ISSA Proceedings 2002 – Legal Argumentation Theory And The Concept Of Law

1. Premise

There has been wide recognition over the last three decades that argumentation plays a pivotal role in shaping the law, since practically any stage of what is ordinarily considered the legal domain involves recourse to reasoning**[i]**. Legal scientists put forward interpretive statements: they propose what they see as reasonable interpretations of laws and defend these interpretations with arguments. Both of these tasks requires reasoning. Lawyers, when they bring cases to court, must do more or less the same (even if the aims here are more specific and concrete): they interpret general norms and precedents, qualify concrete cases and offer reasons in support of their conclusions. Judges decide cases, an activity which makes it necessary to find and sometimes reconstruct the rule of law, interpret rules and apply them to concrete circumstances, weigh principles, settle conflicts between norms encased in the same legal order, follow precedents, ascertain and qualify facts, determine the most reasonable solution to the case at hand, and put forward justifications for their decisions. All such operations are argumentative. And lastly, in a constitutional democratic state the legislators, too, will tend to offer reasons backing their deliberations, so to make these last more easily acceptable to the people they govern. In doing so even the legislators accept to take part in the game of argumentation.

Clearly, these types of reasoning differ markedly from one another: some are aimed at finding solutions; others are intended to enable making a choice among competing interpretations of norms, qualifications of facts, or decisions of cases; and others still are designed to uphold a point of view and show it to be reasonable. But they have a general feature in common in that they are all deliberative procedures and so not entirely rule-bound. In other words, reasoning and argumentation in law differ from a mere subsumption of concrete facts under general rules. It is precisely because legal argumentation is not entirely deductive that it warrants careful investigation and has attracted the attention of several

researchers in different fields of study. Legal scholars, philosophers and argumentation theorists have shown in recent years a growing interest in legal reasoning**[ii]**. They have been concerned with legal reasoning at different levels of abstraction: philosophical, theoretical, methodological, empirical and practical**[iii]**. We owe it to their effort if legal argumentation is "no longer considered as merely a part of a broader field of research, but as an object of study it its own right" (Feteris, 1999, 13). In this essay, argumentation in law is approached from a particular perspective, that of jurisprudence. More specifically, the aim here is to make explicit the implications which the recent development of studies in legal reasoning carries for the concept of law. The argument is laid out as follows. In Section Two I introduce and point up some specific theoretical consequences resulting from the awareness that argumentation plays an important role in law. In this framework, it will be stressed that some traditional jurisprudential notions (such as source of law, validity, and norm) have undergone significant changes as a result of this focus on reasoning. In Section Three I argue that a critical revision of these notions impacts directly on the very concept of law and calls for a shift from the idea of law as a product to that of law as an activity. However, it is submitted, thus far only a handful of legal theorists have seen the need to revise the more traditional and widely accepted image of law, and they have been insufficiently coherent in pursuing this reform. So the studies in legal argumentation have hardly yielded anything like a truly innovatory rethinking of the concept of law: a more radical set of implications could (and should) have been drawn from the premise of the centrality and importance of reasoning in law. This supports the conclusion that legal theorists will profit from paying more attention to the argumentative nature of their main object of study, in such a way as will make possible a more satisfactory treatment of this object.

2. Traditional Legal Theory Revisited

Only in the seventies did legal theory begin to address frontally the question of argumentation**[iv]**. But since then, significant results have been attained as several long-standing debates were taken up in a new light. One example illustrating paradigmatically the fruitful contribution given to a traditional debate by the studies in legal reasoning is to be found in the way legal-argumentation theorists have recast Herbert Hart's distinction between easy cases and hard cases.

Hart (1958, 606-615) grounds this distinction on the structure of language. He calls “easy” the cases in which the meaning of the words is so plain that no interpretation is needed and legal rules can be applied straightforwardly. By contrast, “hard” cases arise when “the words are neither obviously applicable, nor obviously ruled out” (Hart ,1958, 607). Here, the rule cannot be applied directly, and an interpretive decision is required to set straight the meaning of the words used by those who have framed the rule. It was Fuller (1958, 661-669) who questioned forcefully the sustainability of a distinction so conceived and the theoretical validity of its linguistic foundations. He argued that Hart grounds his assumptions on the mistaken theory of meaning by which the meaning of a word is largely context-insensitive, making the ordinary usage of language an adequate basis on which to determine that meaning. While Fuller’s criticism seems well-grounded (to a vast part of jurisprudence at least)**[v]**, the issue raised by Hart is anything but futile or pointless: situations are commonly experienced in which the rules seem to dictate of themselves the solution to the case at hand, and no less common are those situations whose outcomes do not appear to flow directly from the literal meaning of the general and abstract rules making up a legal order.

The contribution of legal-argumentation theorists to a better understanding of the problems involved here has been significant. They argue that Hart’s distinction, far from being grounded on the structure of language, reflects the existence of different forms and levels of reasoning: whereas deciding easy cases can be solved simply by first-order reasoning – a form of argumentation that can be reconstructed as deductive – hard cases need “external” justification and second-order arguments, meaning by this a form of reasoning whose premises need further discussion and justification**[vi]**. Second-order reasoning allows greater play for the interpreter’s discretion. Consequently, when a hard case comes up, its decision may be perceived to be less strictly held down by legal texts and by the formal criteria set out in positive laws. As much as external justification may be discretional, it is not necessarily arbitrary or irrational. In no form does legal argumentation depend entirely on acts of will, since it can be given course to by means of rational tools. Moreover, contrary to Hart’s reading, the difference between easy cases and hard cases is in quantity, not in kind: easy cases and hard cases alike require argumentative activities to be settled, but these argumentative activities differ as to the discretionary leeway left to interpreters. There are strong merits to this approach. First, it recasts a debate that was heading for a linguistic cul-de-sac in terms which are more adequate from a theoretical point of

view. Second, it brings to light a new problem to be attacked, namely, the conditions under which discretional argumentation can be rational, or non-arbitrary, even if not entirely bound by pre-existing legal standards. Thus, the present approach shows up the need for a two-pronged analysis, by which we can investigate more deeply the way decisions are made (analytical level) and the way they *ought to* be made (normative level).

These achievement are significant indeed, but they are only part of the story. The most innovative contribution to a better understanding of law offered by legal-argumentation theories consists in their revision of several basic notions in traditional jurisprudence**[vii]**. In what follows, I will sketch how three key concepts of legal theory, namely those of legal source (a), legal validity (b) and legal norm (c), have been critically revisited by those scholars who endorse the view that deliberative reasoning is a necessary component of any juridical undertaking.

(a) In traditional legal literature "source of law" is known to be an ambiguous term, used by and large to designate acts productive of law, meaning the acts by which the substantive content of rules is established. The main sources of law identified by positivistic jurisprudence are international treaties, constitutions, statutes, acts issued by governments, kindred formal normative enactments by other subjects institutionally empowered to produce legal rules, court decisions (or precedent), and customs.

However, when legal argumentation is conceived of as a central feature of ordinary functioning of law, this set of acts will have to be extended. Aware of this consequence, some legal-argumentation theorists have felt the need to expand the traditional notion of a legal source to embrace anything that may be employed in legal reasoning and may contribute to determining the contents of law in concrete circumstances. Stated otherwise, the concept of legal source is redefined as "every reason that can – according to the generally accepted rules of the legal community – be used as the justificatory basis of the interpretation"**[viii]**. Consequently, we can qualify as sources of law some items that traditionally are not deemed such, examples being draft statutes, legislative preparatory materials, judicial arguments used in precedents, juristic literature, general principles and moral values presupposed by legal interpretation**[ix]**.

This is not to say, however, that all sources carry equal weight. There are various

kinds of legal source and they differ as to their binding force**[x]**, institutional foundation**[xi]**, and hierarchical importance**[xii]**: rules, principles, customs, arguments, values, and doctrinal opinions play different roles in determining the contents of legal decisions, and each is brought to bear to a different extent. Therefore, expanding the catalogue of legal sources does not amount to accepting the sceptical thesis that interpreters are free to decide cases arbitrarily. Rather, by this expansion we underline the structural complexity of law and acknowledge that the relationships between legal sources are only seemingly prefixed.

(b) The concept of legal validity is another notion requiring to be critically reconsidered once the recognition is made that the activities of reasoning and argumentation are integral part to the law's domain. According to the positivistic view, validity has to do with the observance of prefixed procedures by authorities having appropriate competence: valid legal orders exist in so far they meet certain procedural criteria. By contrast, in a perspective aware of the role played by argumentation in law, enactment by a competent authority may be a necessary condition for a rule to be valid, but hardly a sufficient condition. Apparently, the validity of laws cannot derive solely from their provenience. If laws are to be valid, they will also have to be rationally arguable from the legal system as a whole. To put it otherwise, the mere enactment of a rule by the competent authority is only a *prima facie* reason for its validity and binding force. The *all-things-considered* validity of law – the only legal validity properly so called – depends, too, on whether this rule can be derived by argumentation from the other parts and the general principles of the legal system.

This claim results in large part from a pairing of two view: that reasoning plays a central role in the legal domain, and that legal reasoning has to follow given forms and rational criteria if it is to be legitimate and acceptable. In other words, if argumentation – a major component of law – has to be reasonable, then this feature transfers over the law, and the law will be found to be, among other things, a *product* of interpretive *rationality*. It follows from this that the validity of law is a complex notion, a balanced mixture of will, social effectiveness and reasonableness. Thus, an approach to law which takes argumentation in due account will uphold the thesis that the validity of rules depends not only on the rules' authoritative enactment and social effectiveness, but also on their reasonableness, or rational acceptability**[xiii]**. This appreciation amounts to a radical negation of the positivistic idea that laws are merely acts of will, and

hence announces a radical revision of traditional legal thought.

These changes in the concept of validity also call to account the positivistic distinction between moral, i.e. extra-legal, and legal discourses. The existence of a conceptual distinction between law and morality, espoused by positivistic jurisprudence, is bound to wear away in a consistent argumentative perspective. A great deal of evaluation goes into such acts of reasoning as constructing the rule of law, interpreting norms, weighing principles, and putting forward justifications, to name but a few of the commonest forms of legal argumentation. In these form of reasoning the judgements put forth will necessarily be making reference to extra-legal arguments. This being so, we will have to recognise that a conceptually necessary connection exists between law and morality: the two are only partially separated, autonomous and independent and reveal significant structural and substantive overlapping**[xiv]**. Hence, the thesis that the validity of laws depends on reasonableness (among other things), coupled with the idea that argumentation is a central feature of the legal domain, makes it necessary to recognise that there exists a conceptual link between law and morality. As Alexy (2000, 138) puts it, "law consists of more than the pure facticity of power, orders backed by threats, habit, or organized coercion. Its nature comprises not only a factual or real side, but also a critical or ideal dimension"**[xv]**.

(c) Finally, when argumentation is taken seriously into account, the notion of norm, traditionally equated with that of rule, likewise undergoes significant conceptual changes. It is a settled acquisition of studies in legal reasoning that rules are not the only inhabitants or even the most important inhabitants of the normative world. Not only rules constitute the law, but also normative standards (quite different from rules) that operate in close conjunction with argumentative practices. These standards are generic and vague enough to support the claim that their real meaning can be determined only when reasoning out and deciding a concrete case. In other words, to work out which of these standards applies to a legal case – i.e. to determine the content and scope of these standards – we are required to go through an argumentative procedure that has us balance and weigh them by taking account of the factual situation and the legal possibilities involved. Therefore, some normative standards depend for their contents not only on the textual wording in which they are framed, but also on the procedure by which we apply them. Such standards are commonly labelled "general principles of law". They are worthy of the same consideration accorded to rules, since they

are as much a necessary component of a legal order as rules are, and they too play a role in determining the overall features of law. For these reasons, it seems advisable to use the term "norm" for both rules and principles, in a theoretical pairing where "norm" designates a *genus* comprising two *species*: rules and principles**[xvi]**. This way the notion of norm expands to embrace standards other than general and abstract rules.

In this newer meaning, the notion of norm is understood to be semantic rather than syntactic. On the semantic conception, a norm does not identify with the text issued by the legislator, but with the meaning or meanings ascribed to a prescriptive expression: a norm is the outcome of legal interpretation (Alexy, 1993, 50-55). This semantic notion of norm results directly from the stress placed on the role of argumentation in law. The idea that the text setting out a norm is only the beginning of a story – the end and most significant development of it being the reasoning by which it proceeds – originates from the thesis that posited norms are not simply understood and described, but are "manipulated" by lawyers and by judges in the course of legal reasoning. In other terms, because interpretative issue are involved in the identification and the use of norms, it is not the posited prescriptive statement, but its meaning – the interpreted norm – which becomes the focus of legal studies.

3. The Concept of Law

In the previous section I outlined the main theoretical implications of the thesis that law is deeply influenced by argumentation. On the face of it, this thesis may strike one as an inconsequential truism, but when taken seriously and pursued in full, it calls on us to recast some basic concepts that lawyers have long been using. Some legal-argumentation theorists have made the point already, but have fallen short of grasping all of what this thesis implies (not only for some specific legal issues, but also) for the concept of law as a whole. This final part of the paper is mainly devoted to arguing that the centrality of argumentation in law, and the consequent changes occurring in some fundamental notions of traditional jurisprudence, compels us to make over the concept of law.

The full scope of the thesis that reasoning affects the ordinary functioning of legal systems will perhaps prove easier to appreciate in this rephrasing of the thesis: legal norms cannot be followed without resorting to deliberative argumentation**[xvii]**. As a result, legal reasoning too (and not just the rules) can be argued to contribute significantly to shaping the contents, structures and

boundaries of legal orders. This is to say that reasoning, in addition to affecting specific stages in the development of a legal system, impacts incisively on the features of law as a whole. The focus on argumentation in law makes it possible to appreciate the reasoning that legal subjects engage in when seeking out appropriate solutions to concrete cases, and this reasoning is no less central to the meaning and nature of law than are the general and abstract rules making up a legal order: argumentation is part and parcel of the legal order, not something external to it. Otherwise said, law consists, in the main, of argumentative and interpretative activities which take place at different levels and are carried out by different subjects. On this ground, reasoning should be considered a defining element of law.

This view, under which the law is influenced by reasoning and by modes of argumentation, carries with it a change in the idea of law itself: the underlying argumentative processes are not only central to legal practice, they make up the bare bones of the very concept of law. Accordingly, the law is not a product – something clearly marked off from non-law and independent of the reasoning by which we come to be aware of what the law is – but rather a practice, a stream of activities. This approach constructs the law as the outcome of reasoning, as an argumentative social practice aimed at finding reasonable solutions to legal cases in a number of ways and not necessarily only by following posited rules that are general and abstract. The law is a set of activities that connect up with rules but go beyond them; it is a flux of reconstructive processes by which we manipulate, transform and determine the contents, reciprocal relationships, and applicative scope of norms. This is to say that law is a dynamic articulation of defeasible reasons, a trial-and-error process aimed at finding a right solution to the case at hand, an effort – only partly institutionalised – to seek justice, not only control and certainty. If so, law is to be conceived mainly as a reasonable enterprise shaped by legal conflicts, disputes, clashes of opinions and conflicting values. On this view, a legal system cannot de defined entirely before the argumentative activities by which it takes shape: the legal order does not precede, but rather follows, the argumentative activities carried out by judges, lawyers and legal scholars. Therefore, when argumentation is taken seriously the system of laws is to be understood as a dynamic ordering rich in potentialities, an order constantly in process and open to external influences, a set of premises to be developed by argumentation.

The upshot of these remarks is that the traditional image of law as a unitary system of posited rules is disbanded. Law cannot be presented as a stable order grounded on the existence of an impartial, neutral, authority, in the manner of traditional jurisprudence. Likewise disqualified is the conception of law as an objective entity, a finite set of social facts that can be identified and brought back to unity without resorting to complex, deliberative, and evaluative forms of reasoning. Law cannot be conceived of as an autonomous system clearly marked off from non-legal or extra-legal realms; it cannot be identified on the basis of variously elaborate formal criteria of recognition; it does not consist mainly of the rules (the finite number of them that varies over time) enacted by institutionally identifiable powers; finally, it is not to be understood as a plain fact, a fixed and predefined reality. Reassuring and comfortable as this set of images of law may be, it is false and deeply misleading because it is grounded on a misunderstanding of the role played by argumentation**[xviii]**.

This transformation of the concept of law opens up a completely new research programme for legal theorists, calling on them to redirect the focus of jurisprudence and flesh out an argumentative concept of law, in a joint undertaking that will bring to bear the efforts of legal scholars, argumentation theorists, epistemologists and moral philosophers. With contributions from researchers having such diverse theoretical backgrounds and scientific knowledge, we may just be able to develop a comprehensive theory of law with which to understand current legal systems – their fundamental traits and the changes they have undergone with the state's constitutional evolution – and to attack the problems attendant on them.

As the reader may well know, a leading group of legal theorists set out in the 1980s to arrive at an integral doctrine of law informed by such an ideal**[xix]**, but the research programme they laid out was brought up short at some point and failed to meet expectations. This shortfall, I believe, cannot be accounted for by pointing out any conceptual mistakes made by the original proponents: the fault does not lie with the concept of law as an argumentative practice, but rather with the insufficient coherence with which these legal theorists pursued this ideal. More to the point, they figured it enough to reform specific legal notions and so did not recast the concept of law in general, in such a way as would have made it possible to accommodate fully the element of reasoning in law.

To be sure, there have been a few attempts to question the traditional concept of

law and redefine law as an argumentative practice. The most well-rounded of these are Robert Alexy's and Ronald Dworkin's. To make due allowance for the conceptual scope of reasoning, Alexy (1992, 201) has redefined law as a "system of norms that 1) lays a claim to correctness; and 2) contains norms of two kinds: norms set forth in a constitution – a largely effective and not extremely unjust constitution – and norms enacted in conformance with constitutional directives and likewise effective, or at least workable. Figuring in the latter group are principles and normative arguments designed to ground applicative procedures and support the claim to correctness"**[xx]**. In this definition – where the law is made to consist, not only of rules, but also of principles, arguments, applicative procedures and a claim to correctness – Alexy presents us with different kinds of norms, with an expanded notion of legal source, with an idea of validity as a balance of reason and will, and with the connection thesis. To the extent that it is so, he can be said to have endorsed the assumption that argumentation plays a pivotal role in law.

In a similar vein, Dworkin (1986, 410) writes that "law is an interpretive concept. Judges should decide what the law is by interpreting the practice of other judges deciding what the law is". Here, the law is made out to be primarily a practice: "law is not exhausted by any catalogue of rules or principles, each with its own dominion over some discrete theatre of behaviour. Nor by any roster of officials and their powers each over part of our lives. Law's empire is defined by attitude, not territory or power or process. … It is an interpretive, self-reflective attitude addressed to politics in the broadest sense" (Dworkin, 1986, 413). Accordingly, he refuses the thesis that "law exists as a plain fact" and that "what the law is in no way depends on what it should be" (Dworkin, 1986, 7). This way, Dworkin is referring to the existence of different kinds of norms, to a complex notion of validity, and to the thesis that a necessary connection obtains between law and morality.

Innovative as these redefined concepts of law may be, their authors, Alexy and Dworkin, fail to break with traditional jurisprudence and so fall short of paying the attention due to the thesis that argumentation is central to legal practice. So they tend to uncritically follow the research priorities and main issues set out by traditional legal theory. This much is evidenced paradigmatically in what Alexy has to say about the concept of basic norm and about the traditional canons of legal interpretation: he substantially accepts both, amending them but slightly. As

concerns the basic norm, he finds the concept to be theoretically useful still, once its contents, as Kelsen sets them out, are reformulated to account for the conceptual connection between law and morality. With the traditional canons of legal interpretation, he sets them in a broader normative framework, that of discourse theory, but without questioning any of them. Likewise Dworkin: he does not push through far enough into a coherent argumentative turn, since his potentially innovative statement that law is an interpretive enterprise is couched in a framework where the strong version of the right-answer thesis is upheld**[xxi]**. This thesis presupposes a conception of reasoning as something by which we come to know something objectively. Hence, on Dworkin's view, arguing correctly is not any different conceptually from knowing truthfully, in that both activities are in large measure descriptive and independent from the subjects carrying them out. This analytical perspective – beside being theoretically ungrounded, as MacCormick (1984, 130) rightly observes – defeats the innovative import introduced with the definition of law as an argumentative practice. This last thesis, if coherently developed, asks us to shift from the idea of law as an objective entity, fully defined and out there only to be comprehended, to an idea of law as a slippery activity, as it were, which consists in evaluating reasons and confronting arguments. In this process, the right solution is not *discovered* and *described*, as Dworkin would have it, but *shaped* and *reconstructed*. In other words, law should be considered more akin to an exercise of rational criticism than to an act of knowledge.

To sum up, the revised concepts of law advanced by legal-argumentation theorists (Alexy and Dworkin in particular) is worthy of attention, but insufficiently coherent with the premise that argumentation is central to legal practice: if on the one hand these theorists roughly endorse the basic idea by which reasoning plays a role in law, they do not on the other hand introduce any research programme that can be understood as distinctively different from the traditional programme. But by proceeding thus, the scope of the idea that law is mainly an argumentative practice gets almost completely lost, and the consequent changes in theoretical perspective turn out to be more apparent than real. Such falling short has stunted legal-argumentation theorists' ability to effectively transform positivistic legal theory into a truly comprehensive and integral doctrine. Hence, I would urge that a more radical revision of the concept of law be develop in the near future: this to bring to fruition the valuable insights expressed in the legal-argumentation theorists' original programme, and to complete the transition of

contemporary jurisprudence from a still pervasively legal-positivistic approach to a full-fledged argumentative paradigm of law, such as may mark an improvement over the former paradigm from both an analytical and a normative standpoint.

NOTES

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[i] In this essay, the terms "argumentation" and "reasoning" are employed as synonyms. For a similar use see Dworkin (1986, VI), Alexy (1989a, 231-232; 1996, 66) and MacCormick (1991, 211; 1993, 16).

[ii] Some contemporary legal theorists who have investigated deeply the structure and limits of (rational) reasoning in law are Aulis Aarnio, Robert Alexy, Ronald Dworkin, Neil MacCormick, Aleksander Peczenik and Jerzy Wróblewski. Among contemporary philosophers and argumentation theorists, Jürgen Habermas, Chäim Perelman, Steven Toulmin, and Theodor Viehweg, not to mention the main advocates of the Amsterdam Pragma-dialectical School, have contributed significantly to the development of the studies in legal reasoning.

[iii]For an overview of the main topics addressed at diverse levels of abstraction in the literature on legal reasoning see Feteris (1999, 13-25).

[iv]There are ideological factors explaining why legal theorists have paid attention to argumentation only recently. Legal positivism, the dominant approach to legal questions during the past two centuries, has ideologically depicted reasoning in law as merely a mechanical rule-following, a subsuming of particular facts under general rules. Even when this view was revised in more recent times, it was only to argue that whatever falls outside deductive legal reasoning is totally arbitrary, dependent on the judge's whims and set free from all normative statements. Both of these extreme pictures of argumentation in law are not only fallacious: they also rule out legal reasoning as a subject of rational discussion. For an introduction to these aspects, see La Torre (1998, 357-360).

[v] For a dissenting opinion, see Marmor (1992, 124-154).

[vi] See MacCormick (1994, 19-73). The distinction between internal and external justification is original with Wróblewski (1974, 39), and the main legal-argumentation theorists accept it substantially. The distinction between first-order justification and second-order reasoning is laid out in MacCormick (1994, 100-108).

[vii] As a consequence of the fact that legal positivism has been the dominant approach to legal studies over the latest two centuries, in this essay I will refer to it as the traditional stream of jurisprudence. Therefore, here the terms "positivistic" and "traditional" will be considered largely synonyms.

[viii] Aarnio (1987, 78). Along these lines Peczenik (1989, 318) claims that "all texts, practices etc. a lawyer must, should or may proffer as authority reasons are sources of the law".

[ix] See MacCormick and Weinberger (1986, 8 and 19), Aarnio (1987, 77-107), Peczenik (1989, 313-371), and Alexy (1992, 199-206).

[x] For example, Peczenik (1989, 319-322) draws a distinction between must, should, and may source: must sources are binding source that have to be proffered as authority reasons in support of a decision or a standpoint; should sources are guiding reasons which lawyers as a rule will invoke in support of a standpoint; may sources are permitted sources, meaning that it is possible, but not compulsory, to use them as authority reasons in support of a decision. See also Aarnio (1987, 89-92), and Alexy and Dreier (1991, 91-92).

[xi] By this criterion legal sources are classed as authoritative or substantial: authoritative sources are so regarded because of their institutional position in society, that is, because they have been posited by a competent authority; substantial sources are reasons that figure in justification because of their material significance, regardless to their origin. Cf. Aarnio (1987, 92-95); see also Peczenik (1989, 313-318).

[xii] This is the more traditional distinction, operative in all developed positive legal orders, between sources of different importance. Here, legal sources are distinguished as primary, sub-primary, secondary, reserved etc.

[xiii] See Alexy (1992, 39-44) and MacCormick (1982, 271). This is not to say that these components carry the same weight: the institutional nature of law is such that the positive and the social elements can be argued to be more important than the rational element (Alexy, 1992, 64-70). Still, however much the former may be dominant, they cannot completely overshadow the rational component.

[xiv] These aspects are underlined by MacCormick (1982, 282), Alexy (1989b; 1992, 39-44), and Peczenik (1989, 287-289).

[xv] In other words, the ideal element, meaning the "ought", determines at least to some extent the contents, the "is", of positive law. Here Peczenk (1989, 287) claims that "ought-making facts" should be regarded as "law-making facts". Thus, to embrace this argumentative perspective is to call into question the longstanding positivistic tradition upholding the distinction between what the law

is and what it ought to be. A sustained argumentation for the positivistic position is to be found in Hart (1958).

[xvi] This is not to suggest, however, that principles and rules are conceptually akin. As Dworkin (1978, 22-28), Peczenik (1989, 74-82), and Alexy (1993, 82-86) point out, significant differences exist between these two types of normative standards. Principles are more generic in content than rules because they express values and evaluative programmes, not obligations to act in certain ways. Furthermore, the structure of principles differs from that of rules: while rules are definitive commands, principles are optimisation commands characterised by the dimension of "weight" rather than by that of validity (which is proper of rules).

[xvii] The two formulations of the thesis are conceptually identical, and any differences to be had are differences of emphasis: the first formulation is more general; the latter focuses on a specific consequence strictly entailed by the broader statement. Here, the adjective "deliberative" is to remind that legal argumentation differs radically from the merely mechanical application of rules because the procedures of reasoning in law are partly independent of the rules posited (cf. the premise of this essay).

[xviii] This concept of law, which to a large extent ignores the role played by argumentative activities within a legal system, has been theorised by Hart (1961) and Raz (1972 and 1979, 37-159), among others.

[xix] This programme of research has been expressly set out by Aarnio, Alexy and Peczenik (1981, 131-136).

[xx] My translation.

[xxi] The strong version of the right-answer thesis consists in the idea that for every legal case there exists one correct solution, which judges and lawyers can discover by rational inquiry. This is a two-part thesis: (1) contemporary legal systems are developed enough to provided for one solution (nothing less and nothing more than that) to each questions arising within them; (2) legal scholars and practitioners are in a condition to always ferret out this solution by bringing to bear their professional expertise and rational capabilities, since the right-answer is hidden in law and only needs to be uncovered. For an introduction to the main versions of the right-answer thesis, see Aarnio (1987, 158-161).

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Hannah Arendt's Theory of Totalitarianism – Part One

Hannah Arendt – Ills. Ingrid Bouws

Hannah Arendt wrote *The Origins of Totalitarianism* in 1949, by which time the world had been confronted with evidence of the Nazi apparatus of terror and destruction. The revelations of the atrocities were met with a high degree of

incredulous probing despite a considerable body of evidence and a vast caché of recorded images. The individual capacity for comprehension was overwhelmed, and the nature and extent of these programmes added to the surreal nature of the revelations. In the case of the dedicated death camps of the so-called *Aktion Reinhard*, comparatively sparse documentation and very low survival rates obscured their significance in the immediate post-war years. The remaining death camps, Majdanek and Auschwitz, were both captured virtually intact. They were thus widely reported, whereas public knowledge of Auschwitz was already widespread in Germany and the Allied countries during the war.**[i]** In the case of Auschwitz, the evidence was lodged in still largely intact and meticulous archives. Nonetheless it had the effect of throwing into relief the machinery of destruction rather than its anonymous victims, for the extermination system had not only eliminated human biological life but had also systematically expunged cumulative life histories and any trace of prior existence whatsoever, ending with the destruction of almost all traces of the dedicated extermination camps themselves, just prior to the Soviet invasion.

Although Arendt does not view genocide as a condition of totalitarian rule, she does argue that the 'totalitarian methods of domination' are uniquely suited to programmes of mass extermination (Arendt 1979: 440). Moreover, unlike previous regimes of terror, totalitarianism does not merely aim to eliminate physical life. Rather, 'total terror' is preceded by the abolition of civil and political rights, exclusion from public life, confiscation of property and, finally, the deportation and murder of entire extended families and their surrounding communities. In other words, total terror aims to eliminate the total life-world of the species, leaving few survivors either willing or able to relate their stories. In the case of the Nazi genocide, widespread complicity in Germany and the occupied territories meant that non-Jews were reluctant to share their knowledge or relate their experiences – an ingenious strategy that was seriously challenged only by Germany's post-war generation coming to maturity during the 1960s. Conversely, many survivors were disinclined to speak out. Often, memories had become repressed for fear that they would not be believed, out of the 'shame' of survival, or because of the trauma suffered. Incredulity was thus both a prevalent and understandable human reaction to the attempted total destruction of entire peoples, and in the post-war era the success of this Nazi strategy reinforced a culture of denial that perpetuated the victimisation of the survivors. In *The Drowned and the Saved* Primo Levi records the prescient words of one of his

persecutors in Auschwitz:

However this war may end, we have won the war against you; none of you will be left to bear witness, but even if someone were to survive, the world will not believe him. There will be perhaps suspicions, discussions, research by historians, but there will be no certainties, because we will destroy the evidence together with you. (Levi 1988: 11)

Here was unambiguous proof of the sheer '*logicality*' of systematic genocide. The silence following the war was therefore quite literal, and the publication of *Origins* in 1951 could not and did not set out to bridge that chasm in the human imagination. It did, however, establish Arendt as the most authoritative and controversial theorist of the totalitarian.

The path leading to Arendt's first major published work was nonetheless a long one. From being a somewhat politically disengaged youth, Arendt during the early 1930s experienced the world as a German-Jewish intellectual confronted with the Third Reich, first as a citizen escaping into exile in 1933 and later as a New York intellectual receiving news of the '*Final Solution of the Jewish Question*'. As a refugee in Paris from 1933 to 1941 Arendt was dispatched to an internment camp, an experience that forever impressed upon her the inherently tenuous status of the '*new kind of human being created by contemporary history*', those who '*are put into concentration camps by their foes and into internment camps by their friends*' (Arendt in Young-Bruehl 1982: 152). However, the much-noted emphasis given National Socialism in *Origins* cannot be wholly ascribed to Arendt's German origins and experience of Nazism.**[ii]** Rather, it is partly a function of the wealth of documentary evidence captured by the conquering Allies, together with the extensive first-hand accounts, memoirs, and interviews of Nazis in the immediate post-war period. Of course, the personal does inform Arendt's writing. From an early stage in its development, Arendt was sensitive to the inherent danger of dismissing Nazi ideology as an incoherent form of virulent nationalism. She viewed Nazi ideology, as indeed *all* totalitarian ideologies, as both coherent and internally consistent. These characteristics, combined with a relentless '*logicality*', underpinned the capacity to inspire a superstitious mass resignation born in terror.

As we have seen, Arendt was not the first theorist to reject the generic concept of '*fascism*', nor was *Origins* the first work to explore important similarities between

the Nazi and Stalinist dictatorships. In both of these respects, Carl Schmitt anticipates Arendt's reflections by almost two decades. Nevertheless, *Origins* yields a whole range of innovative insights that Schmitt could not have developed beyond a preliminary analysis in the 1933 work *Staat, Bewegung, Volk*. In a 1957 postscript to the 1933 essay *Further Development of the Total State in Germany*, Schmitt acknowledges Arendt's post-war interpretation as closely akin to his own theory of total dictatorship. Thus he argues that

In the sociological and ideological analyses of totalitarianism qua novel contemporary phenomenon (Hannah Arendt, Talmon, C. J. Friedrich, Brzezinski) a dialectical moment may be discerned in the evolution of terminology. If the concept of totality is not merely quantitative but instead consists of a specific intensity of organised power, then it is not the state, but strictly a party that constitutes the subject and protagonist of totalitarianism. In these circumstances, part of the erstwhile totality confronts the latter as a new totality and demotes the state to a mere quantitative totality. Accordingly, the historical dialectic brings about a negation of the erstwhile totality by a part thereof, whereas the latter asserts its status as something more than the pre-existing totality. In this sense, there are no totalitarian states, only totalitarian parties. (*) (Schmitt 1973: 366f)

My intention in this essay is to build on the thematic concerns present in Schmitt's seminal writings on Fascism and National Socialism, whilst shifting the focus to Arendt's distinctive totalitarianism thesis.**[iii]** Whereas Schmitt theorises the inversion of the party-state relationship, and the political primacy accorded the movement as incorporating both, Arendt integrates this defining structural innovation of totalitarian rule into her account of the role of ideology and terror in the actualisation of 'total domination'. Schmitt's prescient insights into the totalitarian assault upon the bourgeois nation-state manifests itself in his late-Weimar writing as a presentiment for 'a most awful expansion and a murderous imperialism' soon to engulf Europe (Schmitt 1999e: 205)**.[iv]** Arendt, in turn, analyses that catastrophe in such innovative terms that her theory of totalitarianism has ever since defied easy categorisation, owing in no small part to her deeply philosophical premises only subsequently explicated in a series of important essays and her next major work, *The Human Condition* (1958). This is quite apparent in the central philosophical train of thought at work in *Origins*, which describes the progressive 'de-worlding' of the world by way of a 'gigantic apparatus of terror … that serves to make man superfluous' (Arendt 1979: 457).

Equally important, however, is Arendt's thesis of the foreclosure of the field of politics consequent upon the total *claim* that totalitarian regimes make on their populations. This will be the guiding theme of this chapter. Although that total 'claim' is backed by a coercive regime of terror, it also engages a dynamic of plebiscitary mobilisation unique to totalitarian regimes. The comprehensiveness of this control and manipulation 'politicises' all facets of social experience whilst simultaneously extracting the organised 'consent' of the populace in accordance with pre-set ideological goals. Totalitarian rule is thus distinguished from the mere imposition of an arbitrary personal will characteristic of tyranny, instead actively mobilising the population, even as it eliminates coexisting loyalties as well as autonomous institutional and social spaces.

Nazism and Stalinism

Writing in the immediate post-war era, Arendt enjoyed an obvious advantage over the pioneering theorists of the 1930s and early 1940s, for she was able to engage her philosophical training to gauge the existential impact of Hitler's rule on German society. Arendt was guided in her analysis by the conviction that the political forces at work in post-World War One Europe were guided neither by 'common sense' nor by 'self-interest'. These forces, epitomised by the 'totalitarian movements', were thus imbued with an unprecedented potential for destructiveness (Arendt 1979: vii). However, during the post-World War Two period, Arendt mistook a general mood of despair for her own sense of an 'ill-defined, general agreement that the essential structure of all civilisations is at a breaking point' (ibid.: vii), for the world that survived the cataclysm of Nazi rule included many intellectuals who strained to portray Stalin's pre- and post-war reign of terror as an unfortunate adjunct of the revolutionary transformation of society. The publication of Arendt's comparative study of Nazism and Stalinism at the height of the Cold War meant that her views were interpreted, if they were noted at all outside America, through the distorting prism of the reigning ideological presuppositions of her age. *Origins* routinely elicited the charge of Cold War-mongering, not least of all by those least flattered by the comparison. In the ideologically charged atmosphere of global contest, little attention was paid to the resumption of terror in the post-war Soviet Union and Arendt's interpretation of the 'sheer insanity' entailed in the 'logicality' of ideological thinking (Arendt,1979: 473) found little resonance in the Western academy, especially during the 1960s and 1970s at the height of a resurgent Marxist discourse. It was only with the collapse of Soviet Communism in 1989 that scholars would embark

upon a fundamental reassessment of the Stalin years, a project that is still in process.

It was not without irony, therefore, that many partisans of the Soviet cause felt themselves compelled to defend all of Soviet history, as indeed the unfolding of the promise of the October Revolution, a view shared as axiomatic by anti-Communists. Arendt's rejection of causal interpretations of history eluded minds more attuned to the great nineteenth century meta-narratives of liberal progress and historical dialectics. Her refusal to concede anything to the seed of totalitarian ideology, and its harvest of untold corpses, met with widespread incomprehension and hostility. If it would be another forty years before Arendt's theory of totalitarianism would receive the serious consideration that it so richly deserves. Jerome Kohn identifies an important reason for the quite extraordinary animus of Arendt's many critics. Arendt's outrage at totalitarianism was, in his words,

… not a subjective emotional reaction foisted on a purportedly 'value free' scientific analysis; her anger is inherent in her judgement of a form of government that defaced the human world on whose behalf she sought to expose Nazism and Stalinism for what they were and what they did. (Kohn 2002: 629)

Reflecting on the question of 'origins' that has so excited several generations of her critics, one detects an element of 'bewilderment' in Arendt's 1958 observation that

… finally, it dawned on me that I was not engaged in writing a historical book, even though large parts of it clearly contain historical analyses, but a political book, in which whatever was of past history not only was seen from the vantage-point of the present, but would not have become visible at all without the light which the event, the emergence of totalitarianism, shed on it. In other words the 'origins' in the first and second part of the book are not causes that inevitably lead to certain effects; rather they became origins only after the event had taken place (Arendt 1958: 1).

Arendt had thought it impossible to write 'history, not in order to save and conserve and render fit for remembrance, but on the contrary, in order to destroy' (Arendt,1958: 1). In that, fortunately, she was wrong. In fact she devoted the rest of her life to proving herself wrong insofar as all of her subsequent works are an

intervention, a quite extraordinary flowering of 'the human capacity to begin, that power to think and act in ways that are new' (Canovan 2000: 27).

'Working reality'

My analysis of Arendt's theory of totalitarianism begins where she did, briefly tracing the contours of her complex interpretation of nineteenth century anti-Semitism and imperialism. Arendt's approach of prefacing her analysis of totalitarianism with lengthy excurses into nineteenth century European history has been much criticised, and misunderstood.**[v]** Thus her extensive analyses of anti-Semitism and imperialism in the first two parts of *Origins* are often misread as an argument for causality, as well as being held to account for the 'imbalance' in her treatment of Nazism and Stalinism. For her critics point to the markedly different forms of and roles played by anti-Semitism and imperialism in German and Soviet history. In this regard, Bernard Crick takes to task those critics who fail to grasp Arendt's 'general philosophical position', which pointedly eschews the notion of a 'unique and necessary line of development toward what occurred. This is where the "model-builders", with their pretence at causality, go astray in reading her' (Crick 1979: 30). Rather than seeking the 'causes' of totalitarianism, Arendt explores the ways in which totalitarian movements not only exploit 'clichés of ideological explanation' to mobilise their followers, but also how they transform these ideologies into a 'working reality' by means of novel organisational forms and devices (Arendt 1979: 384). In other words, Arendt has something to say of general theoretical and philosophical significance and she is not attempting to write a comparative history of the Nazi and Stalinist dictatorships. Within the limits imposed by the acknowledged lack of reliable sources about the inner workings especially of Stalin's dictatorship, Arendt is nonetheless able to construct a compelling case for viewing the Nazi and Stalinist dictatorships as *sui generis*. At the heart of her account lies her insight that both dictatorships revealed a proclivity for transforming ideological systems of thought into deductive principles of action.

Critics on both the historical Left and Right have also, and quite rightly, stressed that the contents of the Nazi and Stalinist ideologies are fundamentally distinct; a fact of which Arendt was well aware. Arendt also concedes the 'shocking originality' of Nazi ideology, which, unlike communism, owed nothing to our 'respectable tradition' (Arendt in Young-Bruehl 1982: 276).**[vi]** However, whereas most commentators reduce totalitarian ideologies to their pedagogical functions,

Arendt argues that in addition to being total 'instruments of explanation', these ideologies yield up the 'organisational principles' of the totalitarian system of government (Arendt 1979: 469). In other words, the organising principles of 'race' and 'class' in the Nazi and Stalinist ideologies respectively determine not just the organisation of the movement but of society as a whole. In this way, they identify categories of 'objective enemies' who are first isolated and then expunged totally from society. This process may generate both refugees and corpses. However, from the point of view of the leadership of the totalitarian movements, ideology is the basis of 'organisation', and these 'men consider everything and everybody in terms of organization' (Arendt 1979: 387).

In the final part of this essay, I address Arendt's analysis of the relation between ideology and terror, widely acknowledged as the touchstone of her totalitarianism thesis, which leads directly into her interpretation of the phenomenon of the concentration camp system as the site of the experiment in 'total domination'. Whereas the link between terror and the concentration camp system is hardly controversial, both the impact of terror on the general populace in totalitarian societies and Arendt's concept of 'total domination' are far more so. We should note here that Arendt distinguishes between different forms of terror, arguing that the destruction of the public realm (and hence also of the capacity to act and to form relations of power) characteristic of tyrannical rule should not be conflated with the total destruction of the individual's capacity to establish private and social relations, which is coincident with the novel totalitarian condition of 'total domination'. Totalitarian rule transforms a condition of 'isolation' into an all-pervasive sense of 'loneliness' (ibid.: 474-5). Moreover, unlike solitude, which requires that the individual be alone, loneliness manifests 'itself most sharply in company with others' (ibid.: 476).

These distinctions have important ramifications for Arendt's concept of power, which she defines as the acting and speaking together of individuals, as constituting a public realm. The destruction of the public realm of politics by tyrannical government condemns both the tyrant and his subjects to a condition of isolation, arbitrary rule and powerlessness. Conversely, although totalitarianism, like tyranny, eliminates the public realm, it also eliminates the ground for sustainable relations of power. By destroying the 'inner spontaneity' (ibid.: 245) of individuals, totalitarian rule dominates human beings from within. The destruction of the individual capacity for action complements a complex

dynamic of ideological compulsion and popular plebiscitary rule that implicates the totalitarian subjects in the policies of the regime. Moreover, the incremental radicalisation of the regime's policies is facilitated by the elimination of 'the distance between the rulers and the ruled and achieves a condition in which power and the will to power, as we understand them, play no role, or at best a secondary role' (ibid.: 325).

A declaration of war on ideology

Once the human collective is redefined in terms of the ideological imperatives of race or class – i.e., once the positive laws and stabilising institutions of political authority of the sovereign state are displaced by the primacy of a dynamic totalitarian movement – the impediments to total terror are removed and the reordering of society can proceed towards its preordained end. For Arendt, total terror constitutes a condition in which the 'consciously organized complicity of all men in the crimes of the totalitarian regimes is extended to the victims and thus made really total… forcing them, in any event, to behave like murderers' (ibid.: 452). Although the order of terror varied between totalitarian societies and within these societies over time, and although total terror was only ever approximated in their respective camp systems, Arendt's concerns are of a different order. Certainly the Soviet purges and Nazi street massacres in Eastern Europe attest to the potential for a regime of violent terror. Nonetheless, Arendt argues that the relation established between the ruler and the ruled – established by the novel device of total domination – is both more complex and equivocal than it might appear. Thus the primary victims are only the most explicit target of the regime's terror, for these categories of 'objective enemy' are wont to be changed, or supplemented, over time, and members of the general populace can never be quite sure that they will not fall into some future category of 'objective enemy'. Moreover, unlike the tyrant, the totalitarian dictator is typically a popular figure and thus bound to his potential victims, who constitute society.

Ideology plays a crucial role in all of this. Moreover, it would not be an exaggeration to claim that *Origins* is a declaration of war on ideology. However, as Margaret Canovan has noted, it is also a proof of a profound and troubling paradox. For totalitarianism

… illustrated the human capacity to begin, that power to think and act in ways that are new, contingent, and unpredictable that looms so large in [Arendt's] mature political theory. But the paradox of totalitarian novelty was that it

represented an assault on that very ability to act and think as a unique individual. (Canovan 2000: 27)

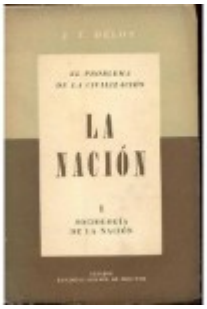
Reading *Origins*, one has a strong sense that Arendt despaired of the obtuseness of a generation of European intellectuals enslaved to ideology; the 'psychological toys' that wrought unprecedented misery and destruction. Conversely, it is not difficult to imagine what she would have made of the fraught historians' debates of the past two decades, both within Germany and about the Stalinist phase of Soviet rule, whose putative social scientific objectivity has done much to reinvent the wheel. In the process, old gripes about *Origins* have been rehashed rather unimaginatively and the 'debunking' exercise has gathered pace with ever more incognisant broadsides at a caricature of a work of extraordinary depth and brilliance.

In what follows, I will provide my own interpretation of the work followed, in chapter five of *Hannah Arendt's Response to the Crisis of her Times*, by a critical assessment of Arendt's most important detractors, whose ideological and personal biases in my view encumber their interpretation of a complex and difficult text. Throughout, my analysis of *Origins* will alert the reader to key elements of Arendt's post-*Origins* theoretical project, introduced in chapter two. The most important of these elements is Arendt's theorisation of totalitarianism's radical assault upon human individuality. The latter constitutes the very fundament of Arendt's post-*Origins* theoretical project, which articulates a pluralistic theory of the public realm that is both profound and topical. Whereas chapter two in *Hannah Arendt's Response to the Crisis of her Time* was concerned with Arendt's interpretation of the devaluation of politics in the long Western tradition of political philosophy, this essay will narrow the focus to her analysis of the destruction of the political in twentieth century totalitarian regimes. I address this aspect of Arendt's political thought more explicitly in the final chapter six of *Hannah Arendt's Response to the Crisis of her Time*, where I argue that one of the most perplexing and intriguing dimensions of Arendt's political thought is her apparent antipathy for the Continental European nation-state. For on the one hand, she argues that the nation-state, which has become virtually synonymous with political modernity, constitutes a barrier to the anti-state ambitions of the totalitarian movements. On the other hand, however, she is scathingly critical of the nation-state, which she views as something akin to an excrescence of political modernity. It is my contention that it is by grasping this

curious paradox in one of history's greatest partisans of the political way of life that we may begin to understand and appreciate the true genius of Hannah Arendt's 'narrative', as it winds its way from the unspeakable horror of our darkest age to the light of a simple truth: that 'not one man, but men in the plural inhabit the earth' (Arendt 1979: 476).

Totalitarianism and the nation-state

The modern European nation-state is accorded great significance by Arendt as an obstacle to totalitarian rule. Yet this fact, which is often overlooked, is also routinely misinterpreted as suggesting that Arendt was a proponent of the unitary nation-state or that despite herself, she embraced the *Rechtstaat* of her supposedly 'erstwhile philosophical enemy Hegel' (Villa 2007: 42). However, as I shall argue in the remainder of this study, nothing could be further from the truth. Arendt's reflections on the nation-state do confirm that she regarded the stable institutions of the state as antithetical to totalitarian rule. However, in her attempts to come to terms with the totalitarian phenomenon, she embarked upon a fundamental reassessment of the modern nation-state that culminated in her embrace of the federal principle, as it emerged in the writings of the Founding Fathers and in the early political settlement that constituted the United States of America. It is nonetheless also true that this theoretical turn remained largely implicit in *Origins*. And it is this fact, in my view, that has led many commentators astray as they struggled to discern in this work just what Arendt proposed as an alternative to the sovereign nation-state in the wake of mankind's greatest ever disaster. To understand why Arendt viewed the nation-state as part of the problem rather than as part of its solution, we need firstly to understand why Arendt rejected the nation-state as a basis for reconstituting the political in the wake of totalitarianism. Moreover, her most concise formulation of the fundamental problem underlying her totalitarianism thesis is not contained in *Origins*, but in a little noted but highly significant essay published shortly after the war.



The brief review of J.T. Delos's book *La Nation*, which appeared in *The Review of Politics* in January 1946, is a *tour de force* of subtle argumentation and a seminal explication of Arendt's totalitarianism thesis. Arendt, in terms strikingly similar to Schmitt's late-Weimar works, analyses three phenomena of the 'modern world' that marked a break with

Europe's pre-modern feudal order. Arendt, as far as I am aware, for the first time, broaches the complex question of the relation between 'nation', 'state' and 'nationalism', and the changing nature of this relation in nineteenth century Europe – an analysis that is subsequently incorporated into *Origins*. In the latter work, Arendt introduces her classic analysis of the *decline* of the nation-state, which culminates in her account of the crippling impact of both European imperialism and the First World War on the comity of European nation-states. It is these latter historical developments that Arendt highlights in *Origins*, arguing that the disintegration of the nation-state under the impact of these events bore 'nearly all the elements necessary for the subsequent rise of the totalitarian movements and governments' (Arendt 1979: xxi). To understand how Arendt came to this view, the modest little essay in question proves to be highly instructive.

As with so many other seemingly jaded topics of political thought, Arendt breathes new life into the well-worn question of Europe's transition from the feudal period to the modern age of the nation-state, even wresting from this question novel insights that were to constitute key elements of her theory of totalitarianism. She contends, firstly, that political modernity displaced traditional universal claims of civilisation with a 'particular, national civilisation'. Secondly, she identifies a theme that was to play an important and controversial role in her analysis of totalitarianism: namely the emergence of 'masses' whose 'atomisation' was a prerequisite of both imperialistic domination and totalitarianism. Finally, she acknowledges that modern civilisation is grounded in the 'reconstitution of the state (after the period of feudalism)', which however 'does not solve the fundamental problem of the state: the origin and legality of its power' (Arendt 1946c: 207, 208). Arendt also contrasts definitions of 'nation' and 'state'. Whereas a nation is defined as a people connected by past labour and a shared history, constitutive of a 'closed society to which one belongs by right of birth', the state is an 'open society, ruling over a territory where its power protects and makes the law'. Conversely, Arendt argues, *nationalism*, or the 'conquest of the state through the nation', emerged simultaneously with the nineteenth century national state. Henceforth, the identification of nation and state generated a tension between the territorial state *qua* legal institution protecting the rights of citizens and the rights of nationals. As a legal institution, the state only recognises the rights of citizens, no matter what their nationality. As a 'power institution', however, the territorial state 'may claim more territory and become aggressive –

an attitude which is quite alien to the national body which, on the contrary, has put an end to migrations'. Thus, the melding of state and nation continually endangers the 'old dream' of a pacified community of sovereign nations, since it combines the principle of sovereign nationhood with the 'enterprise of power' (ibid.: 208), and which the ideology of nationalism imbues with a paradoxical urge towards nation-state imperialist expansion.

This brief review is fascinating for several reasons. Arendt engages an enduring preoccupation with the interrelation between nation, state, nationalism, imperialism and totalitarianism. There is an unmistakably Schmittian flavour in her description of the nineteenth century phenomenon of liberal individualism, which in its original conception envisages the state supposedly ruling over 'mere individuals, over an atomised society whose very atomisation it was called upon to protect. But this modern state was also a '"strong state" which through its growing tendency towards centralisation monopolised the whole of political life', drawing on the 'cement of national sentiment' (ibid.: 209) to reconcile the logic of a powerful centralised state and an atomised liberal society:

As the sovereignty of the nation was shaped after the model of the sovereignty of the individual, so the sovereignty of the state as national state was the representative and (in its totalitarian forms) the monopolizer of both. The state conquered by the nation became the supreme individual before which all other individuals had to bow. (ibid.: 209)

Up to this point, Arendt's argument seems to be little more than a restatement of the common view of Western European 'totalitarianism' *qua* powerful state, infused with an extreme nationalist ideology, such as we find in the Fascist dictatorship. Arendt even provides us with a working definition of Fascism insofar as she speaks of a powerful national state 'monopolising' the sovereignty of the individual. What is interesting in this argument is the subtle shift from a sovereign state representing the sovereignty of the nation and individual, to a state transformed into an instrument of the nation, and as subordinating 'all laws and the legal institutions of the state' to the welfare of the nation. From this, Arendt draws the conclusion that it is 'quite erroneous to see the evil of our times in a deification of the state', rather than in the conquest of the state by the nation (ibid.: 209).**[vii]**

Although Arendt, in this review, does not yet make an explicit distinction between

Fascism and National Socialism, she is nonetheless concerned with the emergence of totalitarian 'movements' and the 'first forms of totalitarianism' marking the transition from the 'nation-state' to the 'totalitarian state', as 'nationalism becomes fascism' (ibid.: 210).**[viii]** However, the real interest of this intervention lies in Arendt's brief account of how this transition comes about by way of the transformation, or perversion, of the Hegelian concept of the state. Arendt argues that the conquest of the state by the nation was preceded by the adoption of the principle of the 'sovereignty of the nation', which in turn was modelled after the sovereignty of the individual. For as long as the state retained its sovereign power and political primacy, this development went unnoticed. However, the rise of nationalism during the nineteenth century undermined the sovereignty of the state until, finally, the nation asserted its sovereignty over the state. By successfully challenging the sovereignty of the state, the nation not only asserted its sovereignty over the state, but also fundamentally transformed the state. For it was distinctive of the Hegelian conception of the state that the 'Idea' existed as an independent entity 'above' the state, rather than being identified with the state. Conversely, whereas the identification of nation and state did not eliminate the Hegelian 'conception as a whole', it nonetheless replaced the Hegelian 'Idea', variously, with the 'idea of the nation, the Spirit of the people, the Soul of the race, or other equivalents' (ibid.: 209).

Arendt argues that what now occurs is that the 'Idea', deprived of its autonomous or transcendent character, becomes identified with an 'absolute principle', which in turn is realised in 'the movement of history' itself. Henceforth,

… all modern political theories which lead to totalitarianism present an immersion of an absolute principle into reality in the form of a historical movement; and it is this absoluteness, which they pretend to embody, which gives them their 'right' of priority over the individual conscience. (Arendt 1946c: 209)

The 'individualisation of the moral universal within a collective', conceived in Hegel's theory of state and history, thus survives in a perverted form in the modern mass movements, once their ideologies are stripped of their Hegelian idealism. The totalitarian movements are 'charged with philosophy', taking possession of the 'idea' – be it of nation, race, or class – which is realised in the movement itself. Whereas liberal parliamentary parties typically pursue objectives or ends 'outside' of themselves, totalitarian movements effect the identification of means and ends. In Arendt's quotation of Delos that 'the characteristic of

totalitarianism is not only to absorb man within the group, but also to surrender him to becoming' (Delos in ibid.: 210), we encounter what was soon to become a fundamental tenet of her theory of totalitarianism. Against this 'seeming reality of the general and the universal', she argues, 'the particular reality of the individual person appears, indeed, as a *quantité négligeable*, submerged in the stream of public life which, since it is organized as a movement, is the universal itself' (ibid.). This extraordinary passage articulates Arendt's sense of individuals in totalitarian societies surrendered to a process of becoming, actualised by their absorption into the totalitarian movement and swept along by the ineluctable laws of Nature or History, into the gas chambers and Gulags of her generation.

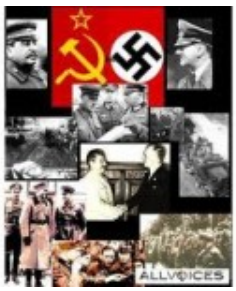
The relation between nationalism and totalitarianism

This brief review also presages the major themes of Arendt's post-*Origins* political thought, and their relation to her yet to be articulated theory of totalitarianism. Thus, Arendt highlights the problem of reconciling the individual's rights as man, citizen, and national; a paradox magnified rather than resolved by the ideology of nationalism, and one that is indeed a touchstone of early twenty-first century political thought. Anticipating a key finding of *Origins*, Arendt argues that totalitarianism has exposed the folly inherent in attempts to reconcile nation and state. In her view, the only justification of the state is its function as 'the supreme protector of a law which guarantees man his rights as man, his rights as citizen and his rights as a national', subject however to the proviso that '*the rights of man and citizen are primary rights, whereas the rights of nationals are derived and implied in them*' (ibid.; emphasis added). She contends, accordingly, that the post-war refashioning of legal state institutions presupposes the *distinction* between the citizen and the national, between the political order and the national order. In an era characterised by the countervailing forces of 'growing unity' and 'growing national consciousness of peoples', Arendt, anticipating the central thesis of her 1963 work *On Revolution*, proposes the federal principle, whose logic transforms nationality into a 'personal status rather than a territorial one' (ibid.). This is a crucial dimension of Arendt's post-*Origins* political thought that flows directly from her analysis of totalitarianism and her political pluralism, drawing on the experience of the only successful revolution of modern times – the American War of Independence.

Arendt concludes her review by criticising Delos for focusing on the relation between nationalism and totalitarianism, whilst occluding the question of

imperialism. Critics have long decried Arendt's 'preoccupation' with imperialism as an 'element' in the crystalline structure of European totalitarianism. This is especially true of historians, who mistakenly interpret Arendt's analysis of imperialism as a history of imperialist politics, rather than a brilliant and highly original interpretation of a mentality – of 'brutality and megalomania' – that would 'destroy the political body of the nation-state' (Arendt 1979: 124, 125).**[ix]** This mentality, although hardly totalitarian, presaged the totalitarian conviction that 'everything is possible', a mode of apprehending the world that drew much of its energy from the limitless destructiveness wrought by the First World War. The notion of a 'movement' itself bespeaks the expansiveness of the imperialist mentality, and the historical forces unleashed by Europe's orgy of violence – a universal becoming that is antithetