a demand or a position of power is enacted and authorized, its identity becomes *augmented*.²⁵⁸ This operational process is autopoietic insofar as the dynamic between socio-political order and authority is determined by the former’s tendency towards closure, whilst at the same time relying on the openness toward its own renegotiation necessary for its continuous realization and reproduction.²⁵⁹ This leap of faith that the enactment of authority requires then also leaves space for resistance against those enacting authority *personally* if they fail in occupying the according position in societal hierarchies, or if they issue commands that are understood to exceed the customary and traditionally determined power relation:

The exercise of power is oriented toward the consideration of how far master and staff can go in view of the subject’s traditional compliance without arousing their resistance. When resistance occurs, it is directed against the master or his servant personally, the accusation being that he failed to observe the traditional limits of his power. Opposition is not directed against the system as such – it is a case of “traditionalist revolution.”²⁶⁰

In that case, it is not authority *per se* that fails, but the individual who is exposed as never having had the position of authority in the first place. The position of authority, on the other hand, might still be respected on the basis of a valid socio-political order. The problem then with legal-bureaucratic forms of rule is that it claims to eradicate this personal element thereby making impossible this form of resistance. What is left is the resistance against the whole of the symbolic

²⁵⁸ The notion of *autopoiesis* connects to important questions of identity and subjectivity. There exists a significant tension between the maintenance of a system identity and the incorporation of otherness, irritations from the outside environment which is understood as that which is not part of the system.

²⁵⁹ This is inspired by Luhmann’s appropriation of the term autopoiesis for his system theory. He uses it to depict the reproduction of societal systems on the basis of a tension between their tendency towards a closed identity and the necessity of their openness toward their environment for their own durability. Without this openness the system could not distinguish itself from its environment and thus recognize itself as a unity. See Luhmann, *Soziale Systeme*, especially Chapter 5, 11 and 12; for a more applied appropriation of autopoiesis see Luhmann, Niklas. *Die Politik der Gesellschaft*. Edited by André Kieserling, Suhrkamp, 20; and Luhmann, Niklas. *Die Wirtschaft der Gesellschaft*. Suhrkamp, 2008. The concept of *autopoiesis*, from the Greek *αὐτό* (self) and *ποιέω* (do, make, produce) is a neologism introduced by Maturana and Varela (1980) to describe the self-maintaining processes of living organisms. With the term, “a word without a history”, Maturana raises important epistemological questions describing with the interdependency of perception and knowledge in cognitive processes. In his work, he demonstrates that cognition, and living more broadly, is therefore not a process of representation but of self-reference thereby undermining the idea that criteria of truth and objectivity are separated from or prior to the processes in which organisms construct their world. Maturana, Humberto R., and Francisco J. Varela. *Autopoiesis and Cognition: The Realization of the Living*. D. Reidel Pub. Co, 1980.

²⁶⁰ Weber, Max. *Economy and Society: An Outline of Interpretive Sociology*. Ed. Guenther Roth and Claus Wittich, University of California Press, 1978, 227.

order whereby the validity of, for example, tradition per se is in jeopardy and the traditional ruler is no longer able to claim authority on its basis altogether: what we encounter then is a revolutionary overthrow of the whole hegemonic order.

When Weber argues that it would need “entirely new prophets will arise” that are capable of breaking with the capitalist forms of rationalization, he points to the idea that this potential for immanent resistance becomes eradicated with the rise of legal-bureaucratic forms of rule in modern Western societies.²⁶¹ It is for this reason, Bendix argues, that Weber turns to traditional and charismatic forms of authority to use as “foils” for the arrival of this new form of domination.²⁶² The radical process of depersonalization with the rise of legal-bureaucratic forms of rule turns politics into problems of mere administration.²⁶³ A command, therefore, is not followed because it is issued by this or that person in their own right. Once they are appointed into office, they rule strictly according to enacted rules and regulations that specify to whom and to what extent obedience is owed.²⁶⁴ Weber himself asserts the novelty of legal-bureaucratic rule, which, according to him, is distinct to modern Western states and the result of gradual development based on the implementation of legal orders in conformity to statutes of government that monopolize its enactment.²⁶⁵ What Weber describes with the progressing rationalization of society that de-personalizes rule there no longer is an ambiguity between the personal form that rule takes and its legitimation according to common symbolic orders.

Bureaucracy develops the more perfectly, the more it is ‘dehumanized,’ the more completely it succeeds in eliminating from official business love, hatred, and all purely personal, irrational, and emotional elements which escape calculation. This is appraised as its special virtue by capitalism.²⁶⁶

This ambiguity becomes particularly evident in the case of traditional rule. Most famously, in *The Protestant Ethic and the Spirit of Capitalism (Die Protestantische Ethik und der Geist des Kapitalismus* (2016)) Weber describes how the rule of bureaucracy contributes to an ongoing rationalization of all aspects of modern life. The implication is that reason, reduced to instrumental reason, is no longer meaningful as a means to emancipation.²⁶⁷ The bureaucratic regimentation of life is becoming a *shell hard as steel*, in which everything is calculable and predictable, and in which individual action and responsibility no longer find space. Robinson using Weber’s famous notion of “rationalization” when he states that “authority is the

²⁶¹ Weber, *The Protestant Ethic*, 124; Weber, *Die protestantische Ethik*, 172.

²⁶² See Bendix, *Max Weber*, 382.

²⁶³ See Bendix, *Max Weber*, 432.

²⁶⁴ Weber, ‘Die drei reinen Typen der legitimen Herrschaft’, 476 (2).

²⁶⁵ Bendix, *Max Weber*, 387.

²⁶⁶ Weber, Max. *Economy and Society: An Outline of Interpretive Sociology*. Ed. Guenther Roth and Claus Wittich, University of California Press, 1978, 975.

²⁶⁷ Schechter, Darrow. *The Critique of Instrumental Reason from Weber to Habermas*. Continuum International Pub. Group, 2010, 32.

rationalization of order” is significant for it points us to an understanding of rationalization as a tendential closure that lies at the heart of the autopoietic reproduction of order more generally.²⁶⁸ Weber, first and foremost, introduces the term “rationalization” in his work in order “to identify the distinctiveness of Western and especially of modern Western rationalism and to explain its origins.”²⁶⁹ Recall the concluding image of *The Protestant Ethic*: as Baehr emphasizes in his reconsidered translation of Weber’s “stahlhartes Gehäuse,” the development of capitalism does not culminate in a “cage” in which individuals are trapped (as implied by Parsons’s translation “iron cage”), but instead in a “shell,” “a living space both for the individual who must carry it around and a macro environment (‘the universal world order of capitalism’) within which individual experience is lived out.”²⁷⁰ It is not something external, but instead a development that transforms the nature of society, which more and more becomes a passive and identical mass. It is in this context that Weber poses the individual character of charismatic rule, to which I will come in a moment, – or even the revival of traditional rule – against bureaucratic totalitarianism in the hope that strong leadership can interrupt the tendential closure and totalitarianism of bureaucratic order detaining it from becoming fully self-referential and from losing all flexibility for change and amendment.

With his reading of the term, Robinson claims that rationalization is a process inherently tied to the concept of authority itself. This is not at all an unfounded rendering of rationalization in respect to Weber’s own conceptualization. As Hans-Peter Müller describes it, “rationalization” is a “dazzling, ambiguous term.”²⁷¹ In Weber’s work the term really only exists in the plural.²⁷² Weber emphasizes that different forms of rationalization have existed in all civilizations as well as he speaks of the rationalization of different forms of value spheres and lifeworlds:

There is, for example, rationalization of mystical contemplation... just as much as there are rationalizations of economic life, of technique, of scientific research, of military training, of law and administration. Furthermore, each one of these fields may be rationalized from many different ultimate points of view and toward many different ultimate ends, and what is rational from one point of view may well be irrational from another. Hence rationalizations of the most varied character have existed in various departments of life in all civilizations.²⁷³

In a more relativised meaning, what Weber depicts with the notion of “rationalization” is first and foremost the tendency to naturalize orders and their power relations. The notion raises the

²⁶⁸ Robinson, *The Terms of Order*, 29.

²⁶⁹ See Schluchter, *The Rise of Western Rationalism*, 9.

²⁷⁰ Baehr, ‘The ‘Iron Cage’’, 162.

²⁷¹ “...ein schillernder, vieldeutiger Begriff”, translation my own, in Müller, Hans-Peter. ‘Rationalität, Rationalisierung, Rationalismus’. *Max Weber-Handbuch: Leben, Werk, Wirkung*, ed. Hans-Peter Müller and Steffen Sigmund, J.B. Metzler, 2014, 108–13, 110.

²⁷² See Müller, ‘Rationalität, Rationalisierung, Rationalismus’, 110.

²⁷³ *Gesammelte Aufsätze zur Religionssoziologie*, Vol. 1, 1922 in Parsons, Talcott. ‘Author’s Introduction’. *The Protestant Ethic and the Spirit of Capitalism*, trans. Talcott Parsons, Scribner’s, 1958, 13-31.

questions, which kind of rationality is used to naturalize certain power relations, as well as how exactly these are rationalised. In this same vein, Foucault insists on the relative meaning of the term and its historical contextualization.²⁷⁴ “The main problem when people try to rationalise something,” he argues, “is not to investigate whether or not they conform to principles of rationality, but to discover which kind of rationality they are using.”²⁷⁵ What needs to be remembered is that what appears rational from one perspective appears irrational from another, both within a given culture and across cultures.²⁷⁶ In this broad, functional understanding the term of rationalization connects to forms of social ordering and is close, and indeed has been influential on, Foucault’s later work on “macrophysics”, the study of the exercise of power at the scale of whole societies and populations: the idea of “governmentality.”²⁷⁷ Rationalization in this general understanding describes the conduct of societal rules and expectations to which individuals must accord whereby societal interactions tend toward “impersonality,” “calculability”, and with that “predictability”.²⁷⁸ Authority is, to return to Robnson’s sentiment, a significant part of the rationalization of order, for the performance of authority guarantees its reproduction and reassures the order’s naturalness and coherence.

Robnson’s critique has two significant ramifications. First, at this point the distinction between ordinary formations of authority, traditional and legal-bureaucratic, on the one side, and extraordinary authority by virtue of charisma on the other, is put on hold. Weber is concerned with the total closure of the legal-bureaucratic-rational order and the absolute hegemony for its deletion of contingency.²⁷⁹ Robnson’s critique, however, points out that this is not a risk specific to legal-bureaucratic-rational order, but instead lies at the very core of the dynamic between socio-political orders and authority. The challenge for democratic thought, then, is to retain the openness of the circular movement between authority and political order and to keep authority from erecting itself as the principle of the totality of order – keeping authority “temporary, provisional” as Oyarzún describes it.²⁸⁰ Second (and this is a consequence of his own critique that Robnson does not acknowledge): because of authority’s relational character it always contains a moment of

²⁷⁴ “I don’t believe one can talk in this way of ‘rationalization’ as something given, without on the one hand postulating an absolute value inherent in reason, and on the other taking the risk of applying the term empirically in a completely arbitrary way. I think one must confine one’s use of this word to an instrumental and relative meaning.” Foucault, Michel. ‘Foucault, Michel. ‘Omnes et Singulatim: Towards a Criticism of “Political Reason”’. *The Tanner Lectures on Human Values, Vol. 2*, edited by Sterling M McMurrin, Cambridge University Press, 1981, 228.

²⁷⁵ See Foucault, ‘Omnes et Singulatim’, 226.

²⁷⁶ Parsons, ‘Author’s Introduction’, 26; Schluchter, *The Rise of Western Rationalism*, 10.

²⁷⁷ “Foucault defines “government” as la conduit de la conduit (“the conduct of conduct”) – a phrase that could hardly have a more Weberian ring; it would probably be best rendered in German as die Führung der Lebensführung. See Gordon, ‘The Soul of the Citizen’, 293–316, 293 and 296. Michel Foucault in many ways inherits the concern with rationalization and objectivation as a tendency essential to our culture and as a significant problem of our time. See Dreyfus, Hubert L., et al. *Michel Foucault. Beyond Structuralism and Hermeneutics*. University of Chicago Press, 1983, 166.

²⁷⁸ Weber, Max. *Economy and Society: An Outline of Interpretive Sociology*. Ed. Guenther Roth and Claus Wittich, University of California Press, 1978, 975.

²⁷⁹ Schecter alludes to this when he argues that Weber attempts to salvage political freedom in the sense of non-linear time. Schecter, *The Critique of Instrumental Reason*, 36.

²⁸⁰ Oyarzún, ‘On the Concept of Authority’, 238.

openness towards its own renegotiation and intervention, and thus is in itself the point of resistance against the tendential closure of the political order, or, as Oyarzún terms it, against *authoritarianism*. In chapter four, I address the resistibility of authority, which lies at the heart of Arendt's reconceptualization, in more detail. In the following, however, I take a closer look at Weber's notion of authority derived from personal *charisma* upon which he and, in a collective reformulation, Kalyvas, put their hope to resist modern, totalitarian forms of rationalization. I argue that its extra-ordinary character, which Weber and Kalyvas understand to provide *charisma* with democratic potential, indeed obliterates authority's relational character. The authority of the charismatic leader thereby is rendered irresistible and, as Weber himself acknowledges in his formulation, *authoritarian*.

5. Charisma and messianic intervention

For Weber, it required a new personal form of authority to resist the totalitarian tendency of modern forms of rationalization whereby impersonal legal-bureaucratic forms of rule became the standard. This means that immanent forms of resistance were more and more eradicated. Recall here Arendt's description of bureaucratic forms of "rule by nobody" might "turn out to be one of [rule's] cruellest and most tyrannical versions," discussed in chapter one.²⁸¹ Throughout his work, Weber emphasizes the particular nature of *charismatic* authority as distinct from, and indeed opposed to, the more enduring and ordinary (*alltäglich*) forms of rule of tradition and legal-bureaucratic rule.²⁸² For Weber, charisma has the potential to generate radical change because it is independent from socio-political orders, and, in fact, acts as an antagonistic force against the enclosing shell of modern capitalist forms of rationalization:

Since it is "extra-ordinary", charismatic authority is sharply opposed to rational, and particularly bureaucratic, authority, and to traditional authority, whether in its patriarchal, patrimonial, or estate variants, all of which are everyday forms of domination; while the charismatic type is the direct anti-thesis of this. Bureaucratic authority is specifically rational in the sense of being bound to intellectually analyzable rules; while charismatic authority is specifically irrational in the sense of being foreign to all rules. Within the sphere of its claims, charismatic authority repudiates the past, and is in this sense a specifically revolutionary force.²⁸³

Charisma signifies the charismatic leader constituting the locus of excess, an outside to the otherwise fully rationalized and political order in which everything and everyone is always already accounted for. Hence, it promises the liberation from established orders and regimes.

²⁸¹ Arendt, Hannah. *The Human Condition*. Edited by Danielle S. Allen and Margaret Canovan, Second edition, The University of Chicago Press, 1998, 40.

²⁸² Bendix, *Max Weber*, 304. According to Bendix, Weber indeed intended to think of charismatic authority as a separate level of analysis. Bendix, *Max Weber*, 302.

²⁸³ Weber, *Economy and Society* (Roth/Wittich), 244.

Weber introduces the term charisma in his work with the objective of making sense of a pre-rational form of authority that operates in modern secularized societies. “Charisma” is originally a religious term and describes a “gift by grace” bestowed upon a person by the Holy Spirit. The theologian and church historian Rudolph Sohm, from whom Weber adopts the term, demonstrates in his Canon Law for the Early Church how early Christian communities were not governed by legal or bureaucratic structures, but instead by the authority of the virtuous charisma carried by the elders.²⁸⁴ Weber broadens the meaning of the term to describe an “extraordinary quality” possessed by a person, which is thought to enable them with unique magical and exceptional powers: magical powers, revelations or heroism, power of the mind or speech.²⁸⁵ In the chapter on “Types of Domination” in *Economy and Society*, Weber provides us with a systematic definition of the term:

The term ‘charisma’ will be applied to a certain quality of an individual personality by virtue of which he is considered extraordinary and treated as endowed with supernatural, superhuman, or at least specifically exceptional powers or qualities. These are not accessible to the ordinary person, but are regarded as of divine origin or as exemplary, and on the basis of them the individual concerned is treated as a ‘leader.’²⁸⁶

Charisma thus represents the power to embody something “eternally new, extraordinary, something unprecedented” (“*Das ewig Neue,*” “*Außerwerktagliche,*” “*Niedagewesene*”), something that inducing in others the emotional devotion for a person and their greater projects.²⁸⁷ In a disenchanted modernity – a time in which magic disappears and everything becomes, at least in principle, experienced as knowable, predictable, rationalized²⁸⁸ – charisma enchants. It is important to note that, for Weber, the idea of charisma as a “gift of grace” is, first and foremost, a value-neutral term in the sense that the question whether the extraordinary power is good or bad is left aside: “[T]he fact is that both very evil and very good men have exercised domination

²⁸⁴ Bendix, *Max Weber*, 236-237.

²⁸⁵ Weber, *Wissenschaftslehre*, 481.

²⁸⁶ Weber, Max, et al. *Economy and Society: An Outline of Interpretive Sociology*. University of California Press, 1978, 241.

²⁸⁷ Weber, *Wissenschaftslehre*, 481.

²⁸⁸ Weber used Schiller’s phrase of “the disenchantment of the world” to capture the historical process by which mystery and magic are more and more discarded and instead all areas of human experiences become understood to be knowable and measurable. This process is closely connected to (but not to be equated with) the secularization of both society and science, as well as the “increasing scale, scope, and power of the formal means–ends rationalities of science, bureaucracy, the law, and policy-making.” Jenkins, Richard. ‘Disenchantment, Enchantment and Re-Enchantment: Max Weber at the Millennium’. *Max Weber Studies*, vol. 1, no. 1, 2000, pp. 11–32, 12) In his famous thesis of the “disenchantment” of the Occident, Weber observes an exhaustion of religious motifs and the gradual retreat of any notions of the divine from human affairs. The rationalization of Western culture, according to Weber, brought by science and modern capitalism means that “one can in principle, master all things by calculation” and “there are no mysterious incalculable forces” anymore. With that, charismatic religious movements too lose their appeal and sway for the enlightened individual. Weber, Max. *Science as a Vocation*. Edited by Peter Lassman and Irving Velody, Unwin Hyman, 1989, 139. See also Kalyvas, *Politics of the Extraordinary*, 66.

through their extraordinary gifts of mind and body.”²⁸⁹ These men and women could be prophets and heroes, magicians, but also demagogues, doctors, mob leaders and even robber bands.²⁹⁰

As already indicated, for Weber, the extra-ordinary potential of charisma is inseparable from the inherently personalistic character of charismatic authority. “Charismatic authority rests on the ‘faith’ in the prophet, on the ‘recognition’ the charismatic warrior hero, the hero of the street or the demagogue, finds *personally*, and this authority falls with him.”²⁹¹ Therefore “obedience is given exclusively to the leader *as a person*, by virtue of his personal, extra-ordinary qualities; not because of an enacted position or traditional dignity.”²⁹² Charismatic authority thus rests in the person *per se*. Of course, the notion of authority indicates that charisma’s sway still operates through its relation to socio-political orders, on which grounds it derives its validity and gains recognition by its followers.²⁹³ Charisma is specified as a quality that *is regarded or recognized* (“eine als außeralltäglich *geltende Qualität*”) to be significant for the reconciliation of crisis.²⁹⁴ Only through this recognition is the person to which this quality is attributed able to induce others with hope and enthusiasm, in short: they enchant. According to this, a specific quality of a person becomes charismatic or extraordinary only through the judgement of people regarding their own experience of crisis. It is only through this judgement that both parties orientate themselves toward the indicated relation.

However, the messianic narrative at the heart of charisma changes the temporal direction of authority. The source of authority is suspended unto an event in the future, an event that transcends the status-quo and any sense of history. The consequence of this is that the standards against which the person who promises a miraculous intervention could be measured are

²⁸⁹ Bendix, *Max Weber*, 302. Quickly, the notion of *charisma* became relevant as an analytical tool to understand the functioning and effectiveness of totalitarian movements and, most prominently, the analysis of the charismatic structures of German National Socialism. See Gerth, Hans. ‘The Nazi Party: It’s Leadership and Composition’. *American Journal of Sociology*, vol. 14, no. 4, 1940, 517–41; Lepsius, Rainer M. ‘Charismatic Leadership. Max Weber’s Model and Its Applicability to the Rule of Hitler’. *Changing Concepts of Leadership*, ed. Serge Moscovici and Carl Friedrich Graumann, Springer, 1986, 53–66; also Nyomarkay, Joseph. *Charisma and Factionalism in the Nazi Party*. University of Minnesota Press, 1967. Guenther Roth examines the role of charismatic leadership for the functioning of democratic presidential systems as well as totalitarian and authoritarian one-party-systems. Roth, Guenther. *Politische Herrschaft Und Persönliche Freiheit: Heidelberger Max Weber-Vorlesungen 1983*. 1. Aufl, Suhrkamp, 1987. Paul Smith’s study is just one example that analyses Martin Luther King alongside Hitler and Churchill under the idea of charismatic leadership. Smith, Philip. ‘Culture and Charisma: Outline of a Theory’. *Acta Sociologica*, vol. 43, 2000, 101–11.

²⁹⁰ Hence, studies that use the concept of “charisma” as an analytical tool have applied it to the most diverse. Guenther Roth, for example, examines the role of charismatic leadership for the functioning of democratic presidential systems as well as totalitarian and authoritarian one-party-systems. Roth, Guenther. *Politische Herrschaft Und Persönliche Freiheit: Heidelberger Max Weber-Vorlesungen 1983*. 1. Aufl, Suhrkamp, 1987.

²⁹¹ Weber, ‘Die drei reinen Typen der legitimen Herrschaft’, 483 (7), emphasis my own.

²⁹² Weber, ‘Die drei reinen Typen der legitimen Herrschaft’, 482 (6), translation and added emphasis my own.

²⁹³ Indeed, when reading Weber’s text closely, one notices that the notion of “Autorität” becomes particularly important in the context of charismatic rule. This stands in stark contrast to the use of “authority” in the canon of translators and Anglophone scholarship, for there the term is generally reserved for context of traditional and legal rule. See Bendix, *Max Weber*, 304.

²⁹⁴ Weber, Max. *Wirtschaft Und Gesellschaft. Grundriss Der Verstehenden Soziologie*. Ed. Johannes Winkelmann, Kiepenhauer, 1964, 140, emphasis added. The socially constructed aspect of the quality is lost in the English translation, both in Roth’s translation from 1978 and even more so in Keith Tribe’s new translation from 2019. There, it reads that “charisma is the personal quality that makes an individual...” Weber, Max. *Economy and Society: A New Translation*. Translated by Keith Tribe, Harvard University Press, 2019.

suspended as well, and thus their role to lead is not negotiable on the basis of custom or precedence. For when the promise of miraculous intervention is retained in the power of the person themselves, the circular dynamic between authority and its source, the interplay between immanence and transcendence becomes fully self-referential and thereby momentarily irresistible. Oyarzún describes this shift from authority to *authoritarianism* in a way that corresponds to the conceptual shift of authority that Weber introduces with charisma:

... authority becomes the groundwork or the very principle of legitimacy that authorizes itself. This does not necessarily invalidate authority as a peculiar, original, and specific phenomenon, as if it were merely a masked form of sheer domination. It would suffice to think of the act by which an authority imperatively demands respect and obedience of its subordinates, invoking precisely its own rank as the sole reason to honor its dignity and to obey and fulfil its commands. It could be argued that this is the exact moment in which an implicit condition of the very definition of authority and of its legitimate ground becomes infringed: this moment – the one in which the recognition that is urged has to be extorted from the subordinates – would be, at least virtually, the beginning of a progressive weakening of the principle of authority explicitly invoked, and the transformation of this principle into open authoritarianism (or, if you prefer, patriarchal power). In a certain way, then, authoritarianism could be described as the dramatic actualization of the circle that lies at the foundation of the phenomenon of authority.²⁹⁵

With the disenchantment of modern society and the breakdown of traditional sources of authority, as described in chapter 1, there are no longer commonly shared higher values or the sense of a higher order that would shine through the person. For Weber, then, political leadership no longer is a question of representation of a higher God-willed or natural order. Unable to derive personal authority from a higher source, it is now the person themselves that need to generate movement and create the emotional connection with their following. Hence, we can trace in the charismatic formulation of authority a conceptual shift, instigated by the crisis of authority that the previous chapter examined. The concept of authority here comes to designate a nearly sovereign power, which transcends the realm of historical socio-political orders. As the authority of the person that makes a claim to charismatic rule is judged by the prospect of their action to break with existing socio-political orders, the charismatic authority becomes the very ground or principle of legitimacy: it authorises itself. With that, the relational character and its inherent openness towards its own negotiation and democratic intervention become veiled. The irresistible and individualistic account of the Weber's account of charismatic authority sedimented in his terminology in an interesting way. Usually, the most direct way of rendering the noun authority as an adjective is "authoritative" (in German, this would be "autoritativ" to the noun "Autorität"). Weber, however, uses the then much less common term "autoritär" (*authoritarian*) in connection with rule based on charismatic authority (and similarly "anti-authoritarian" [*anti-autoritär*] in the

²⁹⁵ Oyarzún, 'On the Concept of Authority,' 234.

antonymic sense of democratically elected leadership).²⁹⁶ For Weber, charismatic rule was authoritarian (*autoritär*), in the sense that the charismatic leader had the ability to rule alone and independent, and without relying on majority decision and recognition – very much in the sense of the Stahlsian formulation “Authority, not Majority.”²⁹⁷

Robinson argues that Weber’s conceptualisation of charisma was determined by a historically and culturally determined fantasy of liberation: that “the re-emergence of a (German) people in crisis would come as the result of the appearance of a charismatic leader.”²⁹⁸ Instead, charismatic leadership is presented by Weber as a universal aspect of political life and thus framed in a “value-free” typology.²⁹⁹ It is however, according to Robinson, a historically situated phenomenon sustained by what Robinson calls a “parent epistemology”³⁰⁰ dominating Western political thought. Following Robinson’s critique, Erica R. Edwards (2012) points to the lack of critical investigation of the gendered and racial epistemological structures underlying the concept of charisma:

What Weber would not do, and what sociology since Weber has not done, is to interrogate how charismatic authority as a cultural construction operates within gendered, racial ideologies of the self and the political and, further, how charismatic authority authors hierarchy as much through terror as through the seemingly benign manufacturing of consent.³⁰¹

²⁹⁶ See Eschenburg, Theodor. *Über Autorität*. 1. Aufl. Erw. und überarb. Fassung, Suhrkamp, 1976, 147-149.

The adjective *autoritär* and similarly the English authoritarian were only introduced into common language in the 19th century (following the French *autoritaire*) and are defined as “based on violence” or “dictatorian”. The notion of *authoritarian* was usually restricted to a negative meaning, in contrast to *authority* (*Autorität*) or *authoritative* (*authoritative*) which are more ambiguous. Both authority and the associated adjective of authoritative are more neutral in meaning and are derived from the Latin notion of *auctoritas* which first and foremost describes power in the broad sense of influence or sway on the basis of status or reputation, not in terms of force and means. The term *authoritarian* later became the fighting slogan for the student protests of the 1960s as well as the concern of political thought in the aftermath of the totalitarian regimes at the beginning of the century, authoritarianism and authoritarian personality of Frankfurt School critique. See ‘Authoritarianism’. In *The Merriam-Webster Dictionary*, Merriam-Webster, 1968.

²⁹⁷ Eschenburg, *Über Autorität*, 149.

²⁹⁸ Robinson, Cedric J. *The Terms of Order: Political Science and the Myth of Leadership*. The University of North Carolina Press, 2016, 155.

²⁹⁹ Weber’s own understanding of “value-free” and “objectivity” is more complex than Robinson allows here. Weber is very clear about the cultural and historical limitations of his work. This would be worth developing in more detail at a different point. Weber’s approach, however, is not critical insofar as he develops theoretical tools, including typologies of leadership, and leaves the judgement of their applicability to those using them in different contexts. Robinson’s critique here is still crucial insofar as it is less concerned with charismatic leadership within the confines of Weber’s work, but instead with it a phantasmagoria driven by Weber’s concept of charisma that has come to dominate Western political thought (or rather, Political Science as Robinson’s frames it) more broadly.

³⁰⁰ Robinson, *The Terms of Order*, 155.

³⁰¹ Edwards, Erica R. *Charisma and the Fictions of Black Leadership*. University of Minnesota Press, 2012, 15. Philip Smith’s study constitutes an exception here for it undertakes a cultural study of the concept’s reliance on a salvation narratives. Smith, Philip. ‘Culture and Charisma: Outline of a Theory’. *Acta Sociologica*, vol. 43, 2000, pp. 101–11. Foundational monographs in charisma studies, however, understand charismatic authority as a static and universal structure, rather than as a socially constructed phenomenon. See, for example, Schiffer, Irvine. *Charisma: A Psychoanalytic Look at Mass Society*. University of Toronto Press, 1973; Schweitzer, Arthur. *The Age of Charisma*. Nelson-Hall, 1984; and Willner, Ann Ruth. *The Spellbinders: Charismatic Political Leadership*. Yale University Press, 1984.

Weber, then – on both Robinson and Edwards’ accounts – subscribes to an understanding of politics that is equated with political order, and to a regime politics requiring an exceptional individual to lead over and control the deviant masses. In a way, this corresponds to Kalyvas’s argument addressed above that Weber’s work specifically, and a certain tradition of Western politics more generally, associates the multitude and plurality with irrationality and dangerous impulses. However, Robinson and, him following, Edwards locate this anti-political sentiment at the very heart of charisma, and not only its personal formulation. As we will see in the last chapter of this work, Arendt traces this deeply anti-political sentiment back to the very beginning of authority’s conceptualization in Plato’s theory. Similarly, Weber’s objective is to reinstitute political order and stabilize human affairs via the recourse to the sovereign intervention of the charismatic leader. The narrative, and the politics it supports and which endorses it, needs charisma as the great “creative revolutionary force of history,”³⁰² the miraculous disruption of historical processes and legal-bureaucratic rationalization: In a “revolutionary and sovereign manner, charismatic domination transforms all values and breaks all traditional and rational norms: It has been written..., but I say unto you...”³⁰³ Erica R. Edwards critically investigates the power of this politico-epistemological order, addressing how the messianic idea of charismatic leadership has sedimented in narratives around Black leadership. This charismatic formation of Black leadership became a performative structure deployed against dehumanisation and white supremacist terror, and was part of a cultural shift towards the “politics of respectability.”³⁰⁴ Edwards uncovers a persistent marking of normative masculinity as the proper site of emancipatory struggle, which she traces back to the minstrel and patriarchal structures of black churches that have come to dominate black political imagination. Indeed, as noted above, charisma is an inherently Christian concept and Weber derived the concept from early Christian communities, which understood charisma to be directly gifted by God designating certain persons as leaders.³⁰⁵ The phantasmagoria of messianic intervention in the form of charismatic leadership is further sustained through historically and culturally specific narratives. In her study on Black leadership, for example, Edwards, draws out how these patriarchal structures became reiterated and naturalised over the course of the period that Edward’s designates as “the moment of possibility for black political modernity.”³⁰⁶ These structures are in historical, insofar as they developed in response to “the Black’s needs to counter the ideas of black bestiality created by late

³⁰² “...charisma transforms all values and breaks all traditional and rational norms... in its most potent forms, disrupts rational rule as well as tradition altogether and overturns all notions of sanctity ... In its purely empirical and value-free sense charisma is indeed the specifically revolutionary force of history.” Weber, Max. *Economy and Society: An Outline of Interpretive Sociology*. Ed. Guenther Roth and Claus Wittich, University of California Press, 1978, 1117.

³⁰³ Weber, Max, et al. *Economy and Society: An Outline of Interpretive Sociology*. University of California Press, 1978, 1115.

³⁰⁴ Edwards, *Charisma and the Fictions of Black Leadership*, 7.

³⁰⁵ See Mommsen, Wolfgang J. *The Age of Bureaucracy: Perspectives on the Political Sociology of Max Weber*. Blackwell, 1974, 79.

³⁰⁶ Edwards, *Charisma and the Fictions of Black Leadership*, 7.

nineteenth-century racial pseudoscience and performed in public acts of violence led to the strict policing of gender and class roles.”³⁰⁷

The conceptual transformation of authority toward a sovereign power, driven by the phantasmagoria of transcendent messianic intervention, is radicalised by Schmitt. In the following chapter, I demonstrate how Schmitt, in fact, abandons the notion of authority together with its relational and resistible aspect for a theory of sovereign decisionism that actively suppresses any form of democratic contestation.

Conclusion

I began this chapter by arguing that Weber’s analysis of traditional and legal-bureaucratic forms of authority draws out the relational aspect of the concept according to which its effectiveness depends on the mutual recognition of ruler and ruled. According to Weber, then authority is claimed by an individual, however, it is not a personal attribute; instead, the claim of authority relies on their position in a hierarchical relationship, determined by socio-political orders, and which needs to be recognized by both parties in this relationship. I argued that the performance of authority constitutes a moment of openness in the legitimation process of these orders, allowing for amendment and correction of order’s tendential closure and total rationalization, and potentially even for the subversion of its hegemony. In chapter four, I demonstrate that this potential for immanent critique and resistance lies at the very heart of Arendt’s reconceptualization of authority. This suggests *authoritarian* forms of rule are distinct from *authoritative* forms for they obscure this moment of arbitrariness in the performance of authority and thus actively suppress democratic contestation and negotiation. This, I argued, sheds a different light on Weber’s turn to *charismatic* authority in his search for a democratic power that could break with the progressing rationalization in modern capitalist societies for it constitutes a shift in how authority is conceptualized. By rendering charismatic authority as an extra-ordinary power that is independent of socio-political structures, Weber moves the notion of authority toward an understanding that becomes confused with the idea of sovereign intervention rendering charismatic authority as irresistible and, as Weber himself notes, an *authoritarian* power. By drawing on Robinson’s and Edward’s critique, I trace this narrative of divine intervention to a deeply anti-political sentiment according to the preservation of order depends on the active suppression of democratic movement and forms of resistance. In chapter four, I resume this line of argumentation drawing on Arendt’s critique of Platonic rendering of authority which demonstrates that authority, from the very moment of its theorisation in Greek thought, was woven into an anti-political, theological structure: having its source in a realm beyond human affairs, authority claims absolute validity in ordering human relations according to standards

³⁰⁷ Edwards, *Charisma and the Fictions of Black Leadership*, 7.

unmoved by the fluctuations of human plurality and political contestation. I contended that Kalyvas's appropriation of charisma for a democratic theory of constitutional foundations, despite his turn to its collective rendering in Weber's earlier work, adopts and reiterates this shift in the understanding of authority based on messianic and sovereign intervention. In the following chapter, I investigate the political implications of this shift in the idea of authority, for, I contend, it constitutes the steppingstone toward the replacement of authority by sovereignty that anticipated Schmitt's fascist theory of decisionism.

Chapter 3: Carl Schmitt: From Commissary Authority to Sovereign Intervention

Human beings in a mob
What's a mob to a king?
What's a king to a God?
What's a God to a non-believer
Who don't believe in anything?
Will he make it out alive?
Alright, alright
No church in the wild

Kanye West – *No Church in the Wild*

Carl Schmitt joins the ranks of those working on a theoretical response to the crisis of authority in modern “disenchanted” modernity as so forcefully described by Max Weber. Indeed, the first three chapters of *Political Theology* (titled “Soziologie des Souveränitätsbegriffs und politische Theologie” [Sociology of the concept of sovereignty and political theology]) were published in an edited collection in honour of the recently deceased Weber.³⁰⁸ Throughout his work, Schmitt wrestles with the tension between the unfaltering significance of transcendent and theistic structures for modern political and legal thought, and the irreversible decline of traditional authorities. Eventually, he draws the radical consequences of the demise of foundationalist authority: he radicalizes the shift from authority toward sovereignty – which, the previous chapter contended, can already be found in Weber – by posing the miraculous intervention of the sovereign itself as the ground for the institution and preservation of political order, threatened by the growing centrifugal forces of mass democracy. Still, Schmitt constituted a key figure for the study of a post-foundational understanding of authority. I argue that it is crucial to take Schmitt as an “adversary,” as Chantal Mouffe puts it; first, for the disquieting questions he poses and that still haunt democratic theory, and second, for the dangerous paths he took himself and that in light of certain post-foundational premises Schmitt shares with radical democratic theory, we need to be certain not to “venture”³⁰⁹ into.

Schmitt’s disquieting critique of the “dogmatic certitude” that contemporary societies place in liberal democracy echoes in light of the rise of authoritarianism *from within* democratic regimes in the US and Europe, Trump’s presidency and Brexit in particular. Carl Schmitt is thus, according

³⁰⁸ See Rasch, William. *Carl Schmitt: State and Society*. Rowman & Littlefield International, Ltd, 2019, 14.

³⁰⁹ In the cross examination by Robert Kempner:

Schmitt : That will always be the case when someone takes a position in such a situation. I am an intellectual adventurer.

K: Intellectual adventurer is in your blood?

S: Yes, and so thoughts and ideas emerge. I take the risk. I have always paid my bills, and have never played the shirker.

K: And when what you call the search for knowledge end in the murder of millions?

S: Christianity also ended in the murder of millions. But one doesn’t know that until one has experienced it for oneself. Balakrishnan, Gopal. *The Enemy: An Intellectual Portrait of Carl Schmitt*. Verso, 2000, 256.

to Reinhard Mehring (2017) in the most recent edition of his biography, yet again “the thinker of the hour.”³¹⁰ The questions he poses remain unanswered:³¹¹ how is it possible, in the absence of recognized common grounds, to defend a democratic constitution that can provide legal predictability and regularity? How can political authority be imagined in a time where any attempt to establish a common framework of legitimacy appears as partisan and based on a violent moment of institution? Contemporary democratic theory has not been able to provide an alternative response to Schmitt’s authoritarian conceptualisation of decisionist sovereignty. Jens Meierhenrich (2016), turns to Schmitt in response to Jeremy Waldron’s critique of contemporary political theory for its disregard of institutions. He argues that Schmitt with his emphasis on “concrete-order thinking” (*konkretes Ordnungsdenken*) was “more innovative than most” when it came to theorizing “the ordering presence” of institutions, that is, their contribution to the creation and the upholding of political order.³¹² Although Schmitt was a fervent critic of liberalism and parliamentary democracy, he too was concerned with the protection of democratic order and its protection against revolutionary forces from both sides of the political spectrum. Of course few contemporary scholars would condone Schmitt’s idea of what democracy meant.³¹³

Second, the urgency of answering Schmitt’s questions is further highlighted by the fact that the premises of certain aspects of Schmitt’s post-foundational position are shared by thinkers from the Left who vehemently resist current authoritarian tendencies. Richard Bernstein, for instance, notes, “Schmitt’s work is actively and passionately discussed throughout the world. He has been hailed as the most incisive, relevant, and controversial political and legal theorist of the twentieth century—and the enthusiasm for Schmitt is shared by thinkers across the political spectrum from

³¹⁰ Mehring, Reinhard. *Carl Schmitt: Denker im Widerstreit: Werk - Wirkung - Aktualität*, Verlag Karl Alber, 2017, 7, translation my own.

³¹¹ Thinkers including Gopal Balakrishnan (2000), Andreas Kalyvas (2008) and Chantal Mouffe (1999, 2009) agree that Schmitt’s critique of parliamentary democracy has not lost its power and remains intriguing for those opposing contemporary liberal theories, including those of Jürgen Habermas and John Rawls. In her introduction for *The Challenge of Carl Schmitt* (1999), Mouffe sets out the challenge to contributing authors arguing that Schmitt is to be taken seriously as an “adversary” for “his questions, disquieting as they are, still haunt our supposedly pacified world.” (1) For a critical overview on the appropriation of Schmitt’s thought by these thinkers together with a general reflection of Left Schmitt scholarship see Specter, Matthew G. ‘What’s “Left” in Schmitt? From Aversion to Appropriation in Contemporary Political Theory’. *The Oxford Handbook of Carl Schmitt*, edited by Jens Meierhenrich and Oliver Simons, Oxford University Press, 2016, 426–54; also Žižek, Slavoj. ‘Carl Schmitt in the Age of Post-Politics’. *The Challenge of Carl Schmitt*, edited by Chantal Mouffe, Verso, 1999, 18–37.

³¹² Meierhenrich, Jens. ‘Fearing the Disorder of Things. The Development of Carl Schmitt’s Institutional Theory, 1919-1942’. *The Oxford Handbook of Carl Schmitt*, by Jens Meierhenrich and Oliver Simons, Oxford University Press, 2016, 171.

³¹³ See Rasch, William. ‘Carl Schmitt’s Defense of Democracy’. *The Oxford Handbook of Carl Schmitt*, edited by Jens Meierhenrich and Oliver Simons, Oxford University Press, 2016, 312–37.

Schmitt shared with Hobbes the desire to stabilise order in the midst of chaos. He followed Hobbes insofar as he found appeals for the legitimization for such orders upon an idea of natural order or appeals to God, however, he rejected Hobbes’s recourse to natural, individual reason (indeed, in *The Leviathan in the State Theory of Thomas Hobbes* (1996) Schmitt finds in this the seeds for the collapse of Hobbes’s sovereign state). Here, the influence of Hegel’s state theory comes to the fore insofar Schmitt thinks in concrete orders, whereas Hobbes remained a theorist of abstract order. See Meierhenrich, Fearing the Disorder of Things, 197; for a historical contextualization see Meierhenrich, Jens, and Oliver Simons. “‘A Fanatic Order in an Epoch of Confusing Turmoil’: The Political, Legal, and Cultural Thought of Carl Schmitt”. *The Oxford Handbook of Carl Schmitt*, edited by Ibid, Oxford University Press, 2016, 3–71; also Balakrishnan, *The Enemy*.

the extreme Left to the extreme Right.”³¹⁴ Indeed, Schmitt undertakes a serious attempt to reconceptualise authority, which departs not only from the premise of popular sovereignty, but also from the premise of the undecidability of the people as both multitude and political subject – two premises that bring him dangerously close to radical democratic theory. William E. Scheuermann argues that political and legal theories that shares those points of departure with Schmitt are unable to avoid the consequences – rather dramatically expressed with the announcement of “the end of law.”³¹⁵ Against that, I therefore propose in what follows to take up the challenge that Schmitt poses when he asks after the possibility of a democratic idea of political authority, and to follow Schmitt in his theoretical explorations in reconceptualizing authority in his early work, specifically *Dictatorship* (2014), but also *Constitutional Theory* (2008) and *Legality and Legitimacy* (2004), to the impasse at which he turns toward his decisionist theory of sovereignty. For Schmitt, popular sovereignty cannot substitute for its traditional and theological foundations. Instead, Schmitt ties his radical reading of popular sovereignty to an anti-democratic theory of representation that culminates in his decisionist reconceptualization of sovereignty, hoping that it will provide its own source of authority, ready to suppress the waywardness and flux of the unorganizable mass. Schmitt echoes Weber’s figure of the charismatic leader insofar as for the sake of personal authority the people must be abandoned to the “the prowess of professionals.”³¹⁶ To put it polemically, he puts his hope in authoritarian leadership to intervene into the totalitarian rule of nobody, that he finds in parliamentary democracy – not knowing yet that exactly the coincidence of both would allow for unprecedented forms of violent oppression and domination. Hence, Schmitt’s decisionism might not be the necessary consequence of Weber’s charismatic conceptualization of authority, yet it constitutes a direct response to Weberian premises and the crisis of authority in modernity.³¹⁷ Understanding the development of

³¹⁴ Bernstein, Richard J. ‘The Aporias of Carl Schmitt’. *Constellations*, vol. 18, no. 3, Sept. 2011, 403–30, 403. Indeed, Schmitt had a significant impact on the thought of his contemporaries from both sides of the political spectrum, including thinkers associated with the Frankfurt School, and he remains a figure to be seriously reckoned with for democratic thinkers defending a post-foundational theory of politics. Ellen Kennedy’s early article investigates the significance of Carl Schmitt’s work on the Frankfurt School. Kennedy, E., ‘Carl Schmitt and the Frankfurt School’, *Telos*, 1987.71 (1987), 37–66. This provoked a heated debate (various responses were published in *Telos*) as it was perceived as an attack on the Frankfurt School tradition, to which Kennedy responded in ‘Carl Schmitt and the Frankfurt School: A Rejoinder’, *Telos*, 1987.73 (1987), 101–16. Gopal Balakrishnan specifically names Walter Benjamin, Otto Kirchheimer, even György Lukács, as being heavily influenced by Carl Schmitt. See Balakrishnan, Gopal, *The Enemy: An Intellectual Portrait of Carl Schmitt* (London; New York: Verso, 2000), 7.

³¹⁵ Scheuerman, William E. *Carl Schmitt: The End of Law*. Rowman & Littlefield, 1999.

³¹⁶ Honig, Bonnie. *Emergency Politics: Paradox, Law, Democracy*. Princeton University Press, 2011, 66.

³¹⁷ The relation between Weber’s charismatic conceptualization of authority and Schmitt’s turn to decisionist sovereignty has been the matter of long-standing and often emotionally loaded debates. Here, I generally agree with Raymond Aron’s view, who was asked for an authoritative judgement on the issue at the Heidelberg congress. For him, Carl Schmitt’s decisionism together with his theory of plebiscitarian leadership must be seen as a radical consequence of Weberian premises. (See Aron, Raymond. ‘Max Weber and Power-Politics’. *Max Weber and Sociology Today*, edited by Otto Stammer, Harper & Row, 1971, 83–100.) At the same congress, Jürgen Habermas claimed that Schmitt was a “natural son” of Weber. In *Max Weber and German politics, 1890-1920* (1990), Wolfgang J. Mommsen draws out nationalistic and imperialistic convictions, to the dismay of those who held Weber high as the father of liberal values, that bring Weber much closer to the position of Carl Schmitt. Mommsen, however, also notes that Schmitt’s decisionism actively negated ethical premises of Weber, especially certain moral obligations of political leadership. See Mommsen, Wolfgang J. *The Political and Social Theory of Max Weber: Collected Essays*. Polity, 1992, 171.

authority in Schmitt's thought allows us to conceptualise a post-foundational understanding of authority that avoids Schmitt's path.³¹⁸

In the next chapter, I note that Arendt in her attempt to reconceptualise authority arrives at the same impasse as Schmitt. However, she realises that it is the concept of sovereignty, rather than specifically popular sovereignty, that is deeply anti-democratic and even anti-political.

This chapter is structured as follows. The first part considers the conceptual history of dictatorship understood as a democratic institution, from which Schmitt's analysis departs. Connecting this departure to Schmitt's critique of the liberal constitutional theory of his contemporaries, specifically that of Hans Kelsen, I argue that Schmitt's consideration of dictatorship is directly connected to his concern with the obliteration of authoritative political action in parliamentary democracy. The boundary concepts of legal exception and state of emergency allow Schmitt, I argue, to reconceptualise the totalitarian self-referentiality he detects in the modern state of law (*Rechtsstaat*). Schmitt thereby reintroduces the question of political authority in democratic state theory: can popular sovereignty provide the ground for authoritative political power? Schmitt arrives at a clear answer: no. In the fourth section of this chapter, I demonstrate that the reason for this emphatic negative is that there is an unresolvable contradiction between two forms of the people, which Schmitt addresses in his work: the people as constituted entity and political subject, on the one hand; and the people as unorganised mass that can never fully actualise itself as a political subject. For Schmitt, this contradiction means that the sovereignty of the people, due to its excessive character, necessitates a decision and thus personal authority; a despotic element becomes inevitable in mass democracy – something ignored by liberal political and legal thought according to Schmitt. The last section of the chapter argues that contemporary constitutional theory, such as the one offered by Andreas Kalyvas, fails to acknowledge that sovereign decisionism is, for Schmitt, the logical consequence of this post-foundational conceptualization of the people. I contend that Schmitt leaves us with a serious challenge: can we imagine political authority that is proper to modern democracies but that provides an alternative to the dangerous paths Schmitt ventured into?

³¹⁸ While an older generations of intellectual historians portray Schmitt as a key figure for the conservative revolution in Weimar, today intellectual-historical arguments are used to justify the appropriations of Schmitt just as much as it is used to anchor other's aversion's of him. Jürgen Habermas emphasizes the continuity between Schmitt's work pre- and post-1933 thought, whereas others including Balakrishnan (2000) and Kalyvas (2008) assert that there is moment when Schmitt's thought transitions from an authoritarian tendency to a clear fascist position and the support of totalitarian politics. Peter Caldwell provides an extensive review over literature (before 2005) engaging with Schmitt's constitutional writings contextualizing them in, one, the reception of Carl Schmitt more widely and, further, in a new openness of North American scholars toward German legal positivist tradition. Caldwell, Peter C., 'Controversies over Carl Schmitt: A Review of Recent Literature', *The Journal of Modern History*, 77.2 (2005), 357–87. Balakrishnan explicitly refutes any gestures that brush over the entirety of Schmitt's work with a final verdict of his political positioning; preconceiving all his writings as endorsing fascist politics and anticipating the rise of National Socialism would not only be historically incorrect, but would further miss some productive tensions between different texts of Schmitt, which often stand in ample contradiction to each other. Drawing on Schmitt's own words, Balakrishnan denotes the thinker a *complexio oppositorum* and argues that the fascist legacy of Schmitt is complex and ambiguous making it impossible to simply recover presumable democratic aspects as separable from other fascist concepts and ideas. See Balakrishnan, Gopal. *The Enemy: An Intellectual Portrait of Carl Schmitt*. Verso, 2000.

1. Dictatorship as democratic institution

Carl Schmitt's *Dictatorship* constitutes a particularly interesting point of departure for this inquiry. Through the figure of the dictator and, following from this concept, the extent of dictatorial powers of the *Reichspräsident* in the Weimar constitution, Schmitt considers the possibility of legitimate authoritative politics in modern parliamentary democracy. The work is most often read as an argument for authoritarian politics that stands in line with Schmitt's theory of decisionist sovereignty and his subsequent support of Nazi Germany – as its “crown jurist.” Jürgen Habermas's interpretation of this work notably portrays the concept of dictatorship in Schmitt's work as promoting an autonomous, absolute power that stands above the political order and institutional boundaries.³¹⁹ The fact that the notion of dictatorship already has indisputably negative connotations, as Schmitt himself recognized, does certainly not help the matter.³²⁰ Against this modern *misunderstanding* of dictatorship, however, Schmitt's intention – as he explains in the *Foreword* to the first edition (1921) is to retrieve the original understanding of dictatorship as a constitutional emergency measure that is limited in scope and duration and that acts merely as a means to preserve a constitutional order in time of crisis. He takes up the topic of dictatorial authority in the context of an extensive use of emergency powers by the German Republic's first president, Friedrich Ebert. Ebert responded to radical forces from both sides of the political spectrum, arguing that these conflicts urgently demanded a clear definition of the extension of presidential powers under Article 48 of the Weimar constitution. Indeed, as McCormick suggests, Schmitt's call for the revival of a “commissarial” form of dictatorship is made in defence of a republican political order and should be read as an attempt to rectify the state of affairs in the existing democratic regime.³²¹

What makes the idea of dictatorship so appealing for Schmitt is that it promises strong leaders whose authority derives from a political regime, and whose power thus remains bound to and limited by the constitution. He points out that even the dictatorships of Caesar and Sulla, or Bonaparte's, to which we owe the prevalent understanding of the concept as an authoritarian form

³¹⁹ See Habermas, Jürgen. ‘The Horrors of Autonomy’. *The New Conservatism*, by Jürgen Habermas, Polity Press, 1994, 128–39.

This reading is particularly encouraged by those thinkers following Jürgen Habermas in the perceived coherence of Schmitt's oeuvre. See Habermas, Jürgen, ‘The Horrors of Autonomy: Carl Schmitt in English’, in *The New Conservatism: Cultural Criticism and the Historians' Debate*, ed. by Shierry Weber Nicholsen (Cambridge, Mass: MIT Press, 1992), 130-131; and Kalyvas, *Democracy and the Politics of the Extraordinary*, 92.

³²⁰ Similar to Schmitt's own remarks in the introduction, Norberto Bobbio notes that even more since the experience of Stalinism and Nazism the concept acquired a clear negative association and loses its past appeal to traditional and modern republicanism, which in connection to Carl Schmitt's own dark history, the interpretation becomes clear. Bobbio, Norberto. *Democracy and Dictatorship: The Nature and Limits of State Power*. Polity Press, 1989, 159-166.

See for example McCormick, ‘The Dilemmas of Dictatorship’, 163–87

³²¹ McCormick, John P. ‘The Dilemmas of Dictatorship: Carl Schmitt and Constitutional Emergency Powers’. *Canadian Journal of Law & Jurisprudence*, vol. 10, no. 1, Jan. 1997, 170.

of government, were still understood to have a kind of democratic underpinning.³²² He thereby responds to a twofold misconception of contemporaries. On the one hand, he criticizes that the fact that the “bourgeois political literature” either ignores the concept of dictatorship for modern constitutions or uses its sovereign understanding as a slogan against its opponents. The dilemma is symptomatic of modern legal and political thought that does not adequately reckon with the demise of traditional forms of authority and instead rejects any extra-legal understanding of legitimacy.³²³ The ignorance of the classical idea of this institution allows liberal legal scholars to expunge the concept from constitutional thought and categorically oppose it. This means that “a distinction is no longer maintained between dictatorship and Caesarism, and the essential determination of the concept is marginalized...the commissarial character of dictatorship.”³²⁴ As addressed in more detail in the following section of this chapter, Schmitt puts his finger on liberalism’s “blind faith in the technical apparatus of its standing constitutions and the scientific view of the regularity of nature,” that encourages its defenders “to believe that it needs no technique for the extraordinary occurrence because the regular constitutional techniques are assumed to be appropriate to a nature free of the extraordinary.”³²⁵ On the other hand, in Marxist thought and politics the concept was picked up in a serious manner through the doctrine of the “dictatorship of the proletariat.”³²⁶ According to Schmitt, its advocates were right insofar as they understand the technical and temporary characteristics of the institution. The “centralizing machine” and “domination-apparatus” of the state appropriated for the rule of the proletariat is “definitive” for the Communists, but merely “transitional.”³²⁷ There is, however, an essential transformation of the term, for the “dictatorship of the proletariat” is an instrument not to defend a previously existing constitution, but to create a completely new order; it is legitimated by and bound to a future situation. With that, dictatorship becomes a revolutionary means in the sense that it is now dependent on a yet-to-be-realized historical telos rather than on a previously established constitutional order.³²⁸ This raises the question how a dictatorship can then still be limited in its powers. Schmitt is concerned that the radical orientation of modern politics is driven by the reference to a historical telos, which is pitted against a particular historical political order (liberalism), whose normative idea of the rule of law is said to lack legitimacy. According to Schmitt, this orientation is vague enough to justify new forms of oppression for its achievement,

³²² See Schmitt, Carl. *Die Diktatur: Von den Anfängen des modernen Souveränitätsgedankens bis zum proletarischen Klassenkampf*. 7. Aufl, Duncker & Humblot, 2006, xi-xx, Dictatorship, xiii.

³²³ Schmitt, Carl. *Die Diktatur: Von den Anfängen des modernen Souveränitätsgedankens bis zum proletarischen Klassenkampf*. 7. Aufl, Duncker & Humblot, 2006, xi-xii; Schmitt, Carl. *Dictatorship: From the Origin of the Modern Concept of Sovereignty to Proletarian Class Struggle*. Translated by Michael Hoelzl and Graham Ward, English edition, Polity Press, 2014, xxxiv-xxxvi (Preface to the second edition from 1928). As I am not always using Hoelzl’s and Ward’s translation but at times translate directly from the German text, I will continue using short titles for both the German and the English in the following.

³²⁴ Schmitt, *Die Diktatur*, xiii; *Dictatorship*, xxxvii. (Preface to the first edition from 1921)

³²⁵ McCormick, John P. ‘The Dilemmas of Dictatorship: Carl Schmitt and Constitutional Emergency Powers’. *Canadian Journal of Law & Jurisprudence*, vol. 10, no. 1, Jan. 1997, 168.

³²⁶ Schmitt, *Die Diktatur*, xiii; *Dictatorship*, xxxviii (Preface, 1921).

³²⁷ Schmitt, *Die Diktatur*, xiv; *Dictatorship*, xxxix (Preface, 1921).

³²⁸ Schmitt, *Die Diktatur*, xv; *Dictatorship*, xl (Preface, 1921).

a disposition unknown to the conservative orientation of traditional politics wherein political activity is sanctioned through tradition. The result, Schmitt fears, is the potential unleashing of unbound violence, since the demand of historical-political progress seems to make any means to that end justified justifiable: “The Communist dictatorship represents, for Schmitt, the culmination of the modern historical trend toward totally unrestrained political action.”³²⁹

Schmitt’s own consideration of the modern reconceptualization of dictatorship draws on a critical exegesis of its history, beginning with the original notion in the Roman Republic. There, the dictator was not an ordinary office, but was instituted in times of emergency, when the ordinary functioning of the state was either not effective enough in its ability to react (war), or when the constitution of the state itself was threatened from within (civil uprising): “the dictator,” Schmitt says, “was an extraordinary Roman magistrate, introduced after the expulsion of the kings, so that a strong *imperium* [military power]³³⁰ may still be possible in times of insecurity.”³³¹ A strong *imperium* exercises the effectiveness of command: “An *imperium* that was not impaired, like the official power of the consuls, by collegiality, by the right of the people’s tribunes to veto, or by the right of appeal to the people [*provocatio ad populum*, i.e. a citizen’s right, in the archaic period, to appeal to the popular assembly against certain civil sentences].”³³² Machiavelli was the first in the tradition of state theory to incorporate the extraordinary magistrature of a dictator as a constitutional power, still in the same spirit of the original notion.³³³ For him, it was self-evident that the dictatorship was a republican element (and thus the distinction between a commissarial and sovereign form of dictatorship would have made no sense). When Machiavelli engages in his *Discourses* with the question as to how a modern republic is constituted, he argues that one of its features is that it was necessary in times of crisis to return into a “kingly-state”, to defend the republic. The institution of dictatorship was thus a matter of survival. The inability to make immediate decisions posed the greatest risk for a republic. Accordingly, Schmitt refutes the tendency to depict Machiavelli’s *Prince* as an account of dictatorship. “The dictator is always – admittedly, by extraordinary appointment, yet constitutionally – a republican organ of the state; he is a ‘*capitano*’, like the consul and other ‘*chefs*’. (*Discorsi*, II, chap. 33)”³³⁴

³²⁹ McCormick, ‘The Dilemmas of Dictatorship’, 167.

³³⁰ This clarification is added by the translators. However, to avoid confusion: *Imperium* is not military power in the sense of the power of the military, but the power of a citizen over the military, i.e., what is meant here is probably the existence of a strong chain of command. This is particularly important in the historical context of this work where there was a confusion of who was in charge and whom the military would answer in times of crisis due to the fraction of Germany.

³³¹ Schmitt, Carl. *Dictatorship: From the Origin of the Modern Concept of Sovereignty to Proletarian Class Struggle*. Translated by Michael Hoelzl and Graham Ward, English edition, Polity Press, 2014, 1. Parentheses added by translator; translation slightly revised following the German text. In the English edition, the translator here indicates that *imperium* depicts military power. It would be more accurate, however, to depict *imperium* as a strong chain of command so as that it is certain whom the military, such as other executive forces obey. This was particularly significant for the time Schmitt was writing as there existed de facto two executives and two militaries within the same state and it was not certain who would have last command in case of a conflict.

³³² Schmitt, *Dictatorship*, 1. Parentheses added by translator; translation slightly revised.

³³³ Schmitt, *Die Diktatur*, 6; *Dictatorship*, 4

³³⁴ Schmitt, *Die Diktatur*, 7; *Dictatorship*, 5;

For Machiavelli, the sovereign is the *principe*, whereas “...the dictator was not a tyrant and dictatorship was not a form of absolute rule (*Herrschaft*) but rather an instrument essential to the Republican constitution to salvage freedom... Everything depends upon how the dictatorship was embedded in constitutional guarantees.”³³⁵ The “dissolving of the dangerous situation” was the only and essential task after which the office lost its reason for existence. Whilst the dictator was appointed for six months, it was therefore a “commendable custom” that he stepped down when his mission was accomplished, even before the end of his official resignation.³³⁶ Dictatorship is thus a temporary institution, whose end is its own abolition: “A dictatorship therefore that does not have the purpose of making itself superfluous is a random despotism.”³³⁷ At the same time, however, as Schmitt continues:

Achieving a concrete success however means intervening in the causal path of events using means whose justification is given by their purposefulness and depends exclusively on the actual contexts of this causal pattern. Dictatorship hence suspends that by which it is justified, the state of law, and imposes instead the rule of procedure interested exclusively in bringing about a concrete success... [namely,] the state of law.³³⁸

The content of his *Tätigkeit* (occupation, action) is to “to put something to work” (‘ins Werk zu richten’); either to defeat an enemy, to pacify or if necessary suppress a political opponent.”³³⁹ In this task, the dictator has unlimited power and his actions are not constrained by norms or laws. What concerns for the dictator are not moral or ethical considerations, considerations of what is wrong or right, but only what is “in the factually-technical [*sachtechnische*] sense harmful [to the regime], and thus false.”³⁴⁰ The Roman dictator was therefore “a kind of king with absolute power over life and death.”³⁴¹ Similarly, for Machiavelli, the dictator had to be independent of the influence of other institutions for the time of his appointment so that he was able to issue orders and execute them immediately, without having to follow legal procedures: “the dictator can ‘*deliberare per se stesso*’ [‘deliberate on his own’], he can take all measures without having to consult any advisory or executive body (‘*fare ogni cosa senza consulta*’ [‘do anything without consultation’]), and he can immediately implement legal [‘non-appealable’] sanctions [*rechtskräftige Strafen*].”³⁴²

Yet, despite all of this, the institution of the dictator is restricted, according to Schmitt: he stands *outside* the law, but he does not stand *above* it. The dictator is a purely executing organ and thus not sovereign: “... all these powers [of the dictator] have to be distinguished from the legislative activity of government. The dictator cannot change the laws; neither can he suspend the

³³⁵ Schmitt, *Die Diktatur*, 6; *Dictatorship*, 4; translation slightly revised.

³³⁶ Schmitt, *Die Diktatur*, 1-2; *Dictatorship*, 2

³³⁷ Schmitt, *Die Diktatur*, xvi; *Dictatorship*, xlii (Preface, 1921).

³³⁸ Schmitt, *Die Diktatur*, xvi; *Dictatorship*, xlii (Preface, 1921), translation revised.

³³⁹ Schmitt, *Die Diktatur*, 11; *Dictatorship*, 7.

³⁴⁰ Schmitt, *Die Diktatur*, 12; *Dictatorship*, 8.

³⁴¹ Schmitt, *Die Diktatur*, 2; *Dictatorship*, 2.

³⁴² Schmitt, *Die Diktatur*, 6; *Dictatorship*, 4, [‘non-appealable’] was added by me based on the original text.

constitution or the organisation of office; he cannot ‘make new laws’ (*fare nuove leggi*).³⁴³ During the institution of a dictatorship therefore, according to Machiavelli, the official administration subsists as a kind of control (*guardia*). Hence, dictatorship was a constitutional, never constitutive, instrument for the Republic. Throughout, Schmitt emphasizes that in a state of emergency, the powers are still separated, and the dictator only acts as an executive organ – even if it is in a draconian form. The dictator holds extraordinary political authority that remains merely derivative – for he is commissioned in the name of the constitutional framework within whose confines the dictator is instituted. Andreas Kalyvas captures this dynamic when he insists that “while dictatorship is *norm-breaking*, sovereignty is *norm-founding*.”³⁴⁴ Schmitt thus insists on the separation of the authority of the dictator from the power of the sovereign. Sovereignty, in contrast to this derived authority, depicts a higher power standing outside and above the constitution. This power is not derivative but instead constitutes the very ground from where the constitution derives its legitimacy.³⁴⁵ Hence, the dictator describes the most potent form of an ordinary institution that gains its authority from the constitution. The authority of the dictator is derived from the legitimacy of the constitutional order he was commissioned to restore, and his power must be restricted to those measures necessary for his task to be carried out.

In the course of *Dictatorship*, Schmitt points to the idea that the idea of derived authority has become incomprehensible for contemporary democratic theory. He traces this development to the transformation which the institution of dictatorship underwent in modern state theory. Once so significant for the defence of the republic, dictatorship is obliterated. Schmitt argues that, whilst Machiavelli’s discussion of the institution of dictatorship in many ways adheres to the previous conceptual history, he strips the institution of its theological structure. It is instead incorporated and ultimately dissolved in the immanent logic of the reason of state, or *raison d’état*.

... by the end of the fifteenth century, when the power of theology was exhausted and the patriarchal understanding of the origin of kingship no longer satisfied people’s appetite for science, politics started to develop as a science that built a kind of secret teaching around the almost mystical *ratio status* [reason of state, *raison d’état*].³⁴⁶

³⁴³ Schmitt, *Die Diktatur*, 6; *Dictatorship*, 4.

³⁴⁴ Kalyvas, Andreas. *Democracy and the Politics of the Extraordinary: Max Weber, Carl Schmitt, and Hannah Arendt*. Cambridge University Press, 2008, 91.

³⁴⁵ Rasch, William. *Carl Schmitt: State and Society*. Rowman & Littlefield International, Ltd, 2019, 50.

³⁴⁶ Schmitt, *Dictatorship*, 10: In “The Age of Neutralizations and Depoliticizations,” published in 1929 and included both in the German and English editions of *The Concept of the Political* (1979, 2007), Schmitt maps out the history of the immersive spirit of technicity mentioning four spheres linked each to a century of European history – the sixteenth, seventeenth, eighteenth, and nineteenth century, respectively. Here, Schmitt emphasizes the leap taken in the seventeenth century: “The transition from the theology of the sixteenth century to the metaphysics of the seventeenth century (which is not only metaphysically but also scientifically the greatest age of Europe—the heroic age of occidental rationalism) is as clear and distinct as any unique historical occurrence. All the astonishing mathematical, astronomical, and scientific insights of this age were built into a great metaphysical or “natural” system; all thinkers were metaphysicians on a grand scale. Schmitt, Carl. ‘The Age of Neutralizations and Depoliticizations’. *The Concept of the Political*, The University of Chicago Press, 2007, 83.

Schmitt argues that Machiavelli still recognizes the temporary and technical-instrumental nature of dictatorship, although his state theory is now driven by a mere technical interest. This “absolute technicity”³⁴⁷ is accompanied by a complete indifference toward the underlying political purposes and their legitimacy, “in the same way in which a technical engineer can have a purely technical interest in producing a thing without having any interest in its use; the thing produced does not need to be of any interest for him.”³⁴⁸ With Machiavelli, politics becomes developed into a science, a question of expertise (*politische Sachtechnik*).³⁴⁹ The significant question then becomes how the population in question, the material object of state theory, can be organised and shaped according to the political constitution (whether a monarchy or a republic).³⁵⁰ No longer able to rely on his divine calling, the sovereign comes to implement certain theatrics which are “necessary [to] conjure the impression of freedom, simulacra or decorative occasions designed to pacify the population,” in order to retain his position of power.³⁵¹ Dictatorship, then, becomes one of the means, though a radical one, through which this organisation and shaping can be achieved. It is part of the *arcana reipublicae* (state secrets), the inner driving forces of the state.³⁵² These arcana are the ground on which stand the palpable *jura imperii* and *dominationis*, the sovereign rights of the state and of the sovereign, including the right to pass laws, insofar as they are practises that reproduce the constitution in a way that performatively establishes its legitimacy:

[The jura] are the very basis (fundamenta) of the arcana; and they are the same in every state. The arcana have to change according to the actual situation; but the iura cannot be delegated in the way the arcana can. The iura are finite – this is the crucial difference: right, fas [proper] and in conspicuo [in full view], whereas the arcana are the secret plans and practices with the help of which the iura imperii should be maintained.³⁵³

Dictatorship specifically was understood to be an *arcanum dominationis* operated for the protection and defence of rulers in extraordinary times of crises, such as rebellions and revolutions, (in distinction to the ordinary *arcana imperii*). Schmitt argues that, de facto, dictatorship became a means of the aristocracy, “...to create an institution that frightens the people into believing that it constitutes an authority [*Behörde*, in the sense of state institution]

³⁴⁷ Schmitt, *Die Diktatur*, 8; *Dictatorship*, 6.

³⁴⁸ Schmitt, *Die Diktatur*, 8; *Dictatorship*, 6.

³⁴⁹ Schmitt, *Die Diktatur*, 12; *Dictatorship*, 9.

³⁵⁰ It is for this solely technical interest, which he attributes to Machiavelli, that Schmitt rejects the debates concerned with “the mystery of the prince,” the seeming contradictions between the republican stance Machiavelli takes in the *Discourses* and the amorality of his manual for the absolutist *Prince*. Schmitt argues that these debates miss that, for Machiavelli, the constitution of the people and any assumptions of human nature are principles of construction presupposed according to the set problem, i.e., depending on the political constitution that is to be theorized. In the *Prince*, the assumption that the human is by nature “evil, beasts, a mob” is not anthropological pessimism, for it is not a moralist or juridical justification. Instead it is the “rational technique of political absolutism.” Schmitt, *Die Diktatur* 9, *Dictatorship* 6. Schmitt reiterates this argument regarding the instrumental character of anthropological pessimism in regard to Hobbes in *The Leviathan in the State Theory of Thomas Hobbes: Meaning and Failure of a Political Symbol*. Greenwood Press, 1996.

³⁵¹ Schmitt, *Die Diktatur* 14; *Dictatorship*, 11.

³⁵² Schmitt, *Die Diktatur* 14; *Dictatorship*, 11.

³⁵³ Schmitt, *Die Diktatur*, 15-16; *Dictatorship* 12.

against which there is no possibility of provocation.”³⁵⁴ Hence, although the institution of dictatorship was intended to protect a political order in times of crisis and restore a predetermined status quo ante, as part of the *arcana reipublicae* dictatorship loses its interventionist and exceptional character.

In modern state theories, the ruler (*Machthaber*) is trusted to still adhere to “the rules of the universal human and natural law.”³⁵⁵ However, with ideas of divine or natural order in demise the question of how the status quo reflects a higher legitimate order is suspended. With the trinity of rationalism, technicity, the executive power, the logic of the state becomes immanent and is built around “a kind of secret teaching about the almost mystical *ratio status* (reason of state, *raison d'état*).”³⁵⁶ According to Schmitt,

With it begins, as its theoretical reflex, the doctrine related to *raison d'état* [Staatsraison, reason of state] – that is, to a socio-political maxim that stands above the dualism legality/illegality and is derived from the necessities of the assertion and extension of political power.³⁵⁷

As with other texts from the 1920s, there is evidently an engagement with the problematic of rationalization and disenchantment in modernity that Weber had so pointedly formulated.³⁵⁸ For Schmitt, the crisis of authority, the demise of theological structures of legitimacy and the insignificance of other traditional authorities and hierarchies, allows the one who decides about the means of rule, and specifically decides on the state of exception that justifies the most extreme means, to hold de facto unrestrained power: it is *plenitudo potestatis*, or omnipotence (*Machtvollkommenheit*).³⁵⁹ Without a transcendent source of authority, the question of the legitimacy of such power has become a mere formality:

³⁵⁴ Schmitt, *Die Diktatur*, 15; *Dictatorship*, 12; addition my own.

³⁵⁵ Schmitt, *Die Diktatur*, 16; *Dictatorship* 12.

³⁵⁶ Schmitt, *Die Diktatur*, 16; *Dictatorship* 12.

³⁵⁷ Schmitt, *Die Diktatur* 12; *Dictatorship*, 9. According to Schmitt, the practical task for modern state-theorists, including Thomas Hobbes and Jean Bodin, is the expansion of power – in the most extreme case of war over national boundaries, and through the suppression of inner conflicts and civil war. Conflicts, both civil and foreign, are no longer understood as something exceptional but rather come to constitute the ever-present threat underlying the reason of state and thus dictate the normal state of affairs. This culminates, according to Schmitt, in Hobbes inversion of the relationship of a normal political order and an exceptional one for the “state of nature” describes the state of civil war.

³⁵⁸ Kalyvas also argues that Schmitt “fought, like Weber before him, against the alienating confines of the “iron cage” of modern, technical, disenchanting liberal civilization.” *Extraordinary Politics*, 93.

³⁵⁹ In his late essay *Nomos–Nahme–Name* from 1959, Schmitt makes picks up the connection between power and secrecy. Interestingly, he includes references Hannah Arendt’s “The Burden of our time” (in the edition from 1951), where she writes that “Real power begins where secrecy begins.” Carl Schmitt does not provide any further explanation of this citation, which even for those only vaguely familiar with her work must seem oddly un-Arendtian, however the remark stands in the context of her analysis of totalitarian regimes and the observation that there the most powerful offices were those not known or visible to the public. Schmitt, Carl. ‘Nomos - Nahme - Name (Appendix)’. *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*, translated by G. L. Ulmen, Telos Press Publishing, 2006, 336; Schmitt, Carl. ‘Nomos – Nahme – Name’. *Staat, Großraum, Nomos: Arbeiten Aus Den Jahren 1916 - 1969*, by Carl Schmitt, edited by Günter Maschke, Duncker & Humblot, 1995, 574.

Seemingly the right of exception is still lawful, because it appears have a limitation in the exception itself. But in truth the question of sovereignty is exactly the same as the one of *iura extraordinaria*. The state, shattered as it is by its estates and class struggles, is its constitution, by reason of the continuous state of exception in it, and its law is, to the core, the law of exception. Whoever rules over the state of exception therefore rules over the state, because he decides when this state should emerge and what means are necessary. The question of what is just becomes a mere formality.³⁶⁰

For Schmitt, Machiavelli's conceptualisation of dictatorship reflects a discursive shift away from a world image governed by transcendence and traditional hierarchies toward a world mired in an all-encompassing immanence and technicity. The idea of a state authority in the sense of a derived, and thus limited power is now abandoned. It appears; instead, those in positions of power exercise it in a total and absolute way. Hobbes, for example, no longer speaks of "dictatorship" at all in his state theory. Instead, Hobbes's state, Schmitt argues, becomes something like a "sovereign dictatorship." It has the task, together with the unrestrained power, to guard the continuous exception.³⁶¹

Schmitt is concerned with this turn towards an absolute faith in the technical apparatus of the state, which is no longer derived from an authority that stands *besides* and *above* the existing constitution. Specifically, in the liberal positivist constitutional theory of his contemporaries, the modern focus on technicity and rationalization merges with a politics of normalcy according to which political action becomes reduced to – for Schmitt even eradicated for the sake of – the merely instrumental execution of law. Any form of political action outside the existing legal framework, too, is understood to be wholly illegitimate and unjustifiable. Schmitt, like Weber, is concerned with the wholly immanent and self-referential form of legal-bureaucratic rule, specifically in the context of constitutional questions. The following sections of this chapter tends to Schmitt's argument that, without the recourse to an extra-ordinary source of authority, this dominant branch of constitutional theory necessarily legitimizes the status quo of the legal framework. With that, their conceptualisation of the modern democratic regime comes dangerously close to totalitarianism. Schmitt here posits the legal exception, which in *Dictatorship* describes the state of emergency, as a functional problem for the modern democratic constitution that must be addressed. For Schmitt, it requires a form of personal authority that is compatible with the democratic principle of popular sovereignty.

³⁶⁰ Schmitt, *Die Diktatur* 17; *Dictatorship*, 16.

³⁶¹ Schmitt, *Die Diktatur* 22; *Dictatorship*, 20.

2. The lack of legitimacy and personal authority in liberal legal positivism

Schmitt is deeply concerned with the dominant tradition of legal positivism amongst his contemporaries, which he understands as a vestige of the process of neutralization and technicity initiated by modern liberal thought. For him, it is the political itself that was sacrificed in this development. Any political action that does not follow specified legal-bureaucratic processes not only breaks the law, but is rather rendered illegitimate, and unjustifiable. Schmitt argues that what in Continental European states of the 19th century was commonly understood as “*Rechtsstaat*” is actually a “legislative state,” that is a political system that is governed by impersonal, general, preestablished and lasting norms. Schmitt argues that *authority* is thus no longer conceivable, for it is laws that govern: “More precisely: laws do not rule; they are valid only as norms. There is no ruling and mere power at all anymore. Whoever exercises power and government acts ‘on the basis of law’ or ‘in the name of the law.’”³⁶² Hence, the idea of legitimacy is fully replaced with legality. Schmitt here sees Weber’s ideal type of legal-bureaucratic rule existing in its totalitarian form: the person implementing the rule no longer holds any authority, but instead has become an inert cog that turns around as part of a fully machinic state. Max Weber provides a sketch of the idealized machinic state and, for Schmitt, a depoliticized conceptualisation of the Weimar *Rechtsstaat* as a “gapless” and fully rationalized legal system.

Present day legal science, at least in the forms which have achieved the highest measure of methodological and logical rationality, i.e. those which have been produced through the legal science of the Pandectist’s Civil Law, proceeds from the following five postulates: viz. first, that every concrete legal decision be the ‘application’ of an abstract legal proposition to a concrete ‘fact situation’; second, that it must be possible in every concrete case to derive the decision from abstract legal propositions by means of legal logic; third, that the law must actually or virtually constitute a ‘gapless’ system of legal propositions or must at least be treated as if it were such a gapless system: fourth, that whatever cannot be ‘construed’ rationally in legal terms is also legally irrelevant; and fifth, that every social action of human beings must also be visualized either as an ‘application’ or ‘execution’ of legal propositions or as an infringement thereof, since the ‘gaplessness’ of the legal system must result in a gapless legal ordering of all social action.³⁶³

German jurisprudence, Schmitt believes, had fallen under the thrall of the Enlightenment’s rationalization. It assumes the predictability and accountability of human interaction. Kantian metaphysics in particular reorients the justification for law in German legal thinking, replacing traditional sources of legislative and political authority with reason alone.³⁶⁴ Thinkers, including

³⁶² Schmitt, Carl. *Legality and Legitimacy*. Translated by Jeffrey Seitzer, Duke University Press, 2004, 4; *Legalität und Legitimität*. 8., Duncker & Humblot, 2012, 8.

³⁶³ Weber, Max. *Economy and Society: An Outline of Interpretive Sociology*. Edited by Guenther Roth and Claus Wittich, University of California Press, 1978, 657-658.

³⁶⁴ See Kennedy, Ellen. *Constitutional Failure: Carl Schmitt in Weimar*. Duke University Press, 2004, 55.

Wolfgang Kersting, celebrate this eventuality with the declaration that “Kant frees us from the domination of theological absolutism and the bonds of teleological natural law; and likewise elevates us above the prosaic banalities of the doctrine of prudence.”³⁶⁵ With Kant, then, legal and political thought came to reject both theological grounds of authority and early modern realism, and reunited what in early modernity had been broken apart – power and right, *potestas* and *auctoritas*. Franz Wieacker describes the consequence of this Kantian formalism both for legal thought and the political culture in Germany more generally:

This formalism contained a fundamental decision that was ultimately tragic for the relationship of jurisprudence to its social reality. For Savigny, it remained an open question whether institutions were ideal forms of social life, but (in the work of later positivists) there is no doubt that scientific concepts had been released from their living foundations and now had a merely intellectual existence. Jurisprudence was thus finally alienated from the social, political and moral reality of law. Formalism triumphed in a science that began as rejection of formal rationalism and the natural law.³⁶⁶

In brief, then, Kant’s thought became the philosophical source of “conceptual jurisprudence” (*Begriffsjurisprudenz*) in modern Germany and his legacy shifted law and state theory toward abstraction, whereby German legal thought sought a complete legal system in which there are no gaps and any new principles are generated by logic itself.³⁶⁷ This fetishization of abstraction culminated in Hans Kelsen’s “pure theory of law” – for Schmitt, probably the most paradigmatic case of German liberal legal positivism and the development of rationalization and technicity in modernity, and therefore a significant point of critique. For Kelsen, the validity of law comes from its totality, more specifically its logic of a “chain of ascription.” Each law is derived from the law on the next higher level. The legitimacy of this system, as of the entirety of this legal chain, is grounded in an immanent logical point of origin. This point cannot be known for it lies outside the realm of knowledge; in Kantian words it is *noumenal* (a thing in itself) and inaccessible to reason. Instead, it is posited as the “*Grundnorm*”.³⁶⁸ In *Constitutional Theory* (2008, *Verfassungslehre* (2017)), Schmitt describes Kelsen’s system – the position of his

³⁶⁵ Kersting, Wolfgang. ‘Politics, Freedom, and Order: Kant’s Political Philosophy’. *The Cambridge Companion to Kant*, edited by Paul Guyer, Cambridge University Press, 1991, 342. Cited in Kennedy, Ellen. *Constitutional Failure: Carl Schmitt in Weimar*. Duke University Press, 2004, 57.

³⁶⁶ Wieacker, Franz. *Privatrechtsgeschichte der Neuzeit: unter besonderer Berücksichtigung der deutschen Entwicklung*. Vandenhoeck & Ruprecht, 1967, 401f. Translation from Kennedy, Ellen. *Constitutional Failure: Carl Schmitt in Weimar*. Duke University Press, 2004, 64.

³⁶⁷ Kennedy argues that the study of Roman law pandects, upon which German civil law in the 19th century was based, demonstrates the power of Kant’s philosophy in German jurisprudence of that period. George Puchta, a student of Carl von Savigny and intellectual father of the *Pandektenwissenschaft*, represents the dream of a complete legal system proposing a purely deductive system according to which the legitimacy of the positive law is merely a logical problem. The influence of Puchta, especially his *Cursus der Institutionen* (1800), can be seen in Buckland, William Warwick. *A Text-Book of Roman Law from Augustus to Justinian*. Edited by Peter Stein, Cambridge University Press, 2007. Kennedy, *Constitutional Failure: Carl Schmitt in Weimar*, 57-62.

³⁶⁸ Rasch, William. *Carl Schmitt: State and Society*. Rowman & Littlefield International, Ltd, 2019, 57. For a study on Schmitt’s theory of sovereignty and the exception as a challenge to Kelsen’s pure theory of law see also Kalyvas, *Democracy and the Politics of the Extraordinary*, 100-118. For the concept of legality in Kelsen, see the section “Justice and Legality” in his *General Theory of Law and State*, 14.

contemporary and most significant opponent, in which legitimacy and legality become equated, and any form of legitimate politics become reduced to the following of legal processes and procedures in mocking terms:

In its epoch of greatness, the seventeenth and eighteenth centuries, the bourgeoisie had the energy to establish real systems, namely the laws of reason and nature. It formed out of concepts like private property and personal freedom, norms which were self-validating, which were valid before and above any political entity, because they were right and rational and contained, without regard to the existing, positive-legal reality, an authentic ideal. That was consequential normativity; here one could speak of system, order and unity. With Kelsen, by contrast, only positive norms are valid not because they should rightfully be valid but, rather, without regard to qualities like rationality and justice, simply because they are positive. At this point ideality and normativity break off, and in their place appears the raw tautology of facticity; something validates when it is valid because it is valid. That is positivism.³⁶⁹

Schmitt is concerned by how the immanent logic inaugurated by modern liberalism now gains transcendent significance, with the result that political authority not only cannot be thought outside legal procedure, but is categorically rejected as illegitimate. He argues that in the liberal parliamentary *Rechtsstaat* “There is only legality, not authority or demands from above.”³⁷⁰ The machinery of the legal constitution suffices, and, in that sense, Schmitt argues in *Constitutional Theory*, the constitution in its status quo becomes sovereign without reference to political authority (*Obrigkeit*), other than legal-bureaucratic procedures predetermined and already regulated by law.³⁷¹ This is the “lack of pathos” of liberalism that Weber had described whereby “legality can be valid like legitimacy;” indeed for Weber, “the most widely prominent form of legitimacy today is the belief in legality.”³⁷² Understanding of regular processes and procedures as total and absolute makes any form of political power, of extra-ordinary and contingent action, indiscernible.³⁷³ For Schmitt, jurisprudence avoided reality by taking refuge in abstraction, either

³⁶⁹ Schmitt, Carl. *Verfassungslehre*. Duncker & Humblot, 2017, 8-9. Schmitt, Carl. *Constitutional Theory*. Edited by Jeffrey Seitzer, Duke University Press, 2008, 65.

³⁷⁰ Schmitt, *Legalität und Legitimität*, 20; *Legality and Legitimacy*, 18.

³⁷¹ Schmitt, *Verfassungslehre* 7; *Constitutional Theory*, 63: „The legal order, nonetheless, establishes an absolute concept of the constitution because a closed, systematic unity of norms is implemented and rendered equivalent to the state. Therefore, it is also possible to designate the constitution as “sovereign” in this sense, although that is in itself an unclear form of expression. For only something existing in concrete terms can properly be sovereign. A merely valid norm cannot be sovereign.” See also Rasch, *State and Society*, 65.

Andreas Kalyvas points out that Kelsen in his post-war writings adopts some of Schmitt’s terminology and indeed departs from his original formulation of the hypothetical *Grundnorm*. Instead, he Kelsen now postulates the existence of a “norm-creating authority,” a “constitution-establishing authority,” which continues to be recognized as “as the highest authority.” Kelsen, Hans. *Pure Theory of Law*. Translated by Max Knight, University of California Press, 1967, 199. Kelsen thereby breaks with his conceptual neo-Kantian apparatus and opening the possibility to think “constituent power.” However, as Kalyvas points out, Kelsen remains determined that both the act of founding and the authority remain fictitious and an act of thinking. (256). See Kalyvas, *Politics of the Extraordinary*, 108-111.

³⁷² Max Weber cited in Schmitt, *Legalität und Legitimität*, 13; *Legality and Legitimacy*, 9.

³⁷³ Schmitt student and historian Reinhardt Koselleck traces the growing nescience toward “the contingent” in the Enlightenment in Koselleck, Reinhart. *Futures Past: On the Semantics of Historical Time*. Columbia University Press, 2004, 119-125.

through a pure theory of law, like Kelsen's, or by embracing positivism, for which the mere factuality of law was sufficient for it to be legitimate.

The beginnings of Schmitt's decisionist theory of sovereignty can be located in his diagnosis of the silence of German jurisprudence on the relationship between theory and realization, and the legacy of legal formalism is found in the crisis-ridden German state of the 20th century. Yet it is important to recognize that Schmitt is concerned with a significant lack of democratic legitimacy at the heart of Kelsen's legal theory specifically, and of liberal formalism more generally. He problematises this vacuum, first, for it implies that for thinkers like Hans Kelsen it does not matter what the authority is that establishes the foundation of a legal order. For a state to be democratic, in consequence, it does not have to be democratically founded: the validity of democratic law does not depend on constitutional principles and legal norms being democratically instituted or produced. Whilst Kelsen is often posed against Schmitt for his liberal constitutional theory, scholars have been reluctant to address the fact that it was Kelsen who explicitly stated that "from the point of view of the science of law, the law (*Recht*) under the Nazi-government was law (*Recht*). We may regret it but we cannot deny that it was law."³⁷⁴ Schmitt argues that it is necessary for legal scholarship to take seriously the idea of the inalienability and indivisibility of the *pouvoir constituant*, the founding power of the constitution. This power remains to be reckoned with even after the ordinary act of institution is completed. For modern democratic theory, that means that "the people" – as sovereign and thus political subject – continues to have an existence above and besides the constitutional framework of the liberal *Rechtsstaat*. For Schmitt, the authoritative founding act, upon which a regime rests, is never complete, but its spectre, as a political rather than a legal act, continues to haunt the working of the constitution. The popular sovereign, he argues, "remains the origin of all political action, the source of all power, which expresses itself in continually new forms, producing from itself these ever-renewing forms and organizations. It does so, however, without ever subordinating itself, its political existence, to a conclusive formation."³⁷⁵ Schmitt insists that what the people in their collective singular have created, the people can tear asunder again, which is why liberalism is such a present threat for the constitution of a state.³⁷⁶ Above that, Schmitt criticises what he understands to be liberalism's blind faith in the technical apparatus, i.e., the faith that the legal norm can deal with the exceptional situation.

³⁷⁴ Hans Kelsen, cited in Hayek, Friedrich A. *Law, Legislation and Liberty: A New Statement of the Liberal Principles of Justice and Political Economy*. Routledge, 1982, 56.

³⁷⁵ Schmitt, *Verfassungslehre*, 79; *Constitutional Theory*, 128; see also Scheuerman, *The End of Law*, 81-83. In the context of *Dictatorship*, Schmitt defends the idea of 'popular sovereignty' against thinkers including Grotius, who argues that the people have no inalienable and untransferable sovereignty. For Grotius, a restriction merely of the duration of this office cannot be the criterium which could distinguish the authority of the dictator from sovereignty. Since "no democratic state of any form had ever existed in which truly everybody governed – even the poor (*inopes*), the women and the children – as opposed to government being simply handed over to a few. Since such a transference occurs in a dictatorship, it should not matter how long it lasts. As long as the dictator is in place, they are the sovereign." Schmitt, *Die Diktatur*, 29; *Dictatorship* 22.

³⁷⁶ Rasch, *State and Society*, 65.

According to him, this neglects the significance of traditional, commissarial practices for constitutional emergencies that constitute a threat just as much as democratic regimes. In the face of unforeseen emergencies and political conflict, therefore, the only apparent recourse available to political actors was to act illegitimately or to stretch existing emergency provisions and to hope to be acquitted.³⁷⁷ By rejecting any form of exceptional, i.e., extra-legal, prudence and eliminating any discretionary activity, liberal regimes were left vulnerable to the undermining of constitutional institutions and procedures.³⁷⁸

The concept of the “state of emergency” allows Schmitt to conceptualize most radically the indeterminacy of law, and thus how the abstract conception of the “rule of law,” upon which the modern *Rechtsstaat* is based, stands uneasily beside the reality of law’s reliance on its political institution and enforcement. In *Legality and Legitimacy*, Schmitt raises concerns about the ensuing possibility of arbitrary intervention for which, he says, liberalism’s negligence of the role of personal authority and decision in the translation between norm and particular law has paved the way. On the other side of the same coin, the legalization of state power serves to abolish and negate any right to resistance as right. This is indeed, as Ellen Kennedy points out, a problem that German jurisprudence inherited from its origins in Kant’s philosophy: Kant bound the ruler to respect the freedom of his subjects, but he also denied the right of resistance to authority, and in his political thought there is more than a little of Luther’s quietism in the face of secular authority. The constraints of absolutism would be loosened through enlightenment, Kant believed, and a government with respect for persons that is based on consensus and compromise would result.³⁷⁹

The possibility of injustice, the possibility of the “tyrant,” is eliminated from the world only through a formal sleight of hand, namely, only by no longer calling injustice injustice and tyrant tyrant, much as one eliminates war from the world by terming it “peaceful measures accompanied by battles of greater or lesser scope” and designating that a “purely juristic definition of war.” By “conceptual necessity,” then, legal power simply can no longer do injustice.³⁸⁰

According to Schmitt, the problem of the means for justifying resistance against tyranny, against injustice and the abuse of stately power, remains: “the functionalistic-formalistic hollowing out

³⁷⁷It is for this reason that German jurisprudence was further understood to serve to legitimize the status quo. See Schmitt, *Verfassungslehre*, 211; *Constitutional Theory*, 284.

³⁷⁸ Kelly, Duncan. *The State of the Political: Conceptions of Politics and the State in the Thought of Max Weber*, Carl Schmitt, and Franz Neumann. Oxford University Press, 2003, 192-193.

³⁷⁹ Kennedy, *Constitutional Failure*, 62. Here the contradiction between liberal positivism together with its emphasize on legality and rejection of personal rule, and historical liberalism’s favouring of a strong state under the rule of law and their fright of the people’s power is softened. The latter wanted an enlightenment ruler, guided by reason, but was divided which institution, crown or assembly, would be the best representative. Karl von Rotteck, liberal state theorist and politician in Germany, for instance, was concerned that the government could lose its independence to a popular assembly, which has the potential to become “dangerous and uncontrollable.” (62)

³⁸⁰ Schmitt, *Legalität und Legitimität*, 30; *Legality and Legitimacy*, 29.

of the parliamentary legislative state is not able to resolve it”³⁸¹ – “resolve” here in all senses of the word. Schmitt’s critique here sheds a slightly different light on his interest in the personal institution of dictatorship, which is commonly understood to arise from mere authoritarian, even fascist, inclinations. It suggests that the conceptualisation of political authority, which allows personal interference to become visible, is imperative for the ability to hold those in power accountable. Indeed, Ellen Kennedy emphasizes that the jurisprudential tradition heavily influenced the political culture in Germany and constituted a crucial element in the phenomenon of the “unpolitical German.”³⁸² Franz Wieacker provides a description of this dynamic:

This formalism contained a fundamental decision that was ultimately tragic for the relationship of jurisprudence to its social reality. For Savigny, it remained an open question whether institutions were ideal forms of social life, but (in the work of later positivists) there is no doubt that scientific concepts had been released from their living foundations and now had a merely intellectual existence. Jurisprudence was thus finally alienated from the social, political and moral reality of law. Formalism triumphed in a science that began as rejection of formal rationalism and the natural law.

Hence, Schmitt puts the question of the indeterminacy in law at the centre, however, framing it in sociological terms. His approach concerns the institution of law (constitutional theory) just as much as the translation between pure norm and concrete form in everyday legal practice, which he addresses in one of his early works on the role of the judge.³⁸³ With that, Schmitt makes visible that the question of righteousness always raises the question of those power relations that preceded the framework against which it is judged.³⁸⁴

Hence, just as Weber’s concern with legal-bureaucratic rule was its subsumption of individual political action into a total system of legal procedures, for Schmitt, too, legal-bureaucratic rule signifies the depoliticization and neutralisation of the state (for him, the vestige of political power) that ultimately leaves it vulnerable to the violent fluctuations of populist politics. Schmitt, of course, writes this whilst Weimar is facing the threat of revolutionary forces from both sides of the political spectrum, specifically the Communists’ proclamation of the (in his understanding, sovereign) dictatorship of the proletariat. Still, Andreas Kalyvas (2006) rightly notes that those who simply pose Schmitt as an antipode to Kelsen, framing the dispute between the two contemporaries as one between “nihilistic, irrational, and normless decisionism versus a rational normativism,” miss how Schmitt’s critique aims to rethink rather than merely refute modern legal

³⁸¹ Schmitt, *Legalität und Legitimität*, 30; *Legality and Legitimacy*, 29.

³⁸² Kennedy, *Constitutional Failure*, 64.

³⁸³ See Schmitt, Carl. ‘Statute and Judgement’. *Carl Schmitt’s Early Legal-Theoretical Writings: Statute and Judgment and the Value of the State and the Significance of the Individual*, edited by Lars Vinx and Samuel Garrett Zeitlin, Cambridge University Press, 2021, 37–155.

³⁸⁴ In *Nomos of the Earth* (2003), Schmitt, for instance, makes visible the land appropriation (*Landnahme*), the territorial organisation and imposition of a propriety regime, as the “primal act” in the founding of European *Völkerrecht* that created an international order between nations.

formalism and positivism.³⁸⁵ Schmitt's concern in *Dictatorship*, therefore, is to conceptualize a legitimate power that could defend the constitutional framework from revolutionary forces that, for Schmitt, were anti-democratic inasmuch as they questioned the constitution of the state. Schmitt's concern was therefore, similar to Weber's: the question of whether it is possible to legitimize a personal authority and strong executive in modern democratic society. Regarding his own critique of the demise of traditional authority, Schmitt, however, is at pains to defend his turn to Bodin's monarchical conceptualisation of "commissary dictatorship", which is based upon theological structures which have lost their significance in modernity. In the following section, I examine Schmitt's attempt to conceptualize a derived and thus restricted political power in the form of commissioned authority demonstrating that it ultimately runs aground on the questions of democratic. I argue that the challenge, to find a way to rethink political authority proper to a democratic regime, constitutes the hinge between Schmitt's own post-foundational critique of the demos and his anti-democratic theory of representation.

3. Popular sovereignty and the end of authority

For Schmitt, the challenge of retrieving an authoritative institution, a constitutional power that can act outside the legal framework for the preservation and re-institution of a specific political order, must begin in its distinction from sovereignty. Schmitt is seeking a form of political authority that is commissioned by and thus bound to the constitution: no matter how expansive the power of the dictator might be, a legal relationship continues to exist, bounding and binding the dictator's power to a previous constitution.³⁸⁶ Schmitt here turns back to Jean Bodin, the father of the concept of sovereignty as "*la puissance absolue et perpétuelle d'une République*."³⁸⁷ For Bodin,

Even if a state, a single man or a single office is given unlimited powers [*Befugnisse*] and no legal means can be levelled against its measures, that power is not sovereign when it is not permanent, because it is derived or taken from someone else, whereas the true sovereign does not recognize anyone above him but God. Whatever the power of an officer or commissar of a democratic republic, or of a prince, this power has only a derivative authority; the sovereign is the people or, as in a monarchy, the prince.³⁸⁸

³⁸⁵ Kalyvas, *Politics of the Extraordinary*, 101; the position is taken, for instance, by David Dyzenhaus in *Legality and Legitimacy: Carl Schmitt, Hans Kelsen, and Hermann Heller in Weimar*. Clarendon Press; Oxford University Press, 1997, 38-122, and by William E. Scheuerman in *Carl Schmitt: The End of Law*. Rowman & Littlefield, 1999, 74-82.

³⁸⁶ For Schmitt, the dictator is merely a strong authority which derives its legitimacy from sovereign power; for him, it comes down to the question whether the dictator has a right to his office, even if only for as long as he is holding it, or whether the dictator can arbitrarily made to resign like a commissar; as long as he can be made to resign the equality with the sovereign becomes arguable. Schmitt, *Die Diktatur*, 29; *Dictatorship*, 23.

³⁸⁷ Schmitt, *Die Diktatur* 25; *Dictatorship*, 20.

³⁸⁸ Schmitt, *Die Diktatur* 26; *Dictatorship*, 21, translation revised.

Although Bodin holds a preference for monarchy, he equally recognises the people, aristocrats or the prince as potential sovereigns. This is possible because his conceptualization of sovereignty still relies on theological structures and takes God as the ultimate source of authority for granted. Hence, despite his strong concept of sovereignty, the constitution is never an arbitrary expression of the sovereign's power and thus cannot be recalled at any point. This stands in sharp contrast to the theories of the Monarchomachs, but also refutes the merely technical understanding of law following from Machiavelli as a "heinous atheism".³⁸⁹ According to Schmitt, the moment the sovereign can arbitrarily alter the constitution, the political configuration is no longer a state, but a tyranny. With the demise of traditional authorities and theological structures, it is the people themselves that constitute the ultimate source of authority and whose free will thus acts as the foundation for the political and constitutional order; the inclusion of the people in the constitution was therefore an "unavoidable consequence of democratic thought."³⁹⁰ In seemingly stark contrast to the authoritarian conceptualization of sovereignty he promotes in *Political Theology*, Schmitt in his constitutional writings including *Legality and Legitimacy* insists that the only source of legitimacy for the modern state is a plebiscitarian one:

And, nevertheless, plebiscitarian legitimacy is the single type of state justification that may be generally acknowledged as valid today. (...) Seen in terms of constitutional theory, however, the strongest impulse behind the previously noted tendencies toward *auctoritas* lies in the situation itself and stems directly from the fact that plebiscitary legitimacy is at present the single last remaining accepted system of justification.³⁹¹

Schmitt's theoretical proclamation of popular sovereignty here is sociological rather than normative: he is not interested in defending popular sovereignty as a normative criterion for legitimacy, which explains the ease with which he shifts toward an anti-democratic decisionist theory of sovereignty.³⁹² As we will see in a moment, thinkers including Renato Cristi and Ellen Kennedy argue that Schmitt's early writings are characterised by a "pathos of authority."³⁹³ Their contention that Schmitt attempts to simply impose a monarchic principle to the democratic age, however, neglects to recognize the core of Schmitt's argument here: that the political structure of the nation state is already built upon a theological concept of sovereignty. The political significance of Schmitt's claim in *Political Theology* that "all significant concepts of the modern theory of the state are secularized theological concepts" because of their "systematic structure," here becomes evident.³⁹⁴ It is, in this sense, to be read as a secularization thesis and a critique of modernity not dissimilar to that of Weber. The infamous opening sentence of Carl Schmitt's

³⁸⁹ Schmitt, *Die Diktatur*, 35; *Dictatorship*, 28.

³⁹⁰ Schmitt, *Legalität und Legitimität*, 60-61; *Legality and Legitimacy*, 62.

³⁹¹ Schmitt, *Legalität und Legitimität*, 87; *Legality and Legitimacy*, 90.

³⁹² Dyzenhaus argues that with Schmitt's insistence of (popular) sovereignty, he brings the sociological into consideration for legal thought. Dyzenhaus, *Legality and Legitimacy*, 45.

³⁹³ Kennedy, *Constitutional Failure*, 72.

³⁹⁴ Schmitt, *Politische Theologie*, 43; *Political Theology*, 36.

Political Theology is probably well known to the reader. Less known, maybe, is the full definition of political theology he provides here:

All significant concepts of the theory of the state are secularized theological concepts not only because of their historical development—in which they were transferred from theology to the theory of the state, whereby, for example, the omnipotent God became the omnipotent lawgiver—but also because of their systematic structure, the recognition of which is necessary for a sociological consideration of these concepts. The exception in jurisprudence is analogous to the miracle in theology. Only by being aware of this analogy can we appreciate the manner in which the philosophical ideas of the state developed in the last centuries.³⁹⁵

Schmitt's proclamation of "popular sovereignty" against liberal positivism continues to be of great interest for contemporary constitutional scholars. Andreas Kalyvas, for example, argues that for Schmitt a legal system can be regarded as normatively valid, from a democratic point of view, only if the people consider it just, endorse its norms, and view it as the outcome of their free collective will.³⁹⁶ On the other hand, a common critique of Schmitt's line of argument, made, amongst others, by Jürgen Habermas, is that his theory of popular constituent power is based upon an organic, substantive ethnic homogeneity of a political community that constitutes part of what Habermas terms Schmitt's "militant ethnonationalism."³⁹⁷ Schmitt's theory of sovereignty, however, does not at all rely on a pre-political notion of naturalistic collective identity – indeed, quite the opposite. It is the radical consequence of the impossibility of an absolute presence of "the people" (understood in such a homogeneous way) that Schmitt turns to an anti-democratic theory of representation, culminating in his decisionist theory of sovereignty. In order to understand the anti-democratic turn in Schmitt's thought, it is then crucial to attend to Schmitt's understanding of "the people" as sovereign subject in more detail.

In *Constitutional Theory* (2008) Schmitt argues that "the people" (*das Volk*) appear in two different forms in modern constitutions: on the one hand, "the people" are presumed as the "constitutionally formed and organized entity."³⁹⁸ The understanding of democratic legitimacy is that the people as political entity and political subject determine the form of their political

³⁹⁵ Schmitt, *Politische Theologie*, 43; *Political Theology*, 36.

³⁹⁶ Kalyvas reads Schmitt as arguing that in "a democratic regime, therefore, the legitimacy of the fundamental norms and values rests exclusively upon the actual manifestation of the will of the popular constituent subject and the participation of the citizens in the extraordinary process of genuine constitutional making." Kalyvas, *Politics of the Extraordinary*, 99.

³⁹⁷ Habermas, Jürgen. *The Inclusion of the Other: Studies in Political Theory*. Edited by Ciaran Cronin and Pablo De Greiff, MIT Press, 1998, 148. This kind of argument feeds into the misperception of Schmitt's work as a coherent project that at all times serves his political support of the Nazi regime, as already noted above. Kalyvas points out, however, that this description of Schmitt's theory of constituent power lacks "textual evidence." Kalyvas, *Politics of the Extraordinary*, 120-121.

³⁹⁸ Schmitt, *Verfassungslehre* 251; *Constitutional Theory*, 279.

constitution – for Schmitt this is the state – of their free will.³⁹⁹ On the other hand, they exist in their *unformed*, non-constitutional form. Schmitt stresses that

it is noteworthy that the people are actually not formed and organized, but rather there is only a procedure of election or voting and the will of the people comes into being only as result of a system of validations or, indeed, fictions. Then people = simple or qualified majority of the voters casting ballots or those entitled to vote.⁴⁰⁰

The people in this second sense are also the object of the constitution that determines how the people “come into being.” Abbé Sieyès’s theory of representation suggests that the people are both subject and object of the exercise of sovereignty. It is vital for this aspect of Schmitt’s thought.⁴⁰¹ In respect to this understanding of the people, Schmitt asserts in *Dictatorship* that “the camp of the estates” (*ständische Opposition*) – which presumably forms the democratic opposition to Hobbes’s monarchomachic theory – are not truly democratic. They neglect the heterogenous and undisciplined nature of the demos and, instead, presuppose “a common, equal and unmediated conviction of all citizens.”⁴⁰² This is, according to Schmitt, particularly vivid in Locke’s case. Locke *may* sound radical when he proclaims an unconditional right to resistance as “the people is the commissioner and that what is self-evident in private life should also be valid when the welfare of millions is at stake,”⁴⁰³ yet in practice, Locke agrees with the monarchomachic thinkers who, when they talk about ‘the people’ whose rights should be defended, believe that “it is beyond the question that they do not mean either the *plebs* or the *incondite et confuse turba* [the confused and disordered crowd], but only the people who are represented by the organization of the estates.”⁴⁰⁴

Schmitt thus points to the confrontation of two radicalisms in modern democratic thought. The first one is the appearance of “the people” (*das Volk*)⁴⁰⁵ in its “unmediated, unorganized, and rejecting any representation, mass.”⁴⁰⁶ Schmitt, analysing “the people” as both the subject and object of constitutional founding in *Constitutional Theory*, follows Sieyès’s theorization of the nation as existing in the state of nature, where it expresses itself in continuously new

³⁹⁹ Schmitt, *Verfassungslehre*, 90; *Constitutional Theory*, 138.

⁴⁰⁰ Schmitt, *Verfassungslehre* 251; *Constitutional Theory*, 279.

⁴⁰¹ See Kelly, *The State of the Political*, 207. I spell Sieyès here without the accent according to the notes on the orthography of the name by Mathiez, Albert. ‘L’orthographe Du Nom Sieyès’. *Annales Historiques de La Revolution Française*, vol. 2, 1925.

⁴⁰² Schmitt, *Die Diktatur* 24, *Dictatorship* 19.

⁴⁰³ Schmitt, *Die Diktatur* 24, *Dictatorship* 19.

⁴⁰⁴ Schmitt, *Die Diktatur* 24, *Dictatorship* 19.

⁴⁰⁵ *Volk* is often in its meaning equated to the much more problematic adjective *völkisch*. “Volk” here seems to merely denote what Schmitt in *Constitutional Theory* describes as “population,” in contrast to “citizens”, which already implies that they are accounted for by political institutions, or a “nation,” which implies a certain form of homogeneity. For Schmitt, “Volk,” “the people,” seems to first and foremost to denote a political entity represented by a state. Hence, theoretically a class can come to form “Volk:” “If class becomes the foundation of a militant organization and supplies the justification for a genuine friend and enemy grouping, class is no longer a purely economic concept, because a genuinely militant class is no longer an essentially economic entity. It is, rather, a political one. If it succeeds in dominating the state, the class in question becomes the people [das Volk] of this state.” Schmitt, *Verfassungslehre*, 234; *Constitutional Theory*, 264; addition my own.

⁴⁰⁶ Schmitt, *Die Diktatur* 24, *Dictatorship* 19.

formations.⁴⁰⁷ Schmitt traces his distinction between constituent and constituted power back to Spinoza's idea of *natura naturans* (nature naturing, or the generating power of God) and *natura naturata* (nature natured, or the creation). *Natura naturans* here describes the inexhaustible foundation of all forms, which itself remains ungraspable: "From the infinite, ungraspable abyss of its force, new forms emerge incessantly, which it can shatter at any time, and through which its own force (*Macht*) is never categorically limited."⁴⁰⁸ Schmitt depicts the people in *Constitutional Theory* as the bearer of constituent power: as an unformed and unconstituted mass, similar to the *natura naturans*.⁴⁰⁹ This has consequences for the understanding of the relation the people take towards their constitution. The people in this understanding are never identical with their constituted form; they are instead something like an excess to the constitution. In this sense, Schmitt argues, the people hold a "peculiar negativity" (*eigenartige Negativität*)⁴¹⁰ which has been recognized over the course of political and sociological thinking:

In a special meaning of the word, the people are everyone who is *not* honored and distinguished, everyone *not* privileged, everyone prominent *not* because of property, social position, or education. Thus states Schopenhauer: "Whoever does not understand Latin is part of the people."⁴¹¹

Exactly who is included and who constitutes this negative excess changes over the course of history, as Schmitt demonstrates with the example of the French bourgeoisie and the Russian proletariat: it is, he says, "the negation that wanders further."⁴¹² Jacques de Ville explains how this early formula relates to the significance Schmitt gives to negation in the 1963 Preface to *The Concept of the Political*. There, Schmitt substitutes Hegel's well-known tripartism for a simple antithesis, pointing to the originary role of negation and the polemical power of the antithesis. Those who embody negation, Schmitt notes, appear in ever new forms and in opposition to those in power (those who possess honour, privilege, education, property, or social position). The problem Schmitt detects with the liberal theorisation of constitutional power is that it does not distinguish between the people and their representation. This is where Schmitt locates the conflict between the two "radicalisms" of modern political thought: the legitimacy of any democratic regime relies on the principle of identity between ruler and ruled – and this constitutes the second "radicalism." The people," conceived as the subject of the democratic state, are immediately present and assume political agency; they are a concretely present (*realgegenwärtige*) entity, to put it in Schmitt's words, and are

⁴⁰⁷ Schmitt, *Verfassungslehre*, 79; *Constitutional Theory*, 128. In *Dictatorship* Schmitt notes that nation here is not understood in terms of international law, but instead the nation stands in relation to the constitutional framework and institutions. In the state of nature, the nation has only rights, no duties, whereas the constituted powers have no rights, only duties. See Schmitt, *Die Diktatur*, 140; *Dictatorship*, 124.

⁴⁰⁸ Schmitt, *Die Diktatur*, 139; *Dictatorship* 123; also *Verfassungslehre*, 80; *Constitutional Theory*, 128.

⁴⁰⁹ See De Ville, Jacques. *Constitutional Theory: Schmitt after Derrida*. Routledge, 2017, 78.

⁴¹⁰ Schmitt, *Verfassungslehre* 242-243, *Constitutional Theory*, 271-272.

⁴¹¹ Schmitt, *Verfassungslehre* 242-243, *Constitutional Theory*, 271-272.

⁴¹² Schmitt, *Verfassungslehre*, 243; *Constitutional Theory*, 272.

...actually and directly capable of political action by virtue of a strong and conscious similarity [or rather “homogeneity”, *starken und bewussten Gleichartigkeit*], as a result of firm natural boundaries, or due to some other reason.⁴¹³

Schmitt refers to often cited passages from Jean-Jacques Rousseau’s social contract (*Contrat social*, III, 15) where this principle appears in its pure form; the nation *is* (present). Accordingly, and most evidently, in Rousseau’s thought, the concept of “commission” is thus applied to the government, for any form of governing is subject to the will of the people. The government, accordingly, is merely a commissar that can, at any point, be dismissed.⁴¹⁴ In *Constitutional Theory*, Schmitt draws out the two principles that are the form in which “the people” as political entity then appears. The principle of *identity* (between ruler and ruled) is proper to the liberal *Rechtsstaat*. This state formation, however, assumes the absolute presence of the people – as when, for instance, there is an absolute homogeneity of a demarcated political unity. The principle of identity can never be fully achieved in such a way as to include or fully represent the excess character of the people. As a consequence, according to Schmitt, that there is always an additional monarchical aspect of representation at play, necessary to call the people as political entity into presence. In contrast, liberalism merely assumes or posits the presence of the people as political subjects and thus, slightly ironically, posits a homogeneity of the people that for Schmitt is fictional, i.e., a construction that has first to be produced. For Schmitt this comes as no surprise considering the modern focus on private and individual interests:

The dialectic of the concept is that the invisible is presupposed as absent and nevertheless is simultaneously made present. That is not possible with just any type of being. Indeed, it presupposes a special type being. (...) What serves only private affairs and only private interests can certainly be advocated. It can find its agents, attorneys, and exponents. However, it is not represented in a specific sense. It is either really present or executed by an instructed delegate, business manager, or deputy. In representation, by contrast, a higher type of being comes into concrete appearance. The idea of representation rests on a people existing as a political unity, as having a type of being that is higher, further enhanced, and more intense in comparison to the natural existence of some human group living together. If the sense for this peculiarity of political existence erodes and people give priority to other types of their existence, the understanding of a concept like representation is also displaced.⁴¹⁵

⁴¹³ Schmitt, *Verfassungslehre*, 205; *Constitutional Theory*, 239.

⁴¹⁴ Schmitt, *Die Diktatur*, 24; *Dictatorship* 19.

⁴¹⁵ Schmitt, *Verfassungslehre* 209f; *Constitutional Theory*, 243. The methodology of this dialectical circularity deserves more attention than I am able to provide in this dissertation, so a few words will have to suffice. Schmitt here discloses his own metaphysics insofar as here he proposes that the fundamental logic that underlies the political is first posited as lack. The assumption that a higher form of Being given in the public realm is first produced in the form of its lack to justify a politics that is based on the very principle. We will encounter this performative circularity again in a moment in form of his decisionist sovereignty. For an interesting discussion of Schmitt’s rhetoric which touches on the connection to his political project see Türk, Johannes. ‘At the Limits of Rhetoric. Authority, Commonplace, and the Role of Literature in Carl Schmitt’. *The Oxford Handbook of Carl Schmitt*, Oxford University Press, 2016, 751–75.

Hence, both political and legal liberal thought lacks a concept of representation. It neglects the *political* moment of institution of the constitutional state. The idea of the people as political subject, like the idea of the constitution, cannot translate itself into concrete form but instead relies on an *auctoritas interpositio* to become present. Both Weber and Schmitt were influenced by Georg Jellinek's *Staatsrechtslehre* which put the state at the centre of politics ("Politisch" heißt "staatlich.")⁴¹⁶ Schmitt's definition of the state as "the political unity of the people," however, modified and adapted Jellinek's account of politics in an important way.⁴¹⁷ For the state to be political, decisive, the political unity of the people needs to be posited by a political authority. This means that the state needs the mediation of a political authority to ascribe unity to a people that might not otherwise possess it. Schmitt here is dedicated to the idea of "high politics" and explicitly confines "political Being" to the public realm. Hence, the process of representation, the making something "*publicly visible*," signifies the presence of a "higher form of Being." Representation, according to Schmitt, is thus something *existential*: "To represent means to make an invisible being visible and present through a publicly present one."⁴¹⁸

What we find in Schmitt, then, is a post-foundational understanding of the people in the sense that he recognises an unresolvable undecidability between the people as multitude, and the people as constituted subject, invoked by the constitution. Schmitt thereby locates a democratic excess at the very heart of constitutional politics. This complicates the idea of democratic legitimacy. The principle of plebiscitarian democracy demands that the people are the source of power but the people cannot exercise their power democratically, nor can they provide a coherent foundation for political authority. Andreas Kalyvas, argues that Schmitt's recognition of the democratic excess links his political theory with models of radical democracy.⁴¹⁹ Because Schmitt's understanding of the people locates a part of the constituent power *next* to the constitution, Kalyvas understands Schmitt's approach to open up a way to thinking democratic participation within the constitutional state. What Kalyvas and other constitutional thinkers overlook, however, is that Schmitt ties his radical reading of popular sovereignty to an anti-democratic theory of representation and political authority – and he does so exactly *on the basis of* his post-foundational conceptualization of the people. Kalyvas merely notes that Schmitt is unable to bring together "the blatant contradiction" between the two: Schmitt, on the one hand, theorizes the popular sovereign as capable of lucid, self-conscious political action, and on the other, paradoxically, points at the formless, disorganised, and fractional properties the people as "unorganizable

⁴¹⁶ Jellinek, Georg. *Allgemeine Staatslehre*. Julius Springer Verlag, 1921, 180. See Kelly, *The State of the Political*, 9-11, also 93-108

⁴¹⁷ See Kelly, *The State of the Political*, 9-11, also 93-108.

⁴¹⁸ Schmitt, *Verfassungslehre* 209-210; *Constitutional Theory*, 234. Hannah Pitkin in her influential study on representation uses a similar formulation: "Representation means the making present of something that is nevertheless not literally present." Pitkin, Hanna Fenichel. *The Concept of Representation*. University of California Press, 1967. 144; see also Kelly, Duncan. 'Carl Schmitt's Political Theory of Representation'. *Journal of the History of Ideas*, vol. 65, no. 1, 2004, 113.

⁴¹⁹ Kalyvas, *Politics of the Extraordinary*, 181.

organizer” (*das unorganisierbar Organisierende*), precluding the possibility of cogent and coherent collective intervention.⁴²⁰ Kalyvas does not address Schmitt’s claim that the people, before their constitution as political entity, are not a subject able to act *politically*. Against Kalyvas, who brushes Habermas’s criticism aside, it is my contention that Habermas is not completely mistaken when he problematizes Schmitt’s argument regarding the ability of the people to act as a popular sovereign, meaning in a coherent and consistent way. For Schmitt, such action does presuppose a form of homogeneity – although, as Schmitt himself emphasizes, it does not need to be ethnic or racial.⁴²¹ Chantal Mouffe correctly recognizes that what is at stake in Schmitt’s political thinking is “the creation of an identity.”⁴²² The establishment of identity is a political act which does not *presuppose* a community in a pre-political essential sense; instead, the “we,” Mouffe argues, is *posited* through the political act in the first place. It is constituted through struggles, antagonisms, and the drawing of difference, or, for Schmitt, the decision of the sovereign.⁴²³

Echoing Weber, Schmitt recognizes the significant implications of modern secularization. In the following, I turn to Schmitt’s genealogical analysis of political authority in the institutional form of the Roman Catholic Church, to draw out the concept’s theological structure. For Schmitt this points to a rift between the meaning carried by those concepts and our understanding and use of them in an age in which authority no longer holds significance.⁴²⁴ For him, authority is reliant on

⁴²⁰ Kalyvas, *Politics of the Extraordinary*, 124; “On the one hand, he affirmed that the popular sovereign, though external and prior to the established constituted reality, is capable of lucid and self-conscious political action. Paradoxically, on the other hand, following Hobbes, he pointed at the formless, disorganized, and factional properties of a power that is an “unorganizable organizer” (*das unorganisierbar Organisierende*), and which precludes the possibility of cogent and coherent collective intervention.” (123)

⁴²¹ “The notion of democratic identity is a *political* notion and as all true political notions, it refers to the possibility of a *distinction*. Political democracy cannot rest on the absence of a distinction among all men, but only on the belonging to a *particular community*, and this belonging could be determined by very divergent factors – the idea of a common race, a common faith, a common destiny and tradition,” and a common social class.” Schmitt, *Verfassungslehre*, 227; *Constitutional Theory*, 258. See also David Pan’s argument that Schmitt’s decisionism is cultural insofar it presupposes a homogenous polis and thus a cultural understanding of sameness and otherness. Pan, David. ‘Against Biopolitics: Walter Benjamin, Carl Schmitt, and Giorgio Agamben on Political Sovereignty and Symbolic Order’. *The German Quarterly*, vol. 82, no. 1, Winter 2009, 56f.

⁴²² Mouffe, Chantal. *On the Political*. Routledge, 2005, 15.

⁴²³ My conviction is that Mouffe’s appropriation of Schmitt’s thought is exceptional in that she recognizes the ambiguous potential of the post-foundational aspects of Schmitt’s thought. Mouffe critically develops Schmitt’s assertion that in order to enable the creation of political equality it needs to be possible to create an outside; this brings Schmitt to embrace his strict friend/enemy distinction as the basis for politics. Mouffe draws on post-structuralist vocabulary and, specifically, Jacques Derrida’s notion of *différance* to reconsider the us/they distinction in a way that remains open and is thus always only momentarily exclusionary (thereby insisting on liberalism as a necessary counterweight to democracy strictly understood). Now, one can question the success of Mouffe’s enterprise, of course, but I would argue that her approach to Schmitt is the most consequential in regard to the discomfiting parallels between the post-foundational position of Schmitt and contemporary radical left critique. See Mouffe, Chantal. *The Democratic Paradox*. Verso, 2009. Ricardo Camargo argues that not solely Mouffe but other thinkers associated with “the return to the political” *de facto* ascribe to Schmitt’s specific distinction in *The Concept of The Political*, including Laclau who develops his notion of antagonism without specific mention of Schmitt. See Camargo, Ricardo, ‘Rethinking the Political: A Genealogy of the “Antagonism” in Carl Schmitt through the Lens of Laclau-Mouffe-Žižek’, *The New Centennial Review*, Peace and War: From the Question of Memory to the New Forms of Global War, 13.1 (2013), 161–88.

⁴²⁴ For Schmitt’s understanding of the political significance of linguistic aspects of concepts see his critique in ‘Nomos - Nahme - Name’, 582 (346): “In this way, language traces the effective and successive constituting processes and events, even when men have forgotten them. In such cases, ‘language knows it still,’...”

political foundationalism rendering the concept inoperative in modern democratic societies. The challenge of how to rethink political authority proper to a democratic regime, thus constitutes the hinge between Schmitt's own post-foundational critique of the demos and his anti-democratic theory of representation.

4. Schmitt's pathos of authority

It is Schmitt's contention that the political structure of every regime relies to a certain degree on representation. Here, the connection between sovereignty and representation is critical. Modern democratic regimes rely, in their concrete existence as regimes, upon a monarchical image of personal sovereignty which stands in tension with the ideal of democratic legitimacy.⁴²⁵ Here, Christi's and Kennedy's arguments that "a pathos of authority" runs through Schmitt's writings and that Schmitt attempts to impose a monarchic principle upon the democratic age becomes more comprehensible.⁴²⁶ The previous section argued that the undecidability between the two forms in which the people appear in modern democratic constitution requires the mediation of a political authority to call the people as political subject and sovereign into existence. Liberal political and legal thought ignore this representational aspect, which Schmitt views as crucial to regimes (including parliamentary democracy). Schmitt points to the distortion of the notion of "representative" government of parliamentary democracy, which is conceived in economic rather than political terms. In order to preserve the integrity of the state, and guarantee legality in the first place, it is necessary to address the question, "how can the people be properly represented under a modern democratic state based on popular sovereignty?" Schmitt is concerned with the paralyzing effects of the principles of neutrality and faith offered by juridical and political formalism, which leaves contemporary parliamentary democracies rent apart by ever more explicit internal tensions and conflicts. Instead, Schmitt is looking for a certain capaciousness in the state able to house the plurality of interests and parties nonetheless united in their political representation:

The simple meaning of the principle of representation is that the members of Parliament are representatives of the whole people and thus have an independent authority vis-à-vis the voters. Instead of deriving their authority from the individual voter, they continue to derive it from the people. "The member of Parliament is not bound by instructions and commands and is answerable to his conscience alone". This means that the personification of the people and the unity of the Parliament as their representative at

⁴²⁵ Renato Cristi sees in Schmitt's desire to maintain something of Hegel's discussion of constitutional monarchy, by placing the *Reichspräsident* at the apex of the constitution. *Carl Schmitt and Authoritarian Liberalism: Strong State, Free Economy*. University of Wales Press, 1998, 69; also 'Carl Schmitt on Liberalism, Democracy and Catholicism'. *History of Political Thought*, vol. 14, no. 2, Summer 1993, 298.

⁴²⁶ Kennedy, *Constitutional Failure*, 72.

least implies the idea of a *complexio oppositorum*, that is, the unity of the plurality of interests and parties.⁴²⁷

What is required is *political* representation as it was realized by the Roman Catholic Church. In *Roman Catholicism and Political Form* (1996), Schmitt explains that the Roman Catholic Church constitutes a truly political and authoritative institution that is able to oppose the technical rationality that dominates modern liberal democracy.⁴²⁸ Schmitt views the Catholic Church, against its perception as an unworldly other, as a concrete political structure that both escapes and interrupts the totalizing logic of rationalization and depoliticisation in modernity.⁴²⁹ Weber had recognised that the Church has its own *ratio* and rationalization; this rationalism is, according to Schmitt, juridical insofar as it represents a dimension of legitimacy that transcends formal legalism. The Roman Church manages to comprise political pluralism, even conflicting and antagonistic perspectives, for she does not represent them in the modern sense of direct representation, but instead subordinates them to its own its authoritative and personal dogmatism. In this form of political representation, it is not necessary to reconcile opposing views, according to the principle of *complexio oppositorum*: “There appears no antithesis it does not embrace.”⁴³⁰ The office of the Pope is “linked with the personal mandate and concrete person of Christ.”⁴³¹ The translation between the Church as an ideology and the Church brought into concrete being and materiality, required a personal representation of an idea. Flowing from a higher truth, the representative character of the Roman church hierarchy was absolute and authoritative as simultaneously personal yet “completely apart from the concrete personality of the representative.” Accordingly, the Pope’s authority lies in the *dignity* (*Würde*) of the representative, and not in their personal *charisma*:

The pope is not the Prophet but the Vicar of Christ. Such a ceremonial function precludes all the fanatical excesses of an unbridled prophetism. The fact that the author is made independent of charisma signifies that the priest upholds a position which appears to be completely apart from his concrete personality. . . In contradistinction to the modern official, his position is not impersonal because his office is part of an unbroken chain linked with the personal mandate and concrete person of Christ.⁴³²

⁴²⁷ Schmitt, *Römischer Katholizismus*, 44; *Roman Catholicism*, 29.

⁴²⁸ Schmitt, *Römischer Katholizismus*, 14; *Roman Catholicism*, 8.

⁴²⁹ See Kelly, *The State of the Political*, 188. Schmitt follows Weber’s theoretical steps insofar as traces the contemporary depoliticized era to the influence of Protestantism as “unintended consequence” of its promotion. The Roman Church is posed by Schmitt as a counter-structure. Schmitt, Carl. ‘The Age of Neutralizations and Depoliticizations (1929)’. *Telos*, translated by John P. McCormick and Matthias Konzett, vol. 1993, no. 96, July 1993, 135; see also Kennedy, Ellen. ‘Introduction: Carl Schmitt’s Parlamentarismus in Its Historical Context’. *The Crisis of Parliamentary Democracy*, by Carl Schmitt, translated by Ellen Kennedy, MIT Press, 1985, xxxix.

⁴³⁰ Schmitt, *Römischer Katholizismus*, 11; *Roman Catholicism*, 7.

⁴³¹ Schmitt, *Römischer Katholizismus*, 24; *Roman Catholicism*, 14.

⁴³² Schmitt, *Römischer Katholizismus*, 24; *Roman Catholicism*, 14. Schmitt’s account here relies on earlier theories of representation and specifically the idea of the “two bodies” of the sovereign. See Kantorowicz, Ernst H. *The King’s Two Bodies: A Study in Mediaeval Political Theology*. Princeton University Press, 1997, 192f, 207-32. Also Kelly, ‘Carl Schmitt’s Political Theory of Representation’, 116.

This subtlety, overlooked in the thought of his contemporaries is linked to a general rejection of all forms of personal authority. The meaning of political representation thereby becomes distorted, if not lost altogether. The only principle valid in modern society is identity (of ruler and ruled). Recall here Arendt's analysis, explicated in the first chapter, that in modern society with its understanding of universal equality it is no longer possible to justify personal rule and the distinction between ruler and ruled.⁴³³ Schmitt condemns the rejection of body politic and personal authority in liberal constitutional theory as naiveté regarding the necessary moment of indifference and indeterminacy that always accompanies the application of law. These constitute moments that determine the boundary of law itself in the form of the legal exceptions. It is these moments of decision, which according to Schmitt, carry necessarily a personal character, that have been rejected by contemporary legal positivism.⁴³⁴ What liberal thinkers including Kelsen fail to recognize is the historical connection between personal authority – in the form of the monarch or in the form of the commissioned dictator – and “an especially clear awareness of what the essence of the legal decision entails.”⁴³⁵ Instead, they assume that by eliminating indeterminacy from law and political procedures the state can be purged of arbitrariness. Political and legal liberal thought both equate the personal, the decision, with the arbitrary and the irrational.

The problem, of course, is that the theological structure underlying the Roman Church's model of political representation, whereby authority is derived from a higher order, is no longer valid in disenchanted modern society: it is “the people” who in modern democracy have replaced traditional, transcendent sources of authority. This is where Schmitt's early attempt to defend a commissarial understanding of dictatorship, and more generally the idea of a derived political authority able to act outside the legal framework, had failed. Duncan Kelly demonstrates that, once this model of representation is taken out of Christian theology, Schmitt's argument on representation is caught in a circular logic; the sovereignty of the people is the source of legitimacy, but it is only through political representation that the people as political subject come into presence.

Sovereignty stems from the personal authority embodied in a ruler; sovereignty is tied to the political; the sovereign represents the political unity of a people; personalist representation therefore brings about the political unity.⁴³⁶

⁴³³ See page 23 of this dissertation.

⁴³⁴ “...the idea of representation is so completely governed by conceptions of personal authority that the representative as well as the person represented must maintain a personal dignity – it is not a materialistic concept. To represent in an eminent sense can only be done by a person, that is not simply a “deputy” but an authoritative person or an idea that which, if represented, also becomes personified.” Schmitt, *Römischer Katholizismus*, 21; *Roman Catholicism*, 22; see also *Verfassungslehre* 214; *Constitutional Theory*, 247.

⁴³⁵ Kennedy, *Constitutional Failure*, 84.

⁴³⁶ Kelly, ‘Carl Schmitt's Political Theory of Representation’, 132.

The recognition of this unresolvable circularity regarding modern political authority, no longer is derived as an impersonal quality (as it has been in the realms of the Roman Church), might offer an explanation for Schmitt's change in tack – both in his turn to the concept of a “commissary dictatorship,” and in his later decisionist theory of sovereignty. In *Political Theology* the decision itself, understood by analogy as a moment of divine intervention, becomes the ground upon which the sovereign – no longer the people but the person *representing* the unity of the people, i.e., the state – claims his authority. Political action is never technological action, and so it must become mythical action – mythical in the sense that it unifies the state, and provides a renewed sense of meaning in an otherwise disenchanted world.⁴³⁷ Between *Dictatorship* and *Political Theology*, the moment of exception together with the power of decision, gain a new significance for Schmitt. Instead of offering the systematic treatment promised in his previous work, *Political Theology* mythologizes the exception.⁴³⁸ It is here that it comes to describe the moment of divine intervention corresponding to the miracle;⁴³⁹ “the exception confounds the unity and order of the rationalist scheme.”⁴⁴⁰ Schmitt now directly turns to the principles of the exception and sovereign dictatorial action seeking to redeem the liberal order's technical, neutral and neutralizing corruptness: “In the exception, the power of the real life breaks through the crust of a mechanism that has become torpid by repetition.”⁴⁴¹

With this redemptive gesture, the meaning and scope of sovereign power, too, are transformed. In most of *Dictatorship*, the call to ‘sovereignty’ opens the door to arbitrary claims to power that culminate with the Jacobins’ and the Communists’ revolutionary actions. Schmitt, however, cannot answer the question as to why the existing constitutional order is in any way more legitimate than a new constitutional order proclaimed in the name of the people. For Schmitt it was a matter of clear conviction that an existing and concrete political order, together with the extent of legal regularity it provides, is preferable to the threats of chaos that accompanied the modern revolutions. Jacob Taubes here reminds his readers of Schmitt's juridical background:

Schmitt's interest was in only one thing: that the party, that the chaos not rise to the top, that the state remain.. No matter what the price. This is difficult for theologians and philosophers to follow, but as far as the jurist is concerned, as long as it is possible to find even one juridical form, by whatever hairsplitting ingenuity, this must absolutely be done,

⁴³⁷ McCormick suggests that in a similar style to Nietzsche Schmitt argued that the political represents a transcendence of the “duality of the age of technology.” He further notes that Schmitt's own valorisation of political action is “precisely political romanticism,” which contradicts his own earlier dismissive critique of political romanticism in *Political Romanticism* (2017, *Politische Romantik* (1998)). McCormick, John P. *Carl Schmitt's Critique of Liberalism: Against Politics as Technology*. Cambridge University Press, 1999, 112.

⁴³⁸ See Schmitt, Carl. *Political Theology: Four Chapters on the Concept of Sovereignty*. University of Chicago Press ed, University of Chicago Press, 2005, 11; see also McCormick, ‘The Dilemmas of Dictatorship’, 170.

⁴³⁹ Schmitt, *Political Theology*, 36

⁴⁴⁰ Schmitt, *Political Theology*, 14

⁴⁴¹ Schmitt, *Political Theology*, 15.

for otherwise chaos reigns. This is what he [Schmitt] later calls the katechon: The retainer [*der Aufhalter*] that holds down the chaos that pushes from below.⁴⁴²

Kalyvas's appropriation of Schmitt's idea of popular sovereignty appears to comply blindly with this metaphysics of order and to harbour Schmitt's conviction that people are aware that democracy requires a "stable, predictable and secure political order, where laws guarantee regularity and diminish indeterminacy."⁴⁴³ He trusts people to appreciate the normalcy of established legal structures and procedures, which offer a time for them to rest and reserve their extra-ordinary constitutional power for moments of urgency.

In contrast to Kalyvas and despite his personal inclinations, Schmitt himself had no such trust. With the dawn of democratic legitimacy, which for Schmitt was an inevitable sociological fact, the theological logic of sovereignty had become dysfunctional. Hence, the sovereignty of the people as *turba* ultimately necessitates a decision; a despotic element becomes inevitable in mass democracy.⁴⁴⁴ Schmitt's theory of decisionist sovereignty aims to cover up the inoperative moment of democratic politics instead of addressing the paradox at the heart of democratic regime, the undecidability between the two forms in which the people appear – as multitude, *and* in its constituted and coherent form as political subject. Already towards the end of *Dictatorship*, Schmitt suggests an argument that deviated from the political project of commissary authority he had pursued up to that point. Now, he considers that what should confront the sovereign dictatorship proposed by revolutionaries on the ground is not, perhaps, a commissarial notion of dictatorship, but instead a counter-theory of sovereign dictatorship.⁴⁴⁵ A year later in *Political Theology* the argument gains full theoretical thrust when Schmitt relieves sovereignty of the constraints on it imposed by the mechanisms of the constitutional order, including the separation of powers: sovereignty is now sanctioned by the demands and the mythology of the exception.⁴⁴⁶ Beyond restoring an existing constitutional order in times of emergency, the sovereign dictator is

⁴⁴² Taubes, Jacob. *The Political Theology of Paul*. Translated by Aleida Assmann, Stanford University Press, 2004, 103.

⁴⁴³ Kalyvas, *Politics of the Extraordinary*, 135.

⁴⁴⁴ Pace Cristi, Kelly argues that although the decision per se has to be made, it also possesses a conceptual legitimacy, pace Cristi, which stems from its basis in *pouvoir constituant*. Kelly reads Schmitt's discussion of decisionism in respect to the theories of Bonald and de Maistre as an attempt to legitimize dictatorial power in a way in which these "counter-revolutionary" theories of the state had not. Kelly, *The State of the Political*, 202; Cristi, *Authoritarian Liberalism*, 73.

⁴⁴⁵ Schmitt cemented the link between the two works in the second edition of *Dictatorship*, which was published 1928, with an appendix of a thorough legal interpretation of Article 48 of the Weimar Constitution. The article provides the *Reichspräsident* with the ability to govern by way of a number of emergency decrees (*Notverordnungen*) when he deemed it necessary "for the restoration of public security and order." McCormick writes: "Perhaps the populist Soviet state that can be directed to do almost anything by an all-powerful, unaccountable, historically-legitimate elite, should be engaged by a similarly defines German state directed by a charismatically-legitimated president. These are conclusions implicitly suggested, not explicitly argued, by the closing pages of *Die Diktatur*. Yet these pages serve as a signpost for his subsequent book, *Political Theology*, its infamous opening sentence and indeed the rest of the Weimar work." McCormick, 'The Dilemmas of Dictatorship', 174. In *Political Theology* then the *Reichspräsident* is the one embodying a specific notion of sovereignty for he is authorized by the demands of a political exception, and not encumbered by constitutional constraints.

⁴⁴⁶ See Schmitt, *Political Theology*, 11; also McCormick, 'The Dilemmas of Dictatorship', 170.

now responsible for creating the unity of a people in the first place. As Kalyvas correctly notes, “It is this blending of sovereignty and dictatorship that has led many critics to argue that Schmitt advocated deformed law and legal nihilism and endorsed the fiction of an arbitrary, irrational personal decision.”⁴⁴⁷

Cristi points out that although Schmitt’s *Constitutional Theory* discusses sovereignty in terms of the *pouvoir constituant* of the people, the book actually develops further his assessment of the primary role of the *Reichspräsident* as the true representative of the political unity of the nation.⁴⁴⁸ That is to say, Schmitt elides his prior attribution of commissarial emergency powers to the *Reichspräsident* with an increasingly “personalist” and sovereign form of dictatorship, whilst couching the process in the language of representation and democracy. The *Reichspräsident* does not need checks and balances because the unity of the people’s sovereign will is charismatically embodied in him. His emergency action is thus necessarily legitimate.⁴⁴⁹ McCormick (1997) understands Weber’s influence on Schmitt as a potential explanation for this move. Weber had moved toward a radical endorsement of charisma as the solution to the instrumentalization and rationalization of modern politics, a positive source of vitality.⁴⁵⁰ The preservation of an element of recognition by the ruled had already been formalized to an extensive degree by Weber, as we have seen in the previous chapter. For Schmitt, this becomes basically dispensable. He takes Weber’s theory of charismatic leadership as a point of departure for his decisionist theory of

⁴⁴⁷ Habermas, ‘The Horrors of Autonomy’, 130-131. It is upon this gesture of merging the boundary concept of exception and the idea of sovereign dictatorship upon which Giorgio Agamben’s influential reading rests. Agamben problematizes Schmitt’s insistence on the argument that what makes legality possible is the capacity of the sovereign to guarantee the existence of law and political order. Giorgio Agamben in *State of Exception* draws out the fiction of the interrelatedness between anomie (*auctoritas*, the living law, or force of law) and the juridical order. He argues that Schmitt’s notion of sovereignty covers up law’s originary inoperativity and hide the illegitimate groundlessness of state power. What Agamben points us to is that underlying Schmitt’s thought is a metaphysics of order whereby anything outside order is merely posed as the experience of its lack. Agamben here steps into the tradition of Walter Benjamin’s idea of divine violence as intervening into Schmitt’s critique at the most foundational assumptions. Agamben, Giorgio. *State of Exception*. University of Chicago Press, 2005; Benjamin, Walter. *Toward the Critique of Violence: A Critical Edition*. Translated by Peter D. Fenves and Julia Ng, Stanford University Press, 2021.

⁴⁴⁸ Here, I disagree with Cristi who contends that in contrast to an early “hard” and personalistic decisionism on the basis of the figure of the monarch, *Constitutional Theory* provides a new assessment of sovereignty under democratic decisions thereby formulating a rapprochement with liberalism. See Kelly, *The State of the Political*, 208.

⁴⁴⁹ Schmitt, Carl. *Der Hüter der Verfassung*. Duncker & Humblot, 2016, especially 130-131, 116, 156-157.

⁴⁵⁰ McCormick, ‘The Dilemmas of Dictatorship’, 170-171. Also Kelly, *The State of the Political*, 185. Mehring points to the difference between Schmitt’s and Weber’s conception of political leadership. Weber’s conception is grounded in terms of vocation [Beruf] thus drawing on a specific code of conduct, whereas Schmitt gives a much more general account of politics. Mehring, Reinhard. ‘Politische Ethik in Max Weber’s “Politik Als Beruf” und Carl Schmitt’s “Der Begriff Des Politischen”’. *Politische Vierteljahrszeitschrift*, vol. 31, no. 4, 1990, 623.

The differences between Weber’s conceptualisation of charismatic leadership and Schmitt’s decisionist theory of sovereign leadership hold great significance in regard to contemporary debates around populist politics, especially democratic populism. José Luis Villacañas Berlanga criticizes Ernesto Laclau’s idea of populist reason for its negligence toward a republican moment, which is necessary for the movement to become constructive rather than perpetuating an institutional crisis. (Mind here Arendt’s critique of the historical totalitarianisms taking the form of continuous movements.) He points to the republican virtues Weber specifically connects to leadership, e.g., as drawn out in his Vocation lectures, which remain overlooked in debates around populist leadership, but also, I would argue, in Schmitt’s radicalisation of the mythical force of charisma. Please note that at this point I heavily rely on my colleagues’ summaries as well as reviews for my Spanish skills are not sufficient to engage with the original texts of Villacañas Berlanga, which are yet to be translated. See for similar critique Villacañas Berlanga, José Luis. ‘The Liberal Roots of Populism: A Critique of Laclau’. *The New Centennial Review*, translated by Jorge Ledo, vol. 10, no. 2, Fall 2010, 151–82.

sovereignty and then turns toward myth – thereby radicalizing the messianic structures in his conceptualisation of a sovereign dictatorship that could confront rather than dissolve the sovereign movements that in *Dictatorship* he still frames as illegitimate.⁴⁵¹

Conclusion

The preceding chapter explained how Schmitt's turn to a decisionist theory of sovereignty, which ultimately paved the way for new forms of fascist regime, is indeed based upon the very post-foundational understanding of popular sovereignty he offers in his earliest writings, and on a definition of "the people" which Andreas Kalyvas, for example, celebrates for providing "normative resources for a robust, pure theory of democratic legitimacy."⁴⁵² Against Kalyvas' conviction that it is possible to "disassociate" these aspects from his "explicit political motivations and objectives, intellectual context and philosophical assumptions," I contend that it is crucial to address meticulously the relationship between Schmitt's post-foundational understanding of "the people" and his decisionist theory of sovereignty – if our goal is to defend left post-foundationalism against the conviction that anything but liberal constitutional theory means a return to Schmitt and "the end of law."⁴⁵³

Although Schmitt exemplifies how the concern with political authority can lead to the justification of a despotic and anti-democratic theorization of sovereign rule, one cannot ignore the democratic concern that underlies his critique. His call for a strong political authority was not aimed at democratic politics, but instead at a form of legal-bureaucratic totalitarianism that he, like Weber, understood to obliterate political action and personal rule. Schmitt's concern is that this leaves the democratic regime defenceless against the violent performance of political rule that appears in moments of legal and, more broadly, representational indeterminacy. Examining the development of the notion of authority in Schmitt's work indicates that, whilst Schmitt's decisionism might not be the direct and necessary consequence of Weber's charismatic

⁴⁵¹ The publication of *Legality and Legitimacy* in 1932 was an important turning point in the development of Schmitt's institutional theory. McCormick summarizes the book's significance well: "The possibility of a commissarial dictatorship is no longer either as it was for substantive purposes in 1921 or as it was for cosmetic purposes in the mid-twenties. The unlimited extent of power that was previously reserved for extra-ordinary moments is now invoked as the ordinary competence of an executive answerable only to acclamation of plebiscitary moments McCormick, John P. 'From Constitutional Technique to Caesarist Ploy: Carl Schmitt on Dictatorship, Liberalism, and Emergency Powers'. *Dictatorship in History and Theory: Bonapartism, Caesarism, and Totalitarianism*, by Peter Baehr and Melvin Richter, Cambridge University Press, 2004, 209. From here it was but a short theoretical step to justifying Nazi dictatorship and to the virulence of his racial institutionalism.

⁴⁵² I here agree with Matthew G. Specter who, in his critical review of recent Left appropriations of Schmitt, cautions Kalyvas's and others "abstract" readings for they disregard the centrality of what Kalyvas brushes away as "authoritarian preferences". Specter, Matthew G. 'What's "Left" in Schmitt? From Aversion to Appropriation in Contemporary Political Theory'. *The Oxford Handbook of Carl Schmitt*, edited by Jens Meierhenrich and Oliver Simons, Oxford University Press, 2016, 426–54, 444.

⁴⁵³ Kalyvas, *Politics of the Extraordinary*, 96.

conceptualization of authority, it still constitutes a logical response to Weberian premises and the crisis of authority in modernity.⁴⁵⁴

Schmitt therefore leaves us with a serious challenge as yet unmet: can we imagine political authority that is proper to modern liberal democracies, that avoids the anti-democratic paths that Schmitt himself “ventured” into?⁴⁵⁵ We cannot forget that at the time Schmitt chose this path

The world did not know that “everything was possible.” Even Schmitt, who read the circumstances of the time through Hobbes, did not imagine the total horror possible through the modern Leviathan, only that its command, and therefore his obedience, was total.⁴⁵⁶

The following chapter returns to Arendt’s critique of authority and her conviction that authority “vanished from the modern world.”⁴⁵⁷ Against that, I read her critique of the Platonic theorisation of authority as an indication that Arendt was very much aware that the theological structures and anti-political sentiment, that was inaugurated by the Greek concept of authority, still haunts Western political thinking. Indeed, it lies at the very heart of the *charismatic* formulation of authority that drives Schmitt’s turn to decisionism.

⁴⁵⁴ The relation between Weber’s charismatic conceptualization of authority and Schmitt’s turn to decisionist sovereignty has been the matter of long-standing and often emotionally loaded debates. Here, I generally agree with Raymond Aron’s view, who was asked for an authoritative judgement on the issue at the Heidelberg congress. For him, Carl Schmitt’s decisionism together with his theory of plebiscitarian leadership must be seen as a radical consequence of Weberian premises. (See Aron, Raymond. ‘Max Weber and Power-Politics’. *Max Weber and Sociology Today*, edited by Otto Stammer, Harper & Row, 1971, 83–100.) At the same congress, Jürgen Habermas claimed that Schmitt was a “natural son” of Weber. In *Max Weber and German politics, 1890-1920* (1990), Wolfgang J. Mommsen draws out nationalistic and imperialistic convictions, to the dismay of those who held Weber high as the father of liberal values, that bring Weber much closer to the position of Carl Schmitt. Mommsen, however, also notes that Schmitt’s decisionism actively negated ethical premises of Weber, especially certain moral obligations of political leadership. See Mommsen, Wolfgang J. *The Political and Social Theory of Max Weber: Collected Essays*. Polity, 1992, 171.

⁴⁵⁵ See Balakrishnan, *The Enemy*, 256.

⁴⁵⁶ Kennedy, *Constitutional Failure*, 90.

⁴⁵⁷ Arendt. ‘What is Authority?’, 91.

Chapter 4: Hannah Arendt. Resistibility and De-authorization

In the previous chapter, I highlighted a moment in Schmitt's thought where he argues that the consideration of political authority is crucial for the possibility of resistance against tyrannical forms of rule. He suggests that it is the disorientation and negligence of personal rule that leaves the regime without resources and the people without reference for resistance. In this chapter, I argue that Hannah Arendt allows us to rethink authority in a way that responds to Schmitt's concerns without falling back into a decisionist account of sovereignty that, again, aims to disable democratic negotiation and contestation of personal authority.

As I argued in the previous chapter, it is with the intention of stabilizing political affairs that Schmitt develops his theory of decisionist sovereignty, hoping that it will provide its own source of authority, ready to suppress the waywardness and flux of the unorganizable mass. He does so for he contends political authority to be incompatible with plebiscitarian legitimacy because it is only with the intervention of a personal authority that "the people" come into presence as constitutive subject. With decisionist sovereignty Schmitt turns to a last resort: posing authoritarian leadership against the totalitarian rule of nobody that threatens to eradicate any form authoritative politics that could provide a sense of unity in a society by political friction and social divisions – not knowing yet that exactly the coincidence of both would allow for unprecedented forms of violent oppression and domination. In the shadow of Weber's figure of the charismatic leader capable of miraculous intervention, authority is abandoned and the people are abandoned completely for "the prowess of professionals."⁴⁵⁸ I demonstrate in the following that Arendt comes to the same impasse regarding modernity. The demise of the Roman trinity of tradition, religion, and authority means, according to Arendt, that we have lost those pillars that have provided Western politics with permanence and stability for so long. Instead, we are now faced with the challenge of our own freedom, the ability to begin anew, whereby everything that arises from political action is first and foremost fleeting. Her concern with the volatility of absolute freedom – which, she argues, has already opened the door to new, totalitarian forms of violence – has led scholars to read her essay 'What is Authority?', collected in her volume *Between Past and Future*, as bemoaning a past principle. I argue, however, that Arendt is more ambiguous and also authority celebrates the demise of a foundationalist notion of authority, which for her had been based upon deeply antipolitical premises. Indeed, her performative critique of this Platonic rendering of authority opens the door to a post-foundational reconceptualization of both *authority* and *politics* prepared to leave behind "the arrogance of the Absolute."⁴⁵⁹

Scholars further have raised concerns about Arendt's and Schmitt's shared fascination with extraordinary constitutional founding and groundless politics; together with their insistence on

⁴⁵⁸ Honig, Bonnie. *Emergency Politics: Paradox, Law, Democracy*. Princeton University Press, 2011, 66.

⁴⁵⁹ Heidegger cited by Arendt, in "Concern with Politics." See Young-Bruehl, Elisabeth. *Hannah Arendt. For the Love of the World*. Yale University Press, 1982, 303.

the purity of the political, they bring Arendt dangerously close to Schmitt's decisionism. Bonnie Honig and Andreas Kalyvas, however, draw out how for Arendt the notion of sovereignty itself is deeply embedded in an antipolitical tradition that seeks the origin for all action in an absolute source, the region of absolute One-ness. Based upon her critique of sovereignty, Arendt turns to the American revolution and specifically the Declaration of Independence as a rare moment in history in which a collective political act was great enough to erect its own monument, and inaugurated itself as authoritative foundation, without relying for legitimation on transcendent grounds or on the idea of an omnipotent popular will. She thereby attempts to reconceptualise authority based on her fabulist reading of this founding moment as a collective act, based upon and furthering plurality and collective action. I argue, however, that with this gesture Arendt falls into the same metaphysical logic she so vehemently criticises: the recourse to a (fabulist) pure moment of politics, free from the sediments of human interaction and the paradoxical tensions of democratic politics, and thus deriving its authority from outside the worldly realm. The authority of such a political act is not guaranteed to remain open to negotiation and democratic contestation, but can potentially lay claim to a similarly irresistible validity as when it is derived from an absolute. I argue that this contradicts the *resistibility* at the heart of Arendt's understanding of authority that Honig emphasizes and that I identified above as an essential feature of Arendt's definition of authority, which distinguishes it from violence and domination.⁴⁶⁰ This urges us to think authority with one foot in its democratic contestation. In this light, I read Arendt's performative critique of Platonic authority as an example of such a moment of contestation. A post-foundational understanding of authority, then, begins with the practice of deauthorization and by posing the question of how practises of authorising can be rendered in a way that fosters, rather than suppresses, their own resistibility.

The chapter is structured as follows. I begin by placing Arendt's critique of authority in her broader project of dismantling the remnants of what she considers a deeply anti-political tradition of Western metaphysics. Following from here, I read her critique of Plato as a performative gesture of de-authorizing an understanding of authority that continues to assert itself in contemporary political theory. I investigate three political transformations upon which the introduction of a philosophical concept of authority into the polis relies: the displacement of truth into the philosophical realm; the subordination of the worldly realm (politics); and the framing of the philosopher as an *expert*. By revealing the contingency and historicity of this three-fold transformation, Arendt lays the ground for her reconceptualization of authority. Next, I turn to Arendt's characterization of the American Revolution as a unique and glorious moment in which authority is derived from a purely political act, thus escaping the violent turmoil of the French revolution and its appeal to (popular) sovereignty. Developing Honig's critique of Arendt's

⁴⁶⁰ See pages 43-44 of this dissertation.

“fabulist rendering” of the American revolution, I argue that Arendt herself reiterates the metaphysical abandonment of the paradoxical tensions within human affairs in order to derive a concept of authority from an event she construes as a pure political moment. I contend that taking Arendt’s critique of the irresistibility of Plato’s notion of authority as derived from absolutes seriously, we need to begin in the midst of human affairs, but taking account of the sediments of past and present power relations and forms of domination. I argue that a post-foundational understanding of authority for democratic politics, then, must begin from the possibility of contestation.

1. The breakdown of authority: learning to live with ghosts

Arendt begins her inquiry in “What is Authority?” with a rectification of the title. “In order to avoid misunderstanding, it would have actually been wise to ask: What *was* – and not what is – authority?” This is a puzzling start to an essay dedicated to authority, for it raises this question: if the understanding of authority was irrevocably lost, as Arendt claims, why go through the effort of reminding ourselves of what authority was?⁴⁶¹ As I suggested in the first chapter of this dissertation, Arendt is very clear on the detrimental consequences of the loss of authority: modernity has been left devoid of those common values and standards upon which judgements of politics and power had relied for so long. Indeed, it is the breakdown of authority and the various “modern deaths” (the deaths of God, metaphysics, philosophy, and by implication, positivism) that paved the way for modern totalitarianism, which fed upon the modern experience of “world alienation.” In response to the philosopher Hans Jonas, Arendt states that she was “perfectly sure that this whole totalitarian catastrophe would not have happened if people still had believed in God, or in hell rather – that is, if there were still ultimates.”⁴⁶² Considering Arendt’s concern with the political consequences of the demise of authority, her critique of authority, it seems, should be read as an attempt to resurrect the authority of traditional foundation and an investigation into ultimate grounds for modernity. This, together with her idealized narratives of ancient politics, specifically Greek politics, provided her critics with the needed ammunition to accuse Arendt of nostalgia for a premodern social order in which tradition, religion, and authority worked together to provide a stable foundation for politics.⁴⁶³ It is just too reminiscent of communitarian efforts to salvage the roots that would provide modern political associations with something lasting.⁴⁶⁴

⁴⁶¹ See Friedman, Richard B. ‘On the Concept of Authority in Political Philosophy’. *Concepts in Social and Political Philosophy*, by Richard E Flathman, Macmillan, 1973. I noted this in a previous draft of the chapter, but was not able to get hold of Friedman’s article again prior to submission to check the page number.

⁴⁶² Hill, Melvyn A., editor. *Hannah Arendt: The Recovery of the Public World*. St. Martin’s Press, 1979, 313–314.

⁴⁶³ George Kateb, for instance, portrays Arendt as “great antimodernist” in the sense of a cultural critic who wishes to see modernity undone. Kateb, George. *Hannah Arendt: Politics, Conscience, Evil*. Rowman & Allanheld, 1983, 183.

⁴⁶⁴ As thinkers including Dana Villa and Bonnie Honig have demonstrated, it is wildly inaccurate to accuse Arendt of nostalgia for authority. For Villa, Arendt’s diagnosis of the loss of authority is “powerful” and “frustratingly final” (which is why he understands her as an antimodernist). Villa, Dana Richard. *Arendt and Heidegger: The Fate of the Political*. Princeton University Press, 1996, 158; Bonnie Honig, on the other hand, demonstrates that Arendt by no

Bonnie Honig, however, correctly emphasizes that Arendt's essay does not at all simply mourn the disappearance of authority in modernity; quite the opposite: she also celebrates it.⁴⁶⁵ Following Honig's reading, I argue that for Arendt the demise of tradition and the weakening of religion mark the new possibilities for a conceptualization of post-foundational authority for modernity that is based in political action and the human capacity for worldbuilding. This directly contradicts the imposition of absolutes for it signifies the immobilization of human plurality and of the flux of political power. Arendt's uprooting of political action and judgement throughout her work reflects her dismissal of the idea that reason or theory could secure an extra-political ground from which these activities could be derived. The pursuit for such grounds, for Arendt, roots in the desire to be relieved of the "burden" of modern freedom and the need to think and judge for ourselves. For Arendt, it is exactly the reliance on such "bannisters" in our tradition that has led to the sacrifice of political freedom and the positing of a simple deductive relation between "yardsticks" on action.⁴⁶⁶ Jonas's call for a reviving investigation of ultimate grounds, therefore, is refuted by Arendt. Seeking comfort in old bannisters or questing for new ones might be a human thing to do, but both are a form of theorizing in "bad faith." Arendt responds to Jonas's implicit appeal:

... you could say that those who were still firmly convinced of the so-called old values were the first to be ready to change their old values for a new set of values, provided they were given one. And I am afraid of this, because I think that the moment you give anybody a new set of values – or this famous "bannister" – you can immediately exchange it. And the only thing the guy gets used to is having a "bannister" and a set of values, no matter. I do not believe we can stabilize the situation in which we have been since the seventeenth century in any final way. . . We wouldn't have to bother about this whole business if metaphysics and this whole value business hadn't fallen down. We begin to question because of these events.⁴⁶⁷

means leave authority behind, but instead attempts a reconstruction. Honig, Bonnie. *Political Theory and the Displacement of Politics*. Cornell University Press, 1993, 76, 109, also Honig, Bonnie. 'Declarations of Independence: Arendt and Derrida on the Problem of Founding a Republic'. *The American Political Science Review*, vol. 85, no. 1, 1991, 97.

⁴⁶⁵ Honig, 'Declarations of Independence', 97.

⁴⁶⁶ As Villa draws out, it is because of this conviction that Arendt's approach vehemently differs from Habermas's, despite both scholars can be understood to follow Weber's critique of modernity. Procedural or not, Arendt understands the quest for common and absolute grounds misled. Villa, *Arendt and Heidegger*, 99, 205. Rather fittingly, Passerin d'Entrèves (1994, 28), following Seyla Benhabib distinction of the poles of norm and utopia, of fulfillment and transfiguration, describes Habermas future-oriented approach as "belonging belongs more to the normative pole of the distinction, in the sense that it operates on the assumption that modernity is an incomplete project in need of fulfillment. Arendt's past-oriented thinking, by contrast, would appear to belong to the utopian pole, to the idea that the redemption of modernity requires a transfiguration of its cultural heritage." Passerin d'Entrèves, Maurizio. *The Political Philosophy of Hannah Arendt*. Routledge, 1994, 28. See also Benhabib, Seyla. *Critique, Norm, and Utopia: A Study of the Foundations of Critical Theory*. Columbia Univ. Press, 1986, 327-329.

⁴⁶⁷ Arendt cited in Hill, *The Recovery of the Public World*, 314. See also Arendt, Hannah. 'Thinking and Moral Considerations.' *Social Research*, vol. 38, no. 3, 1971, 417-46, where she addresses the consequences of the "modern deaths" for our ability to think: "These modern "deaths" of God, of metaphysics, of and, by implication, of positivism may be events portance, but they are after all thought events, and concern most intimately our ways of thinking, they do our ability to think, the sheer fact that man is a thinking being." (421)

Hence, the crisis of authority cannot be combated by the restoration of old “bannisters” – or worse yet – the rehabilitation of traditional values (the Fascist is a “good family man”)⁴⁶⁸. The question remains whether there is still a place for authority in modern politics, since there is no longer an “authentic and undisputable” experience of authority that is common to us.⁴⁶⁹

Dana Villa understands Arendt to propose a “postauthoritarian concept of the political.”⁴⁷⁰ He, too, suggests that Arendt’s political thought can “without exaggeration” be described as an “extended mediation upon the problem of action and judgement *after* metaphysics,” and that her “central drive” is to think politics “without grounds.”⁴⁷¹ For Villa, authority in Arendt’s thought “is no longer possible”⁴⁷² and indeed he no longer concerns himself with the concept in his critique of Arendt. Yet his reading, I argue, is too quick for if this were the case it would not be possible to give a satisfactory response to the question as to why Arendt then dedicates so much attention to this concept. What is commonly overlooked by most thinkers – Honig is a notable exception – is that the notion of authority Arendt declares to have vanished is “no such authority in general,” but instead “a very specific form which had been valid throughout the Western world over a long period of time.”⁴⁷³ Over the course of her essay on authority, Arendt distinguishes two renderings of the concept. First, the Roman political experience of *auctoritas*, sustained by tradition and religion, is, Arendt argues, what drove the interest in the notion of authority in light of growing tensions in Europe of the 20th century; and as we will see in a moment, Roman *auctoritas* still serves Arendt as an important point of reference for her fabulist rendering of the American revolution as a modern example of authoritative politics. The Greek theorization of authority, on the other hand, amalgamated the concept of authority with a foundationalist claim whereby authority came to be grounded in absolutes. For Arendt, then, our theoretical understanding of authority, which was compounded of the Roman and the Greek and which was valid for so long but has now “vanished from the modern world,”⁴⁷⁴ was influenced by a desire for domination that dramatically altered the notion of authority. Arendt celebrates the loss of this understanding of authority for it already constituted an unpolitical, even anti-political, deviation from the Roman *auctoritas*. Hence Arendt proclaims that “we are tempted and *entitled* to raise this question [of

⁴⁶⁸ Villa, Dana R. ‘The Banality of Philosophy: Arendt on Heidegger and Eichmann’. *Hannah Arendt. Twenty Years Later*, edited by Jerome Kohn and Larry May, MIT Press, 1997, 185.

⁴⁶⁹ Arendt, Hannah. ‘What Is Authority?’ *Between Past and Future: Eight Exercises in Political Thought*, Penguin, 2006, 91.

⁴⁷⁰ Villa, *Arendt and Heidegger*, 158. This has led some of Arendt’s critics to reproach her concept of political action for promoting a purely aesthetic notion of politics, a *politique pour la politique*. See Jay, Martin. *Permanent Exiles: Essays on the Intellectual Migration from Germany to America*. Columbia University Press, 1985. Specifically, Martin Jay (1985) suspects Arendt to suspend all instrumental and normative constraints for autonomous action culminating in the untenable glorification of action for the sake of action. Jay here mentions the “existentialist” Arendt in the same breath than Alfred Bäumler, Ernst Jünger, and Carl Schmitt. See Jay, Martin. ‘The Political Existentialism of Hannah Arendt’. *Permanent Exiles: Essays on the Intellectual Migration from Germany to America*, Columbia University Press, 1985, 237–56. Kateb also criticizes Arendt for the lack of moral grounding of her concept of action. Kateb, George. *Hannah Arendt: Politics, Conscience, Evil*. Rowman & Allanheld, 1983.

⁴⁷¹ Villa, *Arendt and Heidegger*, 116.

⁴⁷² Villa, *Arendt and Heidegger*, 158.

⁴⁷³ Arendt, ‘What is Authority?’, 92.

⁴⁷⁴ Arendt. ‘What is Authority?’, 91.

authority]” anew.⁴⁷⁵ I argue that Arendt’s critique reframes the crisis of authority in modernity as a moment of opportunity to reimagine authority from a post-foundational perspective, based on the political principle of human plurality. Honig and Kalyvas focus their reading on Arendt’s interpretation of the American revolutionary experience as her attempt to reconceptualise authority. Before I turn to that, however, I first want to dwell a little longer on Arendt’s critique of the Greek theorisation of authority. Her discussion of Plato’s introduction of the idea in *The Republic* at the beginning her essay has not been given much attention by scholars. This is not surprising considering that Arendt proclaims this understanding of authority to have vanished and, more so, as she understands it to be already an inauthentic conceptualization. Exactly for these reasons, however, we should be intrigued as to why Arendt gives such great attention to this theorization. Indeed, she argues that it is “imperative to concern oneself with those features of Greek political philosophy which have so decisively influenced [the concept’s] shaping.”⁴⁷⁶ According to her, “the essential characteristic of specifically authoritarian forms of government – that the source of their authority, which legitimates the exercise of power, must be beyond the sphere of power and, like the law of nature or the commands of God, must not be man-made – goes back to this applicability of the ideas in Plato’s political philosophy.”⁴⁷⁷ The modern longing for a resurrection of “old bannisters” indicates that this specific understanding of authority with its reference to extra-political grounds is still operative in Western politics. What continues to assert itself in via the concept of authority is the idea that human affairs must “be subjected to the domination of something outside their realm.”⁴⁷⁸ For this reason, I read Arendt’s declaration that this specific understanding of authority is gone as a performative gesture that is part of Arendt’s greater enterprise of dismantling a “violent anti-Platonism” at the basis of metaphysical thought. This allows us to understand why she devotes such considerable space in her critique of authority to (something like) a *deconstructive* reading of Plato’s conceptualization of authority: politicizing this specific conceptualisation of authority renders it contingent and thus resistible. (As for the loaded term “deconstruction”: Dana Villa (1996) argues that Arendt follows in the footsteps of Heidegger (and thus also in the wake of Nietzsche) and his enterprise of *deconstruction* (*Abbau*) and *repetition* sketched in the Introduction to Heidegger’s *Being and Time*.⁴⁷⁹) In her late return to philosophy, Arendt herself remarks:

I have clearly joined the ranks of those who for some time now have been attempting to dismantle metaphysics, and philosophy with all its categories, as we have known them

⁴⁷⁵ Arendt, ‘What is Authority?’, 104, emphasis my own.

⁴⁷⁶ Arendt, ‘What is Authority?’, 106.

⁴⁷⁷ Arendt, ‘What is Authority?’, 110. Accordingly, Arendt pictures the authoritarian government in this metaphysical understanding in the shape of a pyramid, whereby authority lies outside the government, but whose seat of power lied at the top. This image can be used “only for the Christian type of authoritarian rule as it developed through and under the constant influence of the Church during the Middle Ages.” (98) In contrast to that, the Roman understanding of authority “it is as though the peak of the pyramid did not reach into the height of a sky above (or, in Christianity, beyond) the earth, but into the depth of an earthly past.” (124)

⁴⁷⁸ Arendt, ‘What is Authority?’ 115.

⁴⁷⁹ Villa, *Arendt and Heidegger*, 85, 114.

from their beginning in Greece until today. Such dismantling is possible only on the assumption that the thread of tradition is broken and that we shall not be able to renew it. Historically speaking, what actually has broken down is the Roman trinity that for thousands of years united religion, authority, and tradition... What has been lost is the continuity of the past as it seemed to be handed down from generation to generation, developing in the process its own consistency... What you then are left with is still the past, but a *fragmented* past, which has lost its certainty of evaluation.⁴⁸⁰

For Arendt, the remembrance of past concepts and events (what she calls “forgotten treasures”), and more so their selective reappropriation, holds the purpose of illuminating what we are doing in the present.⁴⁸¹ Arendt herself wonderfully describes this state of affairs in her depiction of Walter Benjamin’s fragmentary historiography, an approach with which Benjamin sought to identify moments of rupture, displacement, and the dislocation of history:

And this thinking, fed by the present, works with the “thought fragments” it can wrest from the past and gather about itself. Like a pearl diver who descends to the bottom of the sea, not to excavate the bottom and bring it to light but to pry loose the rich and the strange, the pearls and the coral in the depths and to carry them to the surface, this thinking delves into the depths of the past – but not in order to resuscitate it the way it was and to contribute to the renewal of extinct ages. What guides this thinking is the conviction that although the living is subject to the ruin of the time, the process of decay is at the same time a process of crystallization, that in the depth of the sea, into which sinks and is dissolved what once was alive, some things “suffer a sea-change” and survive in new crystallized forms and shapes that remain immune to the elements, as though they waited only for the pearl diver who one day will come down to them and bring them up into the world of the living – as “thought fragments”, as something “rich and strange”, and perhaps even as everlasting *Urphänomene*.⁴⁸²

This *pearl diving* allows the recovery of lost potentials of the past in the hope that, when looking at them with fresh eyes, they might find a new actualization in the present.⁴⁸³ In the case of authority, as we will see, Arendt aims to reveal its phenomenological experience before it was tainted by its Greek philosophical theorization, and she does so – as I will show in a moment – by trying to dissolve the tradition’s ontological prejudices (for Heidegger, in favour of “true” Being) and by refuting its translation from the political into the teleology of making. Villa closely parallels this project to the “destruction of the history of ontology” which was announced, but continuously delayed, in *Being and Time*. I argue that the significance of Arendt’s narrative of Plato, therefore, does not lie in its historical instruction; it is not concerned with mere recollection,

⁴⁸⁰ Arendt, *The Life of the Mind (Thinking)*, 212.

⁴⁸¹ Passerin d’Entrèves opposes this to Habermas, who instead stresses the critical function of a “future-orientated analysis of the present which highlights its pathologies and indicated the communicative potential that still awaits realization.” *Political Philosophy*, 28.

⁴⁸² Arendt, Hannah. ‘Walter Benjamin: 1892–1951’. *Men in Dark Times*, Harcourt Publishers Ltd, 1968, pp. 153–206, 153–206, 205f.

⁴⁸³ Passerin d’Entrèves investigates the methodological link to both Heidegger and Benjamin. He points out that Arendt takes the idea of “fragmentary historiography” from Benjamin. *Political Philosophy*, 4.5.

even less so with the preservation of it. Instead, I argue, it constitutes a performative gesture of de-authorization. Bonnie Honig's (1991, 1993) reading of Arendt, to which I will turn in a moment in more detail, admits to the significance of past beginnings that provide politics with a sense of permanence and stability. Honig, however, emphasises the (agonistic) performativity that lies at the very heart of Arendt's understanding of action. My reading here follows Honig's argument that for Arendt it is never merely about the legacy of past beginnings, but instead of how we make these beginnings our own through practises of augmentation, amendment, and resistance. I argue that exorcising the concept of authority from its Platonic spectre allows Arendt to rethink authority in a way that is grounded in human plurality, which for her is the very condition of political action and freedom.

Arendt's critique of Plato's conceptualization of authority thus constitutes a gesture of *conjurement*, in Jacques Derrida's sense of a "magical incantation destined to evoke, to bring forth with the voice [or in this case the writing], to convoke a charm or a spirit"⁴⁸⁴ Derrida describes the exercise of conjuration in *Specters of Marx* (1994) as a disappointed and melancholic attempt to evoke a spectre in order to assert power over it. So did Marx, for instance, evoke use-value in an attempt to force into presence what actually has a spectral character, for only then would it be possible to control it: "Marx wants to know and make known where, at what precise moment, at what instant the ghost comes on stage, and this is a manner of exorcism, a way of keeping it at bay: before this limit, it was not there, it was powerless."⁴⁸⁵ Arendt, too, retells the story of how Plato first introduced authority to Greek political thought in order to provide our understanding of authority with an origin story. How does this origin story persist, how does it work on us, on the living, today? Derrida argues that we are required "to learn spirits" in order "to learn to live. Finally."⁴⁸⁶ Throughout his work, Derrida concerns himself with the spectral, (as *différance*, *trace*...), understood as that which is not present in formal dichotomies, as what escapes ontology.⁴⁸⁷ Not an *ontology*, but an *hauntology*⁴⁸⁸ is required for the inquiry of that which undermines the dichotomies through which we structure our thinking and political life. Arendt's reading of Plato's conceptualisation of authority, too, intends to de-ontologize the concept, in the sense that she wants to strip it of its appearance of self-evidence, but exactly

⁴⁸⁴ Derrida, Jacques. *Specters of Marx*. Routledge, 1994, 58.

⁴⁸⁵ Derrida, *Specters of Marx*, 202.

⁴⁸⁶ Derrida, *Specters of Marx*, xvi.

⁴⁸⁷ "[H]aunting is . . . neither present nor absent, neither positive nor negative, neither inside nor outside" Derrida, Jacques. "To Do Justice to Freud': The History of Madness in the Age of Psychoanalysis". *Resistances of Psychoanalysis*, by Jacques Derrida, Stanford University Press, 1998, 88.

⁴⁸⁸ The term hauntology only appears three times in Derrida's *Specters of Marx*, yet it has become catchphrase that has become popular, especially in popular culture. See Whyman, Tom. 'The Ghosts of Our Lives. From Communism to Dubstep, Our Politics and Culture Have Been Haunted by the Spectres of Futures That Never Came to Pass.' *The New Statesman*, <https://www.newstatesman.com/politics/2019/07/the-ghosts-of-our-lives>. Accessed 23 Nov. 2021.

through conjuring its political origin story and thereby laying it to rest. As she herself reminds us, “the heir and preserver unexpectedly turns into a destroyer.”⁴⁸⁹

In the following section, I demonstrate that by politicising Plato’s theorization of authority, Arendt demonstrates its contingency. Doing so allows Arendt to excavate the notion of authority from its metaphysical rendering, which has become its self-evident structure. She thereby opens the possibility for an alternative reconceptualization of authority proper to post-foundational modernity and based on human plurality and the political faculty of world-building. Arendt’s conjuration of Plato’s conceptualisation of authority thus describes an emancipatory form of resistance against the authority of the philosopher-king, a gesture of de-authorization, a regicide.⁴⁹⁰

2. Arendt’s regicide: disenchanting the philosopher king

Criticism spelled the death of kings. (Kritik ist der Tod des Königs.)

Reinhardt Koselleck – *Critique and Crisis*⁴⁹¹

Arendt begins her critical investigation by pointing out that Plato’s motive in introducing authority to the political realm was already “exclusively political”.⁴⁹² It was an attempt to secure the position of the philosopher after experiencing the hostility of the polis toward philosophy. This hostility had probably existed for a time, but the rejection and execution of Socrates brought this hostility into sharp and unavoidable focus. Indeed, Arendt argues, Plato’s search for the best form of government, which constitutes the objective of *The Republic*, “reveals itself to be the search for the best government for philosophers, which turns out to be a government in which philosophers have become the rulers of the city – a not too surprising solution for people who had witnessed the life and death of Socrates.”⁴⁹³ Plato’s intention, then, was to secure the position of the philosopher in the polis by rendering him its natural ruler. The first challenge Plato faced in his enterprise, however, was that authority, and hierarchical relations in general, were unknown to the political space in Greek society. Indeed, throughout her reading, Arendt reiterates that Plato

⁴⁸⁹ Arendt, ‘Walter Benjamin’, 153–206, 199.

⁴⁹⁰ Here, I follow Bonnie Honig’s reading of the Bacchae’s regicide in *A Feminist Theory of Refusal* (2021). The regicide, according to Honig, is committed long before Agave kills the king: “It is regicide when the women refuse the king’s orders to work (inoperativity) and when they set up a parapolis outside the city in which they rehearse new compartments and inaugurate new temporalities (inclination). These more or less nonviolent acts are regicidal in that they deny recognition to the king and refuse his authority.” (11) I therefore read Arendt’s critique of Plato as part of a greater regicide against the philosopher king and the metaphysical two-world theory upon which his rulership is founded.

⁴⁹¹ Koselleck, Reinhart. *Critique and Crisis: Enlightenment and the Pathogenesis of Modern Society*. MIT Press, 1988, 116; Koselleck, Reinhart. *Kritik Und Krise: Eine Studie Zur Pathogenese Der Bürgerlichen Welt*. Suhrkamp, 1976, 97.

⁴⁹² Arendt, ‘What is Authority’, 107.

⁴⁹³ Arendt, ‘What is Authority’, 114.

always only came “close” to a concept of authority in his great mission to assure voluntary obedience, that is, to establish a sound foundation for authority, which was only experienced in Roman society. There was no equivalent political experience of authority in Greek society.⁴⁹⁴ Those who could enter the political realm – male Greek citizens of a particular standing – appeared as equals and regulated their affairs by means of argument and persuasion. Rule was executed exclusively in the private realm of one’s household.⁴⁹⁵ At the heart of Plato’s search for authority thus lies the aspiration to escape the frailties of politics springing from a frustration with action and human plurality that became, according to Arendt, the very root for a Western philosophical tradition: “It is in accordance with the great tradition of Western thought to think along these lines: to accuse freedom of luring man into necessity, to condemn action, the spontaneous beginning of something new, because its results fall into a predetermined set of relationships, invariably dragging the agent with them, who seems to forfeit his freedom the very moment he makes use of it.”⁴⁹⁶ It is this sentiment that resurfaces in Weber’s (and even more pertinent in Schmitt’s) anxiety with the irrational and dangerous impulses of the multitude that threatens social cohesion and political order. And like Weber and Schmitt after him, Plato put his hope on the emergency of a leader that could manoeuvre society through troubled waters and therefore quiet the contingency and disorder of human plurality. When Plato began to consider the introduction of authority into the handling of public affairs in the polis, “he knew he was seeking an alternative to the common Greek way of handling domestic matters, which was persuasion (*πειθεῖν*) as well as to the common way of handling foreign affairs, which was force and violence (*βία*).”⁴⁹⁷ He was looking for a form of rule based on voluntary obedience whereby men retain their freedom and political capacity: only then, Plato believed, could rule be recognized as legitimate in the Greek polis. “What he was looking for”, Arendt says, “was a

⁴⁹⁴ In fact, when Dio Cassius wrote history of Rome, he was unable to translate the Roman concept of *auctoritas*: “Neither the Greek language nor the varied experiences in Greek history shows any knowledge of authority and the kind of rule it implies.” Arendt, ‘What is Authority?’, 104.

⁴⁹⁵ The household head was free insofar as he had the ability to leave his private realm for the agora, the public space where he would move freely amongst other household heads. While he was moving amongst his slaves at home, the despot himself was not free of rule. For the Greek citizens who, as Arendt tells us, were still “blissfully unaware of Hegelian dialectics”, any “power to coerce was incompatible not only with the freedom of others but with [the ruler’s] own freedom as well.” Leaving the public to a ruler thus insisting that the subjects to his rule solely focus on their own private business signified the destruction of the polis altogether as it deprived them the faculty that constitutes the very essence of their freedom: “a polis belonging to one man is no polis”. Sophocles, *Antigone*, as cited in Arendt, ‘What is Authority?’, 105.

⁴⁹⁶ Arendt, Hannah. *The Human Condition*. Edited by Danielle S. Allen and Margaret Canovan, The University of Chicago Press, 1998, 234.

⁴⁹⁷ Arendt, ‘What is Authority?’, 93. Plato was guided by various models, in which he found such relation, such as between the shepherd and his sheep, between the helmsman of a ship and the passengers, between the physician and the patient, and most significantly, between the master and the slave. In some of these instances the expert is totally confident in his commands, so that he does not need to persuasion or force for the other to comply, in the other instances, the ruler and the ruled belong to altogether different categories of beings, “one of which is already by implication subject to the other, as in the cases of the shepherd and his flock or the master and his slaves.” (109) The examples for these kinds of relationships, which he repeatedly employs throughout his great political dialogues (*The Republic*, the *Statesman*, and the *Laws*), were all taken from instances of the private realm. For this reason, Arendt imagines, Plato himself must have found them not fully satisfying. (“Plato himself ironically concludes that no man, only a god, could relate to human beings as the shepherd relates to his sheep.”) And yet, he returned to them time and again in his justification for the rule of the philosopher, “because only in these instances of glaring inequality could rule be exerted without seizure of power and the possession of the means of violence.” (109)

relationship in which the compelling element lies in the relationship itself and is prior to the actual issuance of commands.”⁴⁹⁸ What needed to be established was the *authority* of the philosopher, a legitimate position of power in hierarchy that was recognized both by the ruler and the ruled.

Arendt highlights that the philosopher’s position of authority is not at all a matter of course, but requires Plato to modify, first his own philosophy, and second, his account of the public realm.⁴⁹⁹ Arendt emphasizes that most prominently in the *Symposium* and the *Phaedrus*, and even at the beginning of *The Republic*, the highest idea is the Beautiful (*kalon*) and the philosopher is defined as a lover of Beauty.⁵⁰⁰ With that, neither the ideas, nor the philosopher, have anything “whatever to do with politics, political experience, and the problem of action, but pertain exclusively to philosophy, the experience of contemplation, and the quest for the “true being of things.”⁵⁰¹ For this reason the return of the philosopher in the parable of the cave in *The Republic* appears as a strange break with the otherwise progressive and ascending linearity of the narrative. The teleological structure of the parable until then indicates that with the exit from the cave and the perception of the highest form of truth, that which illuminates and shines forth in itself, the adventure of the philosopher is concluded. The philosopher, however, remains a mixed being and, Arendt reminds us, a great part of him still belongs to the commonly shared humanity: “he is ‘a man among men, a mortal among mortals, and a citizen among citizens’”⁵⁰². And so he returns to his fellow men. However, *qua* philosopher he struggles to readapt to life in the cave and is not able to communicate to his fellows what he had encountered during his adventurous journey. In *The Republic*, Arendt points out, Plato modifies the highest idea as the Good (*agathon*) in order to tackle the political irrelevance of his own teaching. The idea of the Good allowed his ideas to become useful, as good in the Greek vocabulary is always understood as “good for” or “fit for...”:

If the highest idea. In which all other ideas must partake in order to be ideas at all, is that of fitness, then the ideas are applicable by definition, and in the hands of the philosopher, the expert in ideas, they can become rules and standards or, as later in the *Laws*, they can become laws.

⁴⁹⁸ Arendt, ‘What is Authority?’, 109.

⁴⁹⁹ Arendt, ‘What is Authority?’, 109.

⁵⁰⁰ Arendt, ‘What is Authority?’, 112.

⁵⁰¹ Arendt, ‘What is Authority?’, 112-114. “Insofar as the philosopher is nothing but a philosopher, his quest ends with the contemplation of the highest truth, which, since it illuminates everything else, is also the highest beauty; but insofar as the philosopher is a man among men, a mortal among mortals, and a citizen among citizens, he must take his truth and transform it into a set of rules, by virtue of which transformation he then may claim to become an actual ruler – the king-philosopher.” (214) Arendt explicates that the idea that there is “a supreme art of measurement” and that the philosopher *qua* philosopher is in the position to measure does not run through the whole of Plato’s philosophy, it is specific to his political theory. (283, footnote 11)

⁵⁰² Arendt, ‘What is Authority’, 114. Arendt takes up the theme of the split being of the philosopher again in *The Life of the Mind* (1981), this time focusing on the vocabulary of body and mind. According to this, the philosopher *qua* philosopher aims to leave behind all worldly things including his own body. For Arendt, this is a misguided imaginary as it is only in death that we can rid ourselves from our bodily existence. This is why for her metaphysical thought constitutes a philosophy of death, which she aims to resist by putting the notion of birth at the very center of her thought. See Hannah Arendt, *The Life of the Mind*, One-volume ed, A Harvest Book (San Diego: Harcourt, Inc, 1981), 79-85.

With this “sly” substitution of Beauty with Good in the sixth book of *The Republic*, the ideas now are understood as standards that are valid not only for the philosophical realm, but for human affairs in general. Determined to stabilize the public for the safety of the philosopher, Plato intended to submit the worldly realm to these absolute standards, “the truth about those things which in their very nature were everlasting and from which, therefore, principles could be derived to stabilize human affairs.”⁵⁰³ The challenge that remained for Plato was therefore to find a way to transfer the compelling force of truth from the sphere of theoretical insight or logical demonstration to the realm of human affairs.

In order to provide the ideas with an authoritative force, Plato further transforms the meaning of truth itself. In a letter to Karl Jaspers, Arendt writes that “in the presentation of the cave simile, truth is transformed on the sly into correctness, and consequently, ideas into standards.”⁵⁰⁴ Here, Arendt acknowledges her debt to her teacher Martin Heidegger, who detects this sly substitution in his “great” reading, *Plato’s Doctrine of Truth* (1998; *Platons Lehre von der Wahrheit*, 2018). In his influential reading, Heidegger discloses how Plato transforms the original meaning of truth as *unconcealment* (ἀλήθεια) until it becomes identical with *correctness* (ὀρθότης). According to the idea of *unconcealment*, every “open region” or clearing of truth presupposes a darkness that surrounds it – a realm that is concealed or hidden – which means that all disclosure of truth is necessarily partial or, at least, relational. *Correctness*, on the other hand, presupposes that truth is already accessible and thus implies the availability of an all-enlightened perspective, a realm of full and final presence. Heidegger traces how, despite speaking of “ἀλήθεια” throughout the simile, Plato effaces the struggle that necessarily precedes any unconcealment and instead poses correctness as the guiding principle from the very beginning of the narrative. Plato describes the unconcealed in the realm of ideas as *more un-concealed* (ἀλήθέστες)⁵⁰⁵ thus *truer-than*, as the artificially illuminated things within the cave are truer than their shadows. The unconcealed that is reached by exiting the cave becomes the most un-concealed (*Unverborgenste*): τὰ ἀλήθέστατα.⁵⁰⁶ The transit of the philosopher from the cave into the realm of ideas, accordingly, is by no means an aimless wandering; it is a progressive movement, an ascent that is driven by the experience of truth in its superior form within the cave and culminates when the philosopher exits the cave and steps into the brightness of the sun, where he finds truth present in its absolute

⁵⁰³ Arendt, Hannah. ‘Truth and Politics’. *Between Past and Future. Eight Exercises in Political Thought*, Penguin, 2006, 228.

⁵⁰⁴ Arendt in a letter to Jaspers, cited in Miguel Abensour and Martin Breugh, ‘Against the Sovereignty of Philosophy over Politics: Arendt’s Reading of Plato’s Cave Allegory’, *Social Research* 74, no. 4, Hannah Arendt’s Centenary: Political and Philosophical Perspectives, Part II (Winter 2007): 955–82, 956.

⁵⁰⁵ Heidegger, Martin. ‘Plato’s Doctrine of Truth’. *Pathmarks*, edited by William McNeill, Cambridge University Press, 1998, 170. Heidegger, Martin. ‘Platon’s Lehre von Der Wahrheit’. *Wegmarken*, Klostermann, 2013, 221. Subsequently, I will reference the English text and add the page number of the German in brackets, as I worked on the basis the original text.

⁵⁰⁶ Heidegger, ‘Plato’s Doctrine of Truth’, 170 (221). Heidegger adds that Plato does not utilize τὰ ἀλήθέστατα in the text of the cave simile but instead “in the corresponding and equally essential examination at the beginning of the VI. Book of the Politeia.”

form. This means that inside the cave, truth is also experienced as the truth of ideas; however, it is merely present in the inferior, relative form of the merely *truer-than*, that is, as shadows and the artificial light of the fire, which are described by Plato as being nurtured by the sun. Shadows and fire are thus ontologically the subsidiary off-spring of the sun, and the truth is, first and foremost, experienced as lack.⁵⁰⁷ Plato reiterates this relationship through his depiction of the difficulty the philosopher experiences upon his return into the cave from the realm of ideas: the adventurer's sight abides to re-adapt to the shadows. After experiencing the brightness of the sun and the stars, shadows are now perceived as exactly that, the mere reflection of the sun (truth) and thus as chimerical. The stilted linearity of Plato's narrative echoes what Heidegger describes as the Platonic "yoking of truth to ideas"⁵⁰⁸, which provokes a straightening out and aligning of the whole of Western philosophy.⁵⁰⁹ Heidegger stresses the historicity of Plato's degradation of appearances, a devaluation he sees as a turning point in Greek thought which implicated the destiny of the West: "It was in the Sophists and Plato that appearance was declared to be mere appearance and thus degraded. At the same time being, as idea, was exalted to a supersensory realm. A chasm, *chorismo*, was created between the merely apparent being here below and real being somewhere on high."⁵¹⁰ Heidegger himself did not recognize the momentous political consequences of this transformation, Arendt notes:

Correctness indeed, and not truth, would be required if the philosopher's knowledge is the ability to measure. Although he explicitly mentions the risks the philosopher runs when he is forced to return to the cave, Heidegger is not aware of the political context in which the parable appears.⁵¹¹

The introduction of a philosophical concept of authority to politics, as Arendt reveals in her reading, was possible through the reversal of the hierarchy between the worldly realm of appearances and the philosophical realm of ideas and absolute truths, and with that the transformation of the worldly realm itself. Hence, what is most fateful for Arendt is that Plato's transformation of truth deprives human affairs, the results of speech and action, of any dignity of their own and instead subordinates them to a superior truth which exists outside their realm.⁵¹² Again, Plato recurs to imagery:

⁵⁰⁷ Against that, Heidegger points out that the cave in itself constitutes a realm of unconcealed truth. The German term "Höhle", which denotes something that is "hollow", signifies the ambiguous self-containment of space as the cave refers to what is outside itself (*außerhalb*); it is a space which is at once closed toward another and open in itself. See Eiland, Howard. 'The Pedagogy of Shadow: Heidegger and Plato'. *Boundary 2*, vol. 16, no. 2/3, 1989, 26.

⁵⁰⁸ Heidegger, 'Plato's Doctrine of Truth', 176 (230). With Platonism, correctness becomes the sole determination of truth in the Western thought (for Heidegger, this marks the end of philosophy.) See Eiland, 'The Pedagogy of Shadow', 29.

⁵⁰⁹ Eiland, 'The Pedagogy of Shadow', 30.

⁵¹⁰ "In that chasm Christianity settled down, at the same time reinterpreting the lower as created and the higher as creator. These refashioned weapons it turned against antiquity (as paganism) and so disfigured it. Nietzsche was right in saying that Christianity is Platonism for the people." Heidegger, Martin. *Introduction to Metaphysics*. Translated by Gregory Fried and Richard Polt, Yale University Press, 2014, 106. See also Villa, *Arendt and Heidegger*, 153.

⁵¹¹ Arendt, 'What is Authority', 284 (footnotes).

⁵¹² Arendt, 'What is Authority?', 115.

Plato depicts the lives of the inhabitants as though they too were interested only in seeing: first the images on the screen, then the things themselves in the dim light of the fire in the cave, until finally those who want to see truth itself must leave the common world of the cave altogether and embark upon their new adventure all by themselves.⁵¹³

The realm of human affairs (cave dwelling) comes to be defined according to philosophical standards as if the interest of the philosopher and the interest of man *qua* man perfectly coincide. But throughout her work Arendt resists both this privileging of philosophy and the insistence that appearances or “surfaces” are the important and meaningful mode of being. Arendt instead argues that it is the doxastic dimensions of the public realm, which Plato dismisses as mere shadowy reflection of the truth, that are meaningful for the perception of ourselves and reality. The political realm – contingent, composed of appearance and a plethora of perspectives that are exchanged and enlarged in the interaction with others – stands directly opposed to the idea of absolute truths, which is why Plato understood that it was first imperative to deprive opinions of their legitimacy: “[T]o the citizens exchanging opinions about human affairs which were themselves in a state of constant flux, the philosopher opposed the truth about those things which in their very nature were everlasting and from which, therefore, principles could be derived to stabilize human affairs.”⁵¹⁴ With the intention to escape the frailty of human affairs, Plato attempted to rid politics of its very condition: human plurality. Human affairs, the results of speech and action, are deprived of any dignity of their own and instead become subjected to the domination of something outside their realm.⁵¹⁵ If, following Michael Haar, nihilism is understood as the conviction that “this world is worth nothing and nothing is worth anything” from where one then proceeds to conceive a “true world” which, in contrast to the world marked by human plurality, possesses stability (unity, identity, eternity), then “the division of the two worlds, the feat undertaken by Plato, constitutes the nihilistic act par excellence.”⁵¹⁶

Plato hoped to have found a form of coercion that promised to be more effective than persuasion, whilst at the same time needing no violence. Early in his search Plato discovered that truth, in being self-evident, *compels* the mind, making persuasion no longer necessary. This kind of rule therefore promised obedience to be voluntary, and not forced. With the displacement of truth from the realm of human affairs, where truth as the product of political deliberation and the exchange

⁵¹³ Arendt, ‘What is Authority?’, 114.

⁵¹⁴ Arendt, Hannah. ‘Truth and Politics’. *Between Past and Future. Eight Exercises in Political Thought*, Penguin, 2006, 233.

⁵¹⁵ See Arendt, ‘What is Authority?’, 115.

⁵¹⁶ Michael Haar, cited in Villa, *Arendt and Heidegger*, 98. Villa highlights the parallel between Nietzsche and Arendt for both turn to the aesthetic aspect of action as a way to resist what they consider to be truly nihilist, namely the devaluation of worldliness that stretches all the way from Plato to the present. In this regard, Arendt is similarly suspicious of the belief in a future state driving modern revolutionary thought, whereby authority, too, is understood in theological terms. See Arendt, ‘What is Authority?’, 135. Reinhardt Koselleck’s highlights its role for a counter-theory of authority: “Bourgeois man, condemned to a non-political role, sought refuge in Utopia. It gave him security and power. It was the indirect political power par excellence in whose name the Absolutist State was overthrown.” Koselleck, *Critique and Crisis*, 184.

of opinion is always contestable and negotiated, truth in itself becomes *authoritative* – endowed, however, with an *authoritarian* force:

Authority implies an obedience in which men retain their freedom, and Plato hoped to have found such an obedience when, in his old age, he bestowed upon the laws that quality which would make them undisputable rulers over the whole public realm. Yet the rulership of these laws was construed in an obviously despotic rather than authoritarian manner, the clearest sign of which is that Plato was led to speak of them in terms of private household affairs, and not in political terms.⁵¹⁷

As Plato depoliticizes truth, it is no longer dependent on negotiation, but also no longer negotiable. The validity of philosophical truths is absolute.

This transvaluation of the truth also affects the authority of the philosopher *qua* expert. Plato transformed truth in a way that it is no longer a cosmic manifestation. Instead, it is always already accessible, and its perception now merely hinges upon the correct gaze.⁵¹⁸ Seeing and seen knowledge become the only decisive factors; the question is now how the realm of human affairs is ordered accordingly. With that, the way is paved for the philosopher to step into the position of authority, because even though truth is theoretically accessible to everyone, he is the only one to have perceived these standards and is thus equipped to share them with his fellow men. Plato intended to establish a relationship in which the philosopher *qua* philosopher is evidently in the position of authority, as the expert who knows how to “see”; for that he should be recognized as the one “compelled to lift up the radiant light of their [his fellow men’s] souls”, thus equipped to rule and order the polis accordingly.⁵¹⁹ The philosopher returns as a king. His authority, however, is directly derived from truth itself, and it was truth, not the philosopher strictly speaking, which would rule:

Here, it is true, the compelling power does not lie in the person or in the inequality as such, but in the ideas which are perceived by the philosopher. These ideas can be used as measures of human behavior because they transcend the sphere of human affairs in the same way that a yardstick transcends, is outside and beyond, all things whose length it can measure. In the parable of the cave in *The Republic*, the sky of ideas stretches above the cave of human existence, and therefore can become its standard.⁵²⁰

⁵¹⁷ Arendt, ‘What is Authority’, 105-106. Arendt notes that the mere exchange of personal opinion is, of course, not sufficient: “The moment this speech becomes separated from the seen evidence, for instance, when other people’s opinions or thoughts are repeated, it acquires the same inauthenticity that for Plato characterizes the image as compared to the original.” Arendt, *The Life of the Mind (Thinking)*, 112.

⁵¹⁸ This is what lets Heidegger concede that “if one asks for the essence of truth the question is already answered”. Heidegger, *Grundfragen der Philosophie: Ausgewählte Probleme der Logik (Basic Questions of Philosophy: Selected Problems of Logic)*, cited in Georg Römpf, ‘Wesen Der Wahrheit Und Wahrheit Des Wesens. Über Den Zusammenhang von Wahrheit Und Unverborgenheit Im Denken Heideggers’, *Zeitschrift Für Philosophische Forschung* 40, no. 2 (June 1986): 181–205, 188, translation my own.

⁵¹⁹ Plato. *The Republic*. Indianapolis: Hackett Pub. Co, 1992, 540a.

⁵²⁰ Arendt, ‘What is Authority?’, 109.

The fact that the source of authority in *The Republic* is neither a group nor an individual, but instead the set of transcendent standards was promising, and it became paradigmatic for the Western concept of authority.⁵²¹ For the transformation of the ideas of measures, Plato is guided by allegories from the arts and crafts, for these “are also guided by “ideas,” (...) visualized by the inner eye of the craftsman, who then reproduces them in reality through imitation.”⁵²² For Heidegger, Plato’s depiction of the ideas as lasting blueprints invoked the subject of modern philosophy who produces by (re)presenting and setting before. The philosopher king, like the craftsman, “sees” the idea of the product he wants to create, “in the same sense that the ‘idea’ of a bed in general is the standard for making and judging the fitness of all particular manufactured beds.”⁵²³ Any form of action that follows is thereby merely derived, it merely executes whatever is necessary for the achievement of a determined end. With the substitution of action with making and the analogies relating to fabrication and craft, Plato finds an opportunity to justify the otherwise dubious parallels to those examples of expert knowledge and specialization.⁵²⁴

Here the concept of the expert enters the realm of political action for the first time, and the statesman is understood to be competent to deal with human affairs in the same sense as the carpenter is competent to make furniture or the physician to heal the sick.⁵²⁵

For Arendt, analogies like these allow Plato to be carried away, slipping into a dangerous preference for tyrannical forms of governing. This is most significant when contemplating the proper way to found new communities, for it is here that foundation is seen in light of the “making” process: “If the republic is to be made by somebody who is the political equivalent of a craftsman or artist, in accordance with an established τέχνη [tékhne] and the rules and measurements valid in this particular “art,” the tyrant is indeed in the best position to achieve the purpose.”⁵²⁶

Arendt, however, argues that Plato here entangles himself in a contradiction between the self-evidence of truth, which is necessary to assure that obedience is voluntary, and the insistence that only the few are able to perceive the truth:

Closely connected with this choice of examples and analogies (of making) is the element of violence, which is so glaringly evident in Plato’s utopian republic and actually

⁵²¹ Arendt, ‘What is Authority?’, 110. See here Arendt’s argument that the difference between the personal rule of the philosopher-king, “the expert of ideas,” or the rules of law (as later in Plato’s *Laws*) is “negligible.” The reason for this is that, “The actual consequence if this political interpretation of the doctrine of ideas would be that neither man nor a god is the measure of all things, but the good itself.” (113)

⁵²² Arendt, ‘What is Authority?’, 110.

⁵²³ Arendt, ‘What is Authority?’, 110.

⁵²⁴ Arendt, ‘What is Authority?’, 111.

⁵²⁵ Arendt, ‘What is Authority?’, 111.

⁵²⁶ Arendt, ‘What is Authority?’, 112.

constantly defeats his great concern for assuring voluntary obedience, that is, for establishing a sound foundation for what, since the Romans, we call authority.⁵²⁷

The contemplation of truths is done in silent solitude. Platonic truth, which carries throughout the metaphysical tradition in terms of the immediacy between the object and its perception, or the self-evidence and immediate authority of the true, is ineffable by definition. It relies on the same self-evidence that forces us to admit the identity of an object the moment it is before the eyes. Plato is now caught in a paradox: the only way that philosophical truth can truly acquire authority in the worldly realm is when each and every citizen sees it for themselves. It would be complete and utter silence that could “communicate” this agreement, as no deliberation would be necessary. In *Philosophy and Politics* (1990), Arendt points to Plato’s conspicuous silence regarding political life in the cave which deprives it of any of the characteristics of human affairs:

It belongs to the puzzling aspects of the allegory of the cave that Plato depicts its inhabitants as frozen, chained before a screen, without any possibility of doing anything or communicating with one another. Indeed, the two politically most significant words designating human activity, talk and action (*lexis* and *praxis*), are conspicuously absent from the whole story.⁵²⁸

Arendt argues that “violence begins where speech ends;” it is “mute.”⁵²⁹ Truth as derived from the philosophical realm is silent and silencing, despotic and disempowering, for it does not arise from negotiation and deliberation but demands lone acquiescence.

Arendt highlights that the hierarchy between men, the difference between those who see and those who do not, the hierarchy upon which the authority of the philosopher is justified, is not at all a logical consequence of Plato’s philosophical ideas. It is rather most forcefully expressed in the parable of the cave, which is why it is tempting to attribute to it the status of an idea. Yet, “it was not dependent upon acceptance of this doctrine, but depended much more upon an attitude”, namely the idea that only the few are capable of “the surprised wonder” (θαυμάζειν) and thereby have access to truth. This again is captured in the storyline of Plato’s parable. For Plato, education cannot be the craft of inducing knowledge into the soul, but instead it is a transformative process in which the whole soul is redirected towards the perception the highest ideas: “Patiently, step-by-step, the soul engages, enowns, indwells the strange realm of beings to which it is exposed

⁵²⁷ Arendt, ‘What is Authority?’, 111. Another way in which Plato attempted to resolve this dilemma were “rather lengthy tales about the hereafter with rewards and punishments, which he hoped would be believed literally by the many and whose usage he therefore recommended to the attention of the few at the close of most of his political dialogues. In view of the enormous influence these tales have exerted upon the images of hell in religious thought, it is of some importance to note that they were originally designed for purely political purposes. In Plato they are simply an ingenious device to enforce obedience upon those who are not subject to the compelling power of reason, without actually using external violence.” (111)

⁵²⁸ Arendt, Hannah. ‘Philosophy and Politics’. *Social Research*, vol. 57, no. 1, Spring 1990, 96.

⁵²⁹ Arendt, Hannah. ‘Understanding and Politics. (The Difficulties of Understanding)’. *Essays in Understanding, 1930-1954: Formation, Exile, and Totalitarianism*, edited by Jerome Kohn, Schocken Books, 2005, 308; also Arendt, *On Revolution*, 9.

(*ausgesetzt*, here chiming with *versetzt*, transported, displaced).⁵³⁰ The transformation of the philosopher becomes manifest in the painful experience of the philosopher, whose gaze has adapted to the bright sunlight of the ideas, when he returns to the cave and is unable to re-adapt to life in shadowy existence, to which his fellow men are still detained. (Indeed, he is so estranged from his fellow man that his life becomes threatened.) It is as if he becomes a different category of man, at the least a *mixed* being, and an expert in truth whose authority is thereby legitimized just as a doctor is authorized to cure by his expertise in medicine. The only time the inhabitants act in the cave parable, is when they rise up against the philosopher, threatened by his incomprehensible words, which for them are a sign of mere lunacy. Here, it becomes clear that the philosopher *qua* philosopher holds no authority over his fellow men. In the philosophical realm language loses its meaning for there is nothing to communicate. Everything would already be present. In fact, any form of language acts against metaphysical truth: language is a medium, it is wild; it translates, transforms, disseminates.⁵³¹ Language both communicates and produces difference, it therefore always only communicates semblances of truth rather than truth itself.

[Plato] tells of the philosopher's loss of orientation in human affairs, of the blindness striking the eyes, of the predicament of not being able to communicate what he has seen, and of the actual danger to his life which thereby arises. It is in this predicament that the philosopher resorts to what he has seen, the ideas, as standards and measures, and finally, in fear of his life, uses them as instruments of domination.⁵³²

Here, Arendt argues, Plato expresses a deep ambivalence toward the political realm. Indeed, this is what for her constitutes the true content of the simile in *The Republic*, "which after all is told in the context of a strictly political dialogue searching for the best form of government."⁵³³

One cannot understand Plato without bearing in mind both his repeated empathic insistence on the philosophic irrelevance of [the worldly] realm, which he always warned should not be taken too seriously, and the fact that he himself, in distinction to nearly all philosophers who came after him, still took human affairs so seriously that he changed the very center of his thought to make it applicable to politics.⁵³⁴

Arendt highlights that the authority of "human affairs" as understood in Western politics after Plato finds its roots and its demise in the inception and the decline of metaphysics. Its "backbone",

⁵³⁰ Eiland, 'The Pedagogy of Shadow', 25. Heidegger captures with his reference to the German idea of "Bildung" (education) which incorporates a double meaning of image and thus the idea of guidance through an image, and secondly it refers to the notion of the minting of the soul, i.e., the transformation of the human being in their totality (*Prägung*). Heidegger, *Plato's Doctrine of Truth*, 165, 166 (215, 217).

⁵³¹ For the relationship between language and truth see also Heidegger's lecture *Language* (2009, *Die Sprache*, 2018)

⁵³² Arendt, 'What is Authority', 109-110. In *The Life of the Mind*, Arendt elaborates this ambiguity arguing that the hierarchization of "true being" over "mere appearance" cannot be upheld: "It does look as though Being, once made manifest, overruled appearances – except that nobody so far has succeeded in living in a world that does not manifest itself of its own accord." (*Thinking*, 26)

⁵³³ Arendt, 'What is Authority', 113.

⁵³⁴ Hannah Arendt, 'Philosophy and Politics', *Social Research* 57, no. 1 (Spring 1990): 73–103, 96.

as Reiner Schürmann calls it, is the idea of a ground of authority beyond the realm of human affairs.⁵³⁵ Only then is it possible to separate knowing from doing and thus reconstitute the realm of human affairs as one of hierarchy and rule, whereby ruler and ruled are posited, rather than negotiated, according to principles of superior virtue, reason, or knowledge.

Arendt's critique of the Greek conceptualisation of authority demonstrates that it was not at all a theorisation of a political experience, as the Roman's had in the form of *auctoritas* that was part and parcel of their politics life. Instead, it was a political gesture of imposing rule and hierarchy on the polis that was marked by the contingency of human plurality and the interaction between equals. Behind there stands a deeply anti-political sentiment: the immobilization of political action, which promises the possibility of ever new beginnings, for the preservation of stability and order. By demonstrating that this specific conceptualisation of authority was not only political in motive, but also entailed the strategic transformation of philosophical truth into a standard for human affairs that holds absolute validity, Arendt demonstrates that this specific understanding of authority itself is not absolute but contingent. It is for this reason that she can claim that only this "very specific form which had been valid throughout the Western world over a long period of time" has vanished from this world, and "no such authority in general."⁵³⁶ In the following, I turn to Arendt's fabulist rendering of the American experience of founding, which according to Honig (1991, 1993) and also Kalyvas (2008), which constitutes an attempt to construct a replacement, an understanding of authority that departs from the premise of human plurality and freedom. In *On Revolution* (2016), Arendt indeed turns to two very different revolutionary experiences of modernity, the French and the American Revolution, for it was in these instances that men were directly challenged to *begin* something in modernity. Arendt poses the question of how this beginning could turn into something more stable, how it could gain an authoritative thrust that provides the new body politic with stability and permanence, rather than being swept away again by the same revolutionary forces from which it sprang – all this, without the ability to return to the "old bannisters" of metaphysical absolutes. I agree with Honig that Arendt ultimately is not able to provide an understanding of authority that is free from essentialist claims. However, I shift the focus toward an even more serious problematic of Arendt's attempt to ground authority in what she renders to be a pure political and extraordinary event: it risks reiterating the metaphysical gesture of abandoning the paradoxical tensions within human affairs for an understanding of authority that is safe from democratic contestation.

⁵³⁵ Schürmann, Reiner. *Heidegger on Being and Acting: From Principles to Anarchy*. Translated by Christine-Marie Gros, Indiana University Press, 1987, 6; see also Villa, *Arendt and Heidegger*, 116.

⁵³⁶ Arendt, 'What is Authority?', 92.

3. The limits of extraordinary authority

Both the French and American revolutionaries were eager to revive the foundations that were lost in the form of a new body politic, one that was able to “renew the broken thread of tradition” and “restore what for so many centuries had endowed the affairs of men with some measure of dignity and greatness.”⁵³⁷ The task of foundation, according to Arendt, was coupled with the task of the constitution and legitimation of law, of “devising and imposing upon men a new authority, which, however, had to be designed in such a way that it would fit and step into the shoes of the old absolute that derived from a God-given authority,” and thus was thought to “supersede an earthly order whose ultimate sanction had been the commands of an omnipotent God and whose final source of legitimacy had been the notion of an incarnation of God on earth.”⁵³⁸ The problem the revolutionary faced was that those who come together to found a new body politic are themselves “unconstitutional, that is, they have no authority to do what they have set out to achieve.”⁵³⁹ What they set out is exactly to lay down the fundamental law, i.e., the legal framework which serves as a “higher law” from where all subsequent actions could derive their legitimacy and which can act as a source of authority in itself.

The great problem of politics, which compare to the problem of squaring the circle in geometry ... [is]: How to find a form of government which puts the law above man.’ Theoretically, Rousseau's problem closely resembles Sieyes's vicious circle: Those who get together to constitute a new government are themselves unconstitutional, that is, they have no authority to do what they set out to achieve. The vicious circle in legitimizing is present not in ordinary lawmaking, but in laying down the fundamental law.... The trouble was – to quote Rousseau once more – that to put the law above man and thus to establish the validity of man-made laws, *il faudrait des dieux*, ‘one would actually need gods.’⁵⁴⁰

If unresolved, this circle would infinitely regress, leaving any political act of founding arbitrary and without the possibility of ever constituting a higher ground of authority and legitimacy. Avoiding it, on the other hand, would come at the cost of returning to *des dieux*, the resurrection of extra-political grounds and a foundationalist position that contradicts political freedom and human plurality. The main challenge for the revolutionaries was, therefore, to find a way through which the new constitution gains authority without the recourse to ultimate grounds.

Arendt is evidently captivated by the dynamic of radical breaks and evolutionary changes exemplified by the modern revolutions. She presents specifically the founding act as

⁵³⁷ Arendt, ‘What is Authority?’, 140.

⁵³⁸ Arendt, *On Revolution*, 31.

⁵³⁹ Arendt, *On Revolution*, 183-184.

⁵⁴⁰ Arendt, *On Revolution*, 183-184. This problem is also addressed by Derrida in his reading of the Declaration of Independence, whereby he focuses on the chicken-egg problematic in the act of signing: “They [the people, the signer] do *not* exist as an entity, it does *not* exist, *before* this declaration, not *as such*. If it gives birth to itself, as free and independent subject, as possible signer, this can hold only in the act of the signature. The signature invents the signer. This signer can only authorize him- or herself to sign once he or she has come to the end [*parvenu au vout*], if one can say this, of his or her own signature, in a sort of fabulous retroactivity.” Derrida, Jacques. ‘Declarations of Independence’. *New Political Science*, vol. 7, no. 1, 1986, 10.

“hypostatizing the moment of foundation as the paradigm of initiatory action,” Dana Villa argues, and “as the political practice per se.”⁵⁴¹ The revolutionary experience is thereby celebrated as the highest manifestation of freedom and political action. Arendt also argues that nowhere before had power and authority come as close as in the modern revolutions. The significance of carefully examining the relationship between those two concepts, power and authority, is, for Arendt, “especially striking when we consider the enormously and disastrously different actual outcomes of the one tenet the men of the two eighteenth-century revolutions held in common: the conviction that source and origin of legitimate power resides in the people.”⁵⁴²

The French revolutionaries thought that by locating the popular legislator in a state of nature, they could settle the problem of beginnings, because “the problem of beginnings is solved through the introduction of a beginner whose own beginnings are no longer subject to question.”⁵⁴³

The French revolutionaries placed authority upon the people in the form of the popular sovereign, a demiurgic entity laying new foundations by virtue of an absolute will. The popular will, formulated as self-originating and supreme legislator, became itself the ultimate ground of politics. According to Arendt, this “need for explanation” and for an absolute beginning as the reference point to deterministic explanation sprang from the experience of the event itself:

To the extent that the universe and everything else in it can be traced back to the region of this absolute One-ness, the One-ness is rooted in something that may be beyond the reasoning of temporal men but still possesses a kind of rationale of its own: it can *explain*, give a logical account of, the existentially inexplicable. And the need for explanation is nowhere stronger than in the presence of an unconnected new event breaking into the continuum, the sequence of chronological time.⁵⁴⁴

Arendt suggest that it is “the age-old thought-customs of Western men,” which suppose that every new beginning needs an absolute from which it springs in order for it to find explanation, that provoked the men of the revolution into the search for an absolute in the very moment they were overthrowing the absolute force of the *Ancien Régime*.⁵⁴⁵ The experience of freedom, for Arendt, is intimately related to the creative powers of man and the originating power that established the new political order, yet it also relies on its justification.⁵⁴⁶

⁵⁴¹ Villa, *Arendt and Heidegger*, 76–77.

⁵⁴² Arendt, *On Revolution*, 179.

⁵⁴³ Arendt, *On Revolution*, 115; also *The Human Condition*, 17.

⁵⁴⁴ Arendt, *The Life of the Mind (Willing)*, 208.

⁵⁴⁵ Arendt, *On Revolution*, 207.

⁵⁴⁶ Arendt, *On Revolution*, 182. As Arendt states here, “an act can only be called free if it is not affected or caused by anything preceding it and yet, insofar as it immediately turns into a cause of whatever follows, it demands a justification which, if it is to be successful, will have to show the act as the continuation of a preceding series, that is, renege on the very usually summoned to justify the institution of society.”

Schmitt and Arendt share the concern about the violent homogenization of plurality necessary for the people to form a political subject with the intent to act, as Kalyvas describes it, “a surrogate for the personal properties of the fallen monarch.”⁵⁴⁷ The reasons for her concern, however, are political rather than juridico-logical. The idea of popular sovereignty for Arendt eradicates human plurality and thus the *sine qua non* for politics, that which makes possible new beginnings and acts of founding so special in the first place. It carries at its heart a totalitarian kernel, if totalitarianism is understood, according to Arendt, to “[substitute] 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.”⁵⁴⁸ Schmitt and Arendt’s critiques of popular sovereignty point to the same impasse: the problem that the concept of sovereignty presupposes a personalistic form that “the people” cannot provide. Even though this conceptual shift of authority to the people quenched the need to justify the institution of a new beginning, a new foundation, it also bequeathed them the legacy of theological conceptualisation of the Christian rendering of absolute Will in the form of a “deification of the people in the image of God whose Will is Law.”⁵⁴⁹ Arendt traces the notion of sovereignty to its roots in a Judeo-Christian tradition of the will.⁵⁵⁰ In the will, conceived as *liberum arbitrium*, the experience of arbitrary choice among predetermined options conflicts with the phantasmagoria of the divine creator, the absolute, transcendental creative power.⁵⁵¹ According to her, the will was only elevated to an independent capacity in the writings of Paul, when humans were confronted with the moral question of whether to obey God’s law by their own will and to voluntarily choose good over evil, giving the faculty of the will a new relevance. In Christianity, the demiurgical power to create and begin *ex nihilo* turned inwards as the wilful decision without external factors of determination. The faculty of the will travels from early Christianity through its institutional form in the Church and the pope to the absolute monarch and reached modern body politic in form of popular sovereignty. Accordingly, in the French Revolution the will was carried by the people which culminated in the appearance “of a multiheaded monster, a mass that moves as one body and acts as though possessed by one will.”⁵⁵² Like Schmitt, Arendt thus understands the idea of popular sovereignty to replicate, rather than challenge, the theological structures of a Judeo-Christian monarchical form of authority. Indeed, Arendt here might have had in mind Schmitt’s thesis about the theological origin of secular political concepts, according to which the Jacobin “belief that all power comes from the people takes on a meaning similar to

⁵⁴⁷ Kalyvas, Andreas. *Democracy and the Politics of the Extraordinary: Max Weber, Carl Schmitt, and Hannah Arendt*. Cambridge University Press, 2008, 212.

⁵⁴⁸ Arendt, *On Totalitarianism*, 465–466.

⁵⁴⁹ Arendt, *On Revolution*, 183, also 156, 94.

⁵⁵⁰ Arendt, *On Violence*, 138.

⁵⁵¹ Arendt, *The Life of the Mind (Willing)*, 68, 83: The price paid for the Will’s omnipotence is high; the worst, that from the viewpoint of the thinking ego, could happen to the two-in-one, namely, to be “at variance with yourself,” has become, Arendt argues, part and parcel of the human condition. (105-106)

⁵⁵² Arendt, *On Revolution*, 94.

the belief that all authoritative power comes from God.”⁵⁵³ For Arendt it is clear that the idea of sovereignty allowed for the revolutionary politics new beginning and founding to be swept away into violent currents. Similarly, when the drivers of the French revolution say that the power resides in the people, they understand power as a “natural” force, thus opening up the politics to the natural force of the multitude, and they were swept away by a force “which in its very violence had been released by the revolution and like a hurricane had swept away all institutions of the *ancien regime* [beforehand].⁵⁵⁴ The idea of sovereignty, even in its popular conceptualization, remains trapped in the phantasmatic narrative of omnipotence, which was intertwined with a history of concealed impotence: “unregulated and faced with no limitation, unshaped and boundless, the sovereign is vulnerable to its own transient, fluid disposition to plunge finally into terror.”⁵⁵⁵ For Schmitt, there is no other way out of the “vicious circle” than a violent insertion of order, the moment of decision. Accordingly, he posits his decisionist theory of sovereignty as a counter-theory against a (for him inoperative) popular form of sovereignty, thereby opposing the totalitarian tendency of a multi-headed sovereign with the much more reliable and stable if authoritarian rule of a decisive leader.⁵⁵⁶ Arendt acknowledges that “Carl Schmitt is the most able defender of the notion of sovereignty. He recognizes clearly that the root of sovereignty is the will: Sovereign is who wills and commands.”⁵⁵⁷ Scholars have further correctly emphasized that the common fascination with the extra-ordinary and groundless political act together with a similar narrative of the autonomy and purity of the political, brings Arendt dangerously close to Schmitt’s decisionist sovereignty.⁵⁵⁸ However, what for Schmitt comes to be the political itself, the sovereign ability to decide and to rule, is for Arendt, of course, profoundly anti-political. Kalyvas notes that “In advancing her own version of extraordinary politics, she became fully aware of the dangers inherent in sovereignty and, unlike Schmitt, realized that a politics of the extraordinary would be fatally jeopardized by the presence of a sovereign.”⁵⁵⁹ The challenge, for Arendt, is to offer an account of authority that is derived from the moment of founding itself, but based upon and furthering plurality and collective action. This account must respond to the call for a post-foundational understanding of authority, whilst at the same time avoiding the dangerous paths taken by Schmitt in his conceptualization of decisionist sovereignty. In *On Revolution*

⁵⁵³ Schmitt, Carl. *The Crisis of Parliamentary Democracy*. Translated by Ellen Kennedy, MIT Press, 1985, 31.

⁵⁵⁴ Arendt, *On Revolution*, 181.

⁵⁵⁵ Kalyvas, *Politics of the Extraordinary*, 220.

⁵⁵⁶ In *The Origins of the German Trauerspiel* (2019), read as a critical dialogue with Schmitt’s work on dictatorship, Walter Benjamin criticizes this fantasy of the powerful sovereign by drawing the imagery of the faltering tyrant who, unable to act decisively, turns insane.

⁵⁵⁷ Arendt, Hannah. ‘What Is Freedom?’ *Between Past and Future: Eight Exercises in Political Thought*, Penguin, 2006, 296, footnote 21.

⁵⁵⁸ Martin, ‘The Political Existentialism of Hannah Arendt,’ 237–256. George Kateb argues that Arendt’s theory of political action has a “dark underside” for death is portrayed as the most authentic form of individual self-sacrifice for the community. See Kateb, George. ‘Death and Politics: Hannah Arendt’s Reflections on the American Constitution’. *Social Research*, vol. 54, no. 3, 1987, 612–613. Others are insistent that Arendt actually constitutes indeed an antipode to Schmitt. See for example, see Maurizio Passerin d’ Entrèves, *The Political Philosophy of Hannah Arendt*, London: Routledge, 1994, 86–87; Villa, *Arendt and Heidegger*, 115–117.

⁵⁵⁹ Kalyvas, *Politics of the Extraordinary*, 213.

(2016) Arendt poses the question again, can we imagine a way in which political action itself can become the source of authority without relying on transcendent ground of legitimation, including the idea of an omnipotent will?

As Honig (1991,1993) highlights, Arendt seems to have found one political event in modern history that could serve her as a point of departure for such as post-foundational, political understanding of authority. The men of the American Revolution were, according to Arendt, able to avoid the fatal recourse to sovereignty. Instead, the success of the American Revolution lay in “the great and, in the long run, perhaps the greatest American innovation in politics as such... the consistent abolition of sovereignty within the body politic of the republic, the insight that in the realm of human affairs sovereignty and tyranny are the same.”⁵⁶⁰ For the American revolutionaries, Arendt argues, “The word ‘people’ retained for them the meaning of manyness, of the endless variety of a multitude whose majesty resided in its very plurality.”⁵⁶¹ The Declaration of Independence together with the practice of constitutional making that “preceded, accompanied, and followed” it in all thirteen colonies “revealed all of a sudden to what an extent an entirely new concept of power and authority, an entirely novel idea of what was of prime importance in the political realm had already developed in the New World, even though the inhabitants of this world spoke and thought in the terms of the Old World.”⁵⁶² Honig emphasises that, for Arendt, it is the acts of promising, such as the act of commitment set out in the Declaration of Independence, that can provide a source of authority because, unlike the totalizing command-obedience strategy of sovereignty, it creates limited areas of stability in the in-between of human affairs and interaction.⁵⁶³ The Constitution remembered and augmented the original act of founding, which lived on in this written document. The source of law, then, came to be the Constitution, “an enduring objective thing, which, to be sure, one could approach from many different angles and upon which one could impose many different interpretations, which one could change and amend in accordance with circumstances, but which nevertheless was never a subjective state of mind, like the will.”⁵⁶⁴ The American Declaration of Independence, the written documentation of this moment of founding, constitutes “one of the rare moments in history when power of action is great enough to erect its own monument.”⁵⁶⁵

⁵⁶⁰ Arendt, *On Revolution*, 153. It is well known and criticised that Arendt blames the entrance of “the social question” to be one of the main causes for the failure of the French Revolution. However, Arendt also she conceded that in the American Revolution “the absence of the social question was, after all, quite deceptive, and that abject and degrading misery was present everywhere in the form of slavery and Negro labour” (70) – implying that poverty could not be main cause of the French failure. Kalyvas notes that what is often missed by scholars focusing on this aspect is Arendt’s critique of sovereignty as a crucial another crucial political aspect in which the two revolutions differed. See Kalyvas, *Political of the Extraordinary*, 213.

⁵⁶¹ Arendt, *On Revolution*, 93.

⁵⁶² Arendt, *On Revolution*, 165.

⁵⁶³ Honig, *Displacement of Politics*, 85, 101-104.

⁵⁶⁴ Arendt, *On Revolution*, 156.

⁵⁶⁵ Arendt, *On Revolution*, 127.

The faculty of promising “corresponds exactly to the existence of a freedom which was given under the condition of non-sovereignty”⁵⁶⁶ and is directly related to speech and action. Whilst it respects differences and plurality (in fact, they emerge out of plurality and egalitarian forms of action), it at the same time constitutes a binding force between its witnesses and yields a certain amount of permanence and institutional order. “For this reason,” Kalyvas argues, “Arendt considered the faculty of promises as one of the most important practices for counteracting the abyss of freedom and the risks of arbitrariness involved in action, especially in those risky, indeterminate moments of new constitutional beginnings.”⁵⁶⁷ Arendt writes that

...it was the authority which the act of foundation carried within itself, rather than the belief in an Immortal Legislator, or the promises of reward and threats of punishment in a 'future state,' or even the doubtful self-evidence of the truths enumerated in the preamble to the Declaration of Independence, that assured stability for the new republic.⁵⁶⁸

Only this would make this form of authority viable for modernity for it rested in the “authoritative practice of promising” rather than the belief in a transcendent source of an absolute (God, Nature, or myth).⁵⁶⁹ Arendt concedes that the quest for a new absolute to replace divine authority is insoluble because power under the conditions of human plurality never amounts to omnipotence (as assumed by sovereign will), whereby the authority of human power, too, is never absolute.⁵⁷⁰ For Arendt, it was with mutual promises, collective action, and constitution-making that the founders of the American republic were able to erect “islands of security” in an “ocean of contingency” that arise directly from the plurality of its participant.

Arendt’s argument that mutual promises and the contractual document of the Declaration can truly break the “vicious circle” of founding and provide the necessary political obligation and a stable constitution remains incomplete, and rather unconvincing. Kalyvas argues that one might wonder whether the condition of being bound by mutual promises and compacts that remain just as restless as the flux of the will, is “not also built on quicksand.”⁵⁷¹ Honig, too, raises doubts about the viability of Arendt’s account and insists that “If Arendt's performatives are to work in the way she expects them to, if they are to contribute to the creation of ‘worldly permanence and reliability,’ then she has to account for their stabilizing power and their durability with something

⁵⁶⁶ Arendt, *The Human Condition*, 244, 245.

⁵⁶⁷ Kalyvas, *Politics of the Extraordinary*, 233. Arendt argues that one reason why the conflict between king and parliament in France had such a different outcome was because it threw the whole French nation into a “state of nature”; it dissolved automatically the political structure of the country as well as the bonds among its inhabitants, which *had not rested on mutual promises* but on the various privileges accorded to each order and estate of society.” (180, emphasis my own.) In the New World, on the other hand, “the people, while renouncing their allegiance to a king, felt by no means released from their own numerous compacts, agreements, mutual promises, and “consociations.” Arendt, *On Revolution*, 181.

⁵⁶⁸ Arendt, *On Revolution*, 200.

⁵⁶⁹ Honig, ‘Declarations of Independence’, 102.

⁵⁷⁰ Arendt, *On Revolution*, 32.

⁵⁷¹ Kalyvas, *Politics of the Extraordinary*, 240; see also Keenan, Alain. ‘Promises, Promises. The Abyss of Freedom and the Loss of the Political in the Work of Hannah Arendt’. *Political Theory*, vol. 22, no. 2, 1994, 309-320.

more than the stories told by spectators.”⁵⁷ And that, Honig notes, Arendt does not do sufficiently. Arendt did not seem all too confident herself in the authoritative power and political obligation of such a contractual foundation. Following her considerations of the role of promises, she concedes that whilst extraordinary political acts, rising from a people that bound themselves through mutual promises, were enough “to go through a revolution” (without unleashing the same violence seen in the French Revolution), it is not, however, enough to establish a “perpetual union,” that is, to found a new authority.⁵⁷² Honig argues that “Arendt can do no better than this because [of] her conviction that the ‘realm of human affairs’ is ‘relative by definition.’”⁵⁷³ Only this form of authority, rested in the “authoritative practice of promising” rather than the belief in a transcendent source of an absolute (God, Nature, or myth), could be viable for modernity.

Arendt thought that with the addition of promises it was possible to hold up the Declaration of Independence as a purely performative act, which did not rely on the recourse to a higher order and absolutes. What Honig’s reading demonstrates is that, for that, Arendt must disambiguate it: “She [Arendt] dismisses its constative moments and holds up the declaration as an example of a uniquely political act, an act available uniquely to human beings, an authoritative exemplification of human power and worldliness.”⁵⁷⁴ In the preamble for the laws of the new body politics, there are actually two transcendent appeals: the appeal to “nature’s god” and the appeal to self-evident truths. Here, the founding fathers, keen on starting “something permanent and enduring,”⁵⁷⁵ yield to the allure of the stability of absolutes. In the recourse to an “higher order,” upon which the new political order should be placed, the American founders sought a way to replicate the command structure:

The authority of self-evident truth may be less powerful than the authority of an “avenging God,” but it certainly still bears clear signs of divine origin; such truths are, as Jefferson wrote in the original draft of the Declaration of Independence, “sacred and *undeniable*.”⁵⁷⁶

The founding fathers invoked God and the self-evidence of truth because they believed that the “essence of secular law was command.” The problem was, according to Arendt, that the political phenomenon of revolutionary founding “was nowhere matched by an adequate development of new thought” and therefore “there was no avoiding the problem of the absolute.”⁵⁷⁷ Unable to

⁵⁷² Arendt, *On Revolution*, 182, emphasis my own.

⁵⁷³ Honig, *Displacement of Politics*, 104.

⁵⁷⁴ Honig, ‘Declarations of Independence’, 101.

⁵⁷⁵ Arendt, *On Revolution*, 235. Arendt laments that the revolutionaries, in France but also in America, sought to tie back the source of their laws and fountain of legitimacy for the new body politics to the Gods, back to same foundations they sought to tear down a moment ago: “It was precisely the revolutions, their crisis and emergency, which drove the very ‘enlightened’ men of the eighteenth century to plead for some religious sanction at the very moment when they were about to emancipate the secular realm from the influences of the churches and to separate politics and religion once and for all.” Arendt, *On Revolution*, 185-86.

⁵⁷⁶ Arendt, *On Revolution*, 194, emphasis my own.

⁵⁷⁷ See Arendt, *On Revolution*, 197, also Honig, *Displacement of Politics*, 107.

find an alternative way to approach the problem of authority, the American revolutionaries, too, continued the theological structures that had sustained the question of legitimacy throughout the history of Western politics framing secular law as divine command.

The appeal to external principles, Arendt notes, has severe consequences for the political community, for it negates exactly the experience of novelty and freedom so unique to the revolutionary event. According to Arendt, however, these consequences are mitigated by the formulation of “We hold” that foregoes them. Jefferson’s famous words, “We hold these truths to be self-evident,” combine in a unique manner a mutual agreement between those who participated in the revolution, “an agreement necessarily relative because related to those who enter it, with an absolute, namely with a truth that needs no agreement since, because of its self-evidence, it compels without argumentative demonstration or political persuasion.”⁵⁷⁸ Against that, Honig argues that Arendt misses that her revered performative ‘We hold,’ itself contains a constative utterance.⁵⁷⁹ Here we come back full circle to the problem that it is not clear whether the “we,” the collective of people as political subject, is stated and presupposed, or produced, in the Declaration of Independence. Honig, following Derrida’s reading of the same document, demonstrates that Arendt cannot escape essentialist claims for it is a structural feature of language that it always refers outside itself, to an external and systematically illegitimate source, to legitimize itself: “no signature, promise, performative – no act of foundation – possesses resources adequate to guarantee itself.”⁵⁸⁰ The American revolutionaries somehow, through more fortune than ratio, negotiated the impasse of founding, however, the trace of this undecidability and the traces of the various violences remain.

There is, however, a deeper issue at stake than the integrity of Arendt’s reading of the founding document. Honig’s critique raises an important question: *why* is Arendt so adamant to render the moment of founding in the form of the Declaration of Independence as a purely performative act, free from any essentialist claim? Her fabulist rendering of the American experience together with her gesture of disambiguating it, eradicating from it any constative aspects, attempts to bridge the impasse of her own institution of a different understanding of authority. Honig shows: “Arendt resists this undecidability because she seeks in the American Declaration and founding a moment of perfect legitimacy.”⁵⁸¹ The fabulist rendering of the founding act takes the place of a constative in order for Arendt to theorize a politics, not born of violence but of power, a nonfoundational politics that is legitimate, authoritative, stable, and durable, whilst also being viable for modernity. Hence, whilst Arendt criticizes the founding fathers for not being able to conceive the moment of

⁵⁷⁸ Arendt, *On Revolution*, 192-193.

⁵⁷⁹ Honig, *Displacement of Politics*, 104.

⁵⁸⁰ Honig, *Displacement of Politics*, 108: “And its rhetorical force derives in large measure from this unclarity, from the fact that one cannot decide which sort of utterance it is, constative or performative.”

⁵⁸¹ Honig, *Displacement of Politics*, 107.

foundation as a beginning in itself, as an event that was fully present, she herself takes part in an authoritative practice of fabulation to provide her reconceptualization of authority with – well – authority. She claims to recover and memorialize the origins of the American revolutionary spirit, but for that she attempts to eradicate any aspect of violence and ambiguity that marked the original act of founding (and, following Derrida’s critique, marks any act of founding.) The intent of Arendt’s fabulist reading, Honig remarks, is therefore to conserve it as a pure political moment, “to prohibit further inquiry into the origins of the system and protect its center from illegitimacy from scrutiny of prying eyes.”⁵⁸² The idea to derive authority via the recourse to an extra-ordinary moment logically re-enacts the metaphysical gesture of abandoning the worldly realm, in order to escape the sediments of human interactions that are marking the world in which we find ourselves: Arendt seeks a moment and place in time that is untainted from the sediments of politics, i.e., any trace of violence, hierarchies, exclusion. But what do we leave behind when leaving behind the realm of human affairs that is always already tainted by claims of authority, and instead attempt to think authority from a conceptually purified realm or fabulist moment? Arendt herself has already given us the answers in her critique of Plato: we give up human plurality and thus the *sine qua non* for politics, the human condition of ever new beginnings, or, as Honig puts it elsewhere, “the waywardness of the people (their multitudinous character.)”⁵⁸³ Arendt herself recognizes the problem that the authority held by the moment of founding, even though it might derive from the political event, is not guaranteed to embrace the revolutionary spirit and encourage future political intervention, but instead can have a fossilising effect on the public realm. She says that, “Psychologically speaking, the experience of foundation combined with the conviction that a new story is about to unfold in history will make men “conservative” rather than “revolutionary,” eager to preserve what has been done and to assure its stability rather than open for new things, new developments, new ideas.”⁵⁸⁴ Arendt casts doubt on the success of the American constitution of providing a source of authority that nourishes political innovation, that acts *authoritative* rather than *authoritarian*. In *On Revolution*, she speaks of an “undiscriminating and blind worship” with which the people of the United States look upon their constitution. The remembrance of the event – a people acting together to found a new body political – continues to give life to the written document; however, it has been shrouded “in an atmosphere of reverent awe which has shielded both event and document against the onslaught of time and changed circumstances.”⁵⁸⁵ Does this not mean that the event of founding constitutes

⁵⁸² Honig, *Displacement of Politics*, 109. Arendt describes that the revolutionaries relied on fables their own: “Whatever we may find out about the factual truth of such legends, their historical significance lies in how the human mind attempted to solve the problem of the beginning, of an unconnected, new event breaking into the continuous sequence of historical time.” Arendt, *On Revolution*, 206.

⁵⁸³ Honig, Bonnie. ‘Between Decision and Deliberation: Political Paradox in Democratic Theory’. *The American Political Science Review*, vol. 101, no. 1, Feb. 2007, 8.

⁵⁸⁴ Arendt, *On Revolution*, 34.

⁵⁸⁵ Arendt, *On Revolution*, 205.

its own “absolute” in a way that provides it with the same sense of irresistibility than transcendent sources of authority (God, reason, nature, etc.)?⁵⁸⁶

Arendt’s emphasis on human plurality and her resistance to the abandonment of the reality of human affairs driven by the metaphysical tradition of Western political thought urge us to derive our understanding of political concepts, including authority, from all that is and takes place *in media res* and from *within* the paradoxical relationships of democratic life.⁵⁸⁷ It is tempting to read Arendt as a thinker of the extraordinary and of new beginnings, of the glorification of the American founding moment. Doing so, however, constrains us to the antipolitical gesture of deriving a concept of authority from a pure moment or place from where it gains universalizability and absolute validity. This tendency of stepping outside the paradoxical tensions of human affairs and impurity of political interaction is indeed something that theories of popular sovereignty, whether decisionistic or deliberative accounts, share.⁵⁸⁸

4. Resistibility and the practise of authority

Arendt’s work inaugurates an understanding of authority in terms of practice that accords with a democratic thinking beginning within a world that is always already marked by authoritative acts and the drawing of political boundaries. Arendt is clear that what distinguished the American revolution from the French experience was that the American revolutionaries never found themselves in an extra-political realm, a state of nature. She argues that “the great good fortune” was that the people of the new colonies have already been organised in self-governing bodies before the conflict with England materialised. The *pouvoir constituant* of those drafting the constitution of the state, which eventually became the Constitution of the United States, was never

⁵⁸⁶ Arendt’s remark that “it is futile to search for an absolute to break the vicious circle in which all beginning is inevitably caught, because this ‘absolute’ lies in the very act of beginning itself” here is telling. Arendt, *On Revolution*, 205.

⁵⁸⁷ Many of her readers have drawn out a conceptual tension in Arendt’s thought between her insistence on freedom and extraordinary politics on the one hand, and her emphasis on the significance of democratic institutions and republicanism on the other: Seyla Benhabib (2003), therefore, speaks of Arendt’s ‘reluctant modernism,’ Margaret Canovan (1995) of ‘republican existentialism.’ Kalyvas argues that her focus on beginning is also reminiscent of Weber, for it introduced the extraordinary against the ossification of Western society brought about by instrumental rationalization, scientific reason, and the rise of positivism. Kalyvas, *Politics of the Extraordinary*, 206. Kalyvas also notes that Arendt’s work, however, is more tentative to the ordinary aspects of political life.

The challenge Arendt leaves us with, however, is to think from within this tension – from within the ‘political paradox’ as Honig (2007, 2011) coins it – rather than merely weighting these aspects up against each other. Arendt’s proposition in the Introduction to the *Human Condition* remains powerful: “What I propose, therefore, is very simple: it is nothing more than to think what we are doing.” *The Human Condition*, 5. In their biographies of Arendt, both Young-Buehl (1982) and Samantha Rose Hill (2021) emphasise that a major aspect of Arendt’s work was to think through the tension of political events and life around her.

⁵⁸⁸ The urge to anchor political institutions and forms of ordering in democratic regimes in an absolute, to render their authority to be absolute, stems from the desire to resolve what Honig calls the “democratic paradox,” the antagonistic tension between the ever wild and wayward demos (the multitude, the plebs) and the static and limited representation of the institutional framework, that can never fully attentive to the unorganizable movements of democratic interaction. Schmitt recognized the insolubility of this paradox in modern democracy, which is why he took recourse in the realm of exception, a lawless realm, to justify the suppression of this tension by the sovereign intervention. In *Emergency Politics* (2011), Honig, therefore, sheds doubt on the value of such ‘state of exception’ narratives in contemporary democratic theory.

under question and directly reconstituted.⁵⁸⁹ The Declaration of Independence, then, was not a pure moment of founding; instead, it describes “a coincidence of foundation and preservation.”⁵⁹⁰ This description of Arendt, as Honig rightly remarks, carries in it the spirit of the Roman understanding of *auctoritas*. Recall that although the founding of the Roman city itself was a political, thus human, act, it only gained a “nearly superhuman” character and thus divine significance through religious cultivation and remembrance. Religion is here to be understood in the distinct Roman sense, Arendt argues. In contrast to Greek piety, which relied on the immediate presence of gods in moments of revelation, Romans took *religare*⁵⁹¹ quite literally: “to be tied back, obligated, to the enormous, almost superhuman and hence always legendary effort to lay the foundations, to build the cornerstone, to found for eternity.”⁵⁹² The original foundation in its mythical form, therefore, marked the starting point of a thread that was continuously reiterated by all following political activities. Indeed, for the Romans, the idea of the *divine* was not something that lay beyond human affairs, as it did for the Greeks and later in Judeo-Christian religion. The divine was greater than a human life, but it was not separate from humanity.⁵⁹³ Honig highlights Arendt’s argument that the very concept of Roman authority suggests that the act of foundation inevitably developed its own stability and permanence.⁵⁹⁴ However, it is exactly not the act of foundation that guarantees its continuous relevance and significance – its authority – but it is instead those practices of augmentation that, retrospectively, recognize its authoritative significance.⁵⁹⁵ Authority, in contrast to sovereignty, therefore depends on plurality and repeated acts of recognition of others that build a “community of memory” and active remembrance.⁵⁹⁶ The Roman notion of *auctoritas*, Arendt emphasises, describes authority as something that is always only recognised retrospectively. There is, therefore, a certain arbitrariness in the performance of authority, which success is out of the hand of the one claiming it. It is this

⁵⁸⁹ Arendt, *On Revolution*, 164.

⁵⁹⁰ Honig, *Displacement of Politics*, 113.

⁵⁹¹ In the corresponding footnote, Arendt writes: “The derivation of *religio* from *religare* occurs in Cicero. Since we deal here only with the political self-interpretation of the Romans, the question whether this derivation is etymologically correct is irrelevant.” ‘What is Authority?’, 285, footnote 27.

⁵⁹² Arendt, ‘What is Authority?’, 121. Arendt refers in this context to Livy, whose work famously recorded the history of the Roman empire and who himself understood himself as being held by *religio* while he was writing: “Mihi vetustas res scribendi nescio quo pacto antiquus fit animus et quaedam religio tenet” (“While I write down these ancient events, I do not know through what my connection my mind grows old and some religio holds [me]”) Livy, cited and translated by Arendt.

⁵⁹³ This reflects in the Roman understanding that the Gods dwell together with humans in the world. The (nearly) eternal city and its temples offered a permanent home to its deities who in return act as their guardians. The Greek gods, in contrast, dwelled in their own home on Mount Olympus, beyond the sphere of human abode, and only descend occasionally to protect the cities of man.

⁵⁹⁴ Honig, *Displacement of Politics*, 113.

⁵⁹⁵ “Inherent in the Roman concept of foundation we find, strangely enough, the notion that not only all decisive political changes in the course of Roman history were reconstitutions, namely, reforms of the old institutions and the retrieval of the original act of foundation, but that even this first act had already been a re-establishment, as it were, a regeneration and restoration.” Arendt, ‘What is Authority?’, 209. In the language of Virgil the foundation of Rome was the re-establishment of Troy.

⁵⁹⁶ Arendt’s notion of authority requires an *audience*, in the sense of a “political community whose nature is to be a community of remembrance,” as Sheldon Wolin describes it. Wolin, Sheldon. ‘Hannah Arendt and the Ordinance of Time’. *Social Research*, vol. 44, no. 1, 1977, 95. See also Wolin, Sheldon. ‘Contract and Birthright’. *Political Theory*, vol. 14, no. 2, 1986, pp. 179–93.

relational aspect, the dependency on the recognition of others, that Weber's notion of charisma obliterated and which Schmitt attempts to eradicate altogether by grounding the legitimacy of sovereignty in the act of decision itself.

Democratic theory that begins from within the worldly realm that is always already marked by power relations and forms of exclusion and subjugation, must assume that authority is always already at play in human interaction. It therefore can neither deny authority (recall Engels's words about the danger of doing so),⁵⁹⁷ nor is the solution to seek an otherworldly realm – factual, historical, or fabulous – from where authority is to be derived in an absolute form. As defined in the first chapter of this dissertation, authority is a relational concept whose very existence is dependent on the recognition of others: authority derives its force from its resistibility. In response to Seyla Benhabib's argument that she was neglecting state politics, Honig argues that even though the state is always the addressee, democratic theory must not begin *from* the state: "To focus on institutions of governance without a foot in movement politics and critique is perforce to perform juridical politics differently than would otherwise be the case, without the balancing perspective of a life lived otherwise."⁵⁹⁸ In this spirit, an understanding of practices of authority, too, must begin (again) with one foot in their democratic contestation.

Honig emphasizes that what makes claims to authority illicit for Arendt is their claims to absolute validity, hence to irresistibility: authority claimed in the name of God, self-evident truths, and natural law are not authoritative but authoritarian insofar as their demand for obedience is non-negotiable: "Resistibility is the sine qua non of Arendt's politics (hence her confinement of the irresistible body to the private realm)."⁵⁹⁹ This does not necessarily mean that authoritative politics must be free of constatives (though from absolutes), but that it commits us to "the insistence that we treat absolutes as an invitation for intervention, that we declare ourselves resistant to it, that we refuse its claim to irresistibility by deauthorizing it."⁶⁰⁰ The project of deauthorization, of seeking resistibility, brings us back to Arendt's critique of Plato: when the philosopher returns to the worldly realm, enlightened, eager to share the truth he has seen and found to be self-evident, his fellow men rise against him – they declare themselves resistant to his authority as derived from a realm that lies outside negotiation and deliberation. The ability to resist is derived from our own natality, and our ability to begin. When Arendt argues that our capacity for political action is the capacity to begin, she however has in mind Augustine's depiction of man as an *initium*, a new beginning himself: "With man, created in God's own image, a being came into the world that, because it was a beginning running toward an end, could be

⁵⁹⁷ See page 32 of this dissertation.

⁵⁹⁸ Honig, *Emergency Politics*, 135.

⁵⁹⁹ Honig, *Displacement of Politics*, 110.

⁶⁰⁰ Honig, *Displacement of Politics*, 115.

endowed with the capacity of willing and nilling.”⁶⁰¹ Crucial here is that man was an image of a Creator-God, yet he was not one himself. Since man is a temporal being, neither he nor his actions are eternal and absolute but can merely be directed toward the future. Arendt argues that Augustine does not draw the consequences of his speculations, otherwise “he would have defined the freedom of the Will not as the *liberum arbitrium*, the free choice between willing and nilling, but as the freedom of which Kant speaks in the *Critique of Pure Reason*.”⁶⁰² Man’s ability to begin is “only a relatively first beginning” and still constitutes “an absolute beginning not in time but in causality.” Arendt thereby provides us with an ordinary understanding of beginning that is not absolute – *principium*, the creation of Heaven and the Earth out of nothingness – but relative – *initium*, the ability for spontaneity in a world that preceded in time.⁶⁰³ This relative ordinary understanding of miracle, Honig suggests, can be read as Arendt’s response to Schmitt.⁶⁰⁴ This further allows for a different understanding of how authority is to be perceived. Honig argues that “Since on Arendt’s account the practice of authority consists largely in this commitment to resistibility, the practice of authority turns out to be, paradoxically enough, a practice of deauthorization.”⁶⁰⁵ Arendt’s “interventionist critique” of the constative moments of the Declaration of Independence, in effect, constitutes such a gesture of deauthorization. As I demonstrated above, foregoing this was another such interventionist gesture: when Arendt proclaims that a very specific form which had been valid throughout the Western world over a long period of time⁶⁰⁶ has vanished, it is not a gesture of mourning. Instead, it marks her own gesture of de-authorizing of what is for her a deeply anti-political rendering of authority that continues to assert itself in political thought. Arendt’s critique of authority demonstrates that claims of authority are always political (or for the least, *politicizable*). The fabulist gesture provides the notion of authority, that relies on a transcendent reach for absolute validity, with a political origin story thereby rendering it contingent and resistible. Arendt thereby contests the grip of a particular Western archive over the notion of authority. As Honig highlights, Arendt “calls on us to do the same,”⁶⁰⁷ to make and resist those narratives that hold back the democratic life of the city.

Conclusion

In this chapter, I have argued that in contrast to Weber and Schmitt, Arendt is ambiguous about the loss of authority in modernity. The concept of authority that has been operative in Western political thought is one that legitimates the political order by reference to some transcendent,

⁶⁰¹ Arendt, *The Life of the Mind (Willing)*, 109.

⁶⁰² Honig, *Emergency Politics*, 92.

⁶⁰³ Honig, *Emergency Politics*, 92.

⁶⁰⁴ Honig, *Emergency Politics*, 92.

⁶⁰⁵ Honig, *Displacement of Politics*, 115.

⁶⁰⁶ Arendt, ‘What is Authority?’, 92.

⁶⁰⁷ Honig, *Displacement of Politics*, 115.

extra-political force. The irresistibility that this understanding of authority claims is incompatible with the performativity and freedom that lie at the very heart of Arendt's understanding of politics. For this reason, Honig argues that Arendt also celebrates its demise for this opens new possibilities for human action and new forms of worldbuilding. Still, Arendt shares Weber's and Schmitt's concern that without a sense of permanence and stability in democratic life, political action comes under the risk of being futile and meaningless. Arendt, too, takes up the challenge to reconceptualise political authority for modern democracy. Following Kalyvas's reading, I argued that Arendt implicitly engages Weber's and Schmitt's turn toward a narrative of sovereign intervention in their reconsiderations of political authority in her critique of the French Revolution. She arrives at the same impasse then Schmitt when she identifies a totalitarian tendency at the heart of popular sovereignty, whereby plurality is violently eradicated for the homogeneity of sovereign people. Against Schmitt, however, decisionist sovereignty is not a viable alternative for Arendt as the very concept of sovereignty depends on an anti-political gesture of abandoning human plurality for the idea of an absolute beginning. Both Kalyvas and Honig highlight that it is in the American experience of founding and its testimony in the form of the Declaration of Independence that Arendt thought to have found an example of a uniquely political act that was able to provide its own source of authority. Departing from Honig's critique of Arendt's fabulist rendering of the Declaration of Independence as a purely performative act that eradicates its violent moments and features, I showed that Arendt falls into her own trap: conceptualising authority on the basis of a (fabulist) pure political moment reiterates the metaphysical gesture of rejecting the complexities of human affairs, that are always already marked by power relations and claims to authority. This risks, again, to render the authority of this past event as irresistible. I contended that when we take seriously Arendt's refutation of the metaphysical two-world theory and depart our understanding, as Honig urges us, from *resistibility* as the sine qua non of an understanding of authority that is compatible with human plurality, we have to begin from authority as a practise that relies on recognition and augmentation, and at which very heart lies the potential of its contestation and renegotiation. This demands that authority is performed in a way that does not claim absolute validity. Democratic theory's challenge, then, is to examine the cultural, societal, and political conditions under which authorising practises invite democratic negotiation and resistance, retain dissension and accountability, and make possible new beginnings. Arendt's own critique of Plato constitutes a transformation of these conditions for her gesture of politicising Plato's rendering of authority de-authorises it and thus liberates the term from its iron grip. I understand this dissertation as an augmentation of Arendt's regicidal politics that refuse the Plato's authority over the archive for it extended the gesture of de-authorisation of the Platonic, anti-political rendering of authority as it resurfaces in the figures of Weber and Schmitt.

Conclusion

This dissertation sought to contribute to a better understanding of the role of authority in modern democratic regimes, both in the form of political leadership (how does political leadership claim authority?) and of truth-claims (how are statements about states of affairs deemed true or false, and granted or denied authority consequently?). The objective was to distinguish between forms of *authoritative* politics that are proper to and necessary for democratic regime politics, and *authoritarian* enactments of power that undermine, rather than nourish, the very conditions of democratic life. To this end, I followed the conceptual development of authority throughout the works of Weber, Schmitt, and Arendt. I argued that Weber's concept of charisma introduced a narrative of messianic, sovereign intervention that was then radicalised by Schmitt. Unable to reconcile political authority with popular sovereignty, Schmitt turns to a fascist theory of sovereign decisionism (which radically oppresses democratic politics for the sake of order) instead. I demonstrated that Arendt comes to a similar impasse than Schmitt in regard to popular sovereignty, however, she recognises the unpolitical, even antipolitical, character of the concept of sovereignty, and leaves it behind. Departing from the *resistibility* that constitutes the sine qua non of her understanding of authority, Arendt allows us to open up authority for a political conceptualisation that begins with one foot in democratic contestation and critique. This has yielded a range of analytical conclusions and implications for democratic critique:

In chapter 1, I examined the intricate relationship between the concept of authority and political foundationalist thought, which had been cultivated through the dominant role of Christianity and the Church in Western politics. Arendt contrasts this theological rendering of the concept with the Roman notion of *auctoritas*, which had served as an important reference throughout the concept's history but was political in character and thus did not take recourse to transcendent absolutes. I argued that by historicising the theological rendering of authority, Arendt opens the door for a post-foundational reconceptualization of the term. To that end, I drew out the essential characteristics of authority that distinguish it from other political categories, specifically from violence and power: I argued that authority is a) *hierarchical*; b) *relational* in that it depends, for its recognition as legitimate, upon a shared socio-political and cultural order; c) *performative*, for the claim of authority is made before it is recognised as such, and in order that it be recognised as such; and lastly d) *resistible* insofar as its very existence depends on the potential that it be negated. I argued for the relevance of a post-foundational reconceptualization of authority and for the critical engagement with Weber, Schmitt, and Arendt's understanding of the term by remarking on the parallel between, on one hand, the three thinkers' shared concern with the futility and idleness of politics in modernity, that inspired their reconsideration of authority, and on the other contemporary democratic theory's argument that the breakdown of a common world and of democratic institutions has left societies vulnerable to new forms of populist "shock-

politics.” I conceded that contemporary democratic theory has indeed acknowledged the need to distinguish between *authoritative* politics proper to democratic regimes, and *authoritarian* forms that undermine and destruct democratic life, but has not yet achieved this distinction. The chapter thereby laid the groundwork for the recourse to the work of Weber, Schmitt, and Arendt, who all undertook serious attempts to provide a post-foundational understanding of authority suitable for modern democratic politics – with varying success.

In chapter 2, I argued that Weber’s notion of charismatic authority, which he understood to provide a democratic force against totalitarian tendency of modern disenchanted and rationalised societies, laid the seeds for Schmitt’s authoritarian theory of decisionist sovereignty. I began by demonstrating that authority, including its charismatic rendering, is intricately related to the reproduction of specific socio-political and epistemological orders in society. I did so by first conducting a critical exegesis of the term in Weber’s work, which engaged the history of English translation that has obscured the role of authority in the process of legitimising different types of *Herrschaft* (rule). I then drew on Cedric Robinson’s and Erica R. Edwards’s critique of charisma to suggest that charisma is specific to a Western Christian narrative of messianic intervention against the irrationality and waywardness of the multitude. From there, I argue that the enthusiasm for charisma as a democratic force with the potential to break with hegemonic orders neglects that charismatic authority is derived from and reproduces a politico-epistemological order that invalidates democratic forms of movement and political resistance from below – even in the collective form of Kalyvas reinterpretation. The understanding of authority as a ‘term of order,’ I propose instead, points to the potential for democratic critique. As authority forms the moment of order’s reproduction it also constitutes a moment of openness in this process, allowing for amendment and correction of order’s tendential closure and total rationalization, and potentially even for the subversion of its hegemony.

In chapter 3, I demonstrate that in Carl Schmitt’s work authority (in the shadow of Weber’s charismatic rendering) becomes the vehicle for a decisionism that radically suppresses any form of democratic contestation or negotiation for the sake of irresistible sovereign politics. What makes Schmitt’s concern with political authority so important for contemporary accounts, I argue, is that it actually springs from democratic concerns and departs from the presumption of post-foundational, democratic legitimacy. I explain that Schmitt’s idea of ‘commissary dictatorship’ constitutes a serious attempt to theorise authoritative politics and leadership on the premise of plebiscitarian legitimacy (the only principle of legitimacy valid for societies in post-foundational modernity). Schmitt is concerned with liberal legal and political thought’s neglect of the role of political authority, which, he argues, is inevitable in democratic constitutions: the people as multitude (demos, unorganized mass) require an authoritative mediation to call into presence ‘the people’ as constituted political subject. Schmitt is unsuccessful in his attempt to find a democratic substitute for authority after foundationalism. Instead, the moment of decision per se,

mythologized as messianic intervention, becomes the ground for the legitimation of sovereign politics. It no longer resorts to the people but instead actively suppresses democratic negotiation and contestation. I conclude that Schmitt thereby replaces authority with absolute sovereignty. In chapter 4, I turn to Arendt's critique of authority in her essay 'What is Authority?', where she demonstrates that the concept from the very moment of its theorisation in Greek thought was woven into a theological structure: having its source in a realm beyond human affairs, authority claims absolute validity in ordering human relations according to standards unmoved by the fluctuations of human plurality and political contestation. Arendt argues that although this understanding of authority has become inoperative in modernity, its theological structure still haunts modern conceptualisations of sovereignty, even in its popular formulation, reproducing its violent suppression of human plurality and political freedom. I argued that Arendt and Schmitt come to the same impasse in regard to popular sovereignty, which acts like a surrogate for the personal authority of the monarch and thereby imitates a foundational understanding of authority. However, a counter-theory of sovereignty, as Schmitt proposes, is not an option for Arendt. Instead, she proposes a post-foundational reconceptualization of authority based on a fabulist rendering of the American Declaration of Independence that emphasizes the authoritative power of mutual promises and compacts. Arendt's glorification of the founding as extraordinary event, however, not only eradicates any violent and exclusionary aspects, it also reiterates the metaphysical gesture of leaving behind the conditions of worldly affairs for a fabulist pure political moment – rendering its authority again *irresistible* to democratic negotiation. Departing from Honig's argument that it is *resistibility* that constitutes the sine qua non of Arendt's reconceptualization of authority, I conclude that if we take human plurality and Arendt's immanent understanding of political beginning seriously, a post-foundational understanding of authority must critique it as a practise that is always already at work. Arendt herself provided us with an example of this with her gesture of deauthorizing Plato's understanding of authority. In politicising it, Arendt demonstrates the contingency of this specific notion of authority and thus renders it contestable. This, I contended, can serve us as a starting point to examine the conditions in which authority is enacted in a way that gains force exactly from fostering rather than suppressing democratic contestation.

Of beginning in the midst of it: Accountability instead of legitimacy

We are used to understanding authority as something that is held (or not held) by political institutions and offices. Accordingly, the focus of democratic theory has been to question its legitimacy by tracing authority back to either absolute values (as, especially, in liberal theory), or by conceptualising it on the basis of a figurative "state of exception" (decisionism). The dissertation in front of you argued that these foundationalist gestures cannot address the fact that

authority is always already claimed on the basis of those power structures that run through the existing cultural, social, and political orders of democratic life. Instead, it proposed to begin the critique of authority from the midst of democratic life, and to understand authority as a practise. So, what does that mean?

I argue that this understanding of authority allows us to address the moment of personal rule at the heart of the political and legal operations of every democratic regime, which take the form of authoritative and discreet administrative and judicial decisions. Behind there stands the recognition that those in position of authority, political leaders but also administrators, never simply execute the rule of law, but that their actions actively affirm these rules and procedures and are therefore an important part of the shaping of the world we move in. Understanding authority as a practise then shifts democratic theory's focus away from the question of whether these authoritative interventions are legitimate toward the critique of their *accountability*. Taking accountability for our actions does not mean that we are responsible for their unforeseen consequences. As Arendt makes us aware of, our actions and speech slip away from us, get out of our control, once they insert themselves into the web of human relationships and technical processes, we find ourselves in. This, however, cannot mean that we are no longer responsible to answer to what we have begun. Taking accountability for our actions then demands the responsibility to face what we have set in motion and to draw consequences: this might entail adjustments, amendments, reparations. It is for this reason that forgiveness is so important to Arendt, as it allows us to begin again without complying with the fantasy that we can make a *tabula rasa*.

This also highlights that it is an essential responsibility of democratic citizenship to exact accountability; to pose demands to those we allow into the position of authority; to hold them and the institutions they act in and for accountable for the forms of governance that shape democratic life; and to resist whilst always already being interpellated into forms of governance. The focus on authority and its accountability, then, maybe surprisingly, opposes the passivity created by the destruction of political life sought and often achieved by neoliberal logics and by the desensitisation that allows "shock-politics" to gain such a force. Indeed, it might even be that a better understanding of authority turns out to be a key to resisting those "new authoritarianisms." Such a focus on the practise of authority has gained new urgency over the past years. The spread of Covid-19 necessitated fast, authoritative action by governments together with the suspension of normal operations and legal procedures of political regimes. These exceptional politics have been continuously prolonged via the extension, repetition, and new proclamation of the state of emergency, whereby they have become part and parcel of everyday life. The problem that follows from this is that it is no longer clear according to which standards we can judge these political decisions. The implementation of unprecedented measures – the obligation to wear masks, the

restrictions of political and social life, the financial support of individuals, businesses, and economies that suffer from these restrictions – is, on the one hand, extraordinary, but on the other no longer bound to a temporary “state” of emergency. The line between rule of law and state of emergency becomes more and more blurred. Authority, understood as everyday practise which constitutes the hinge between the rule of law and the rule of man, allows for democratic critique at the very boundary between norm and exception.

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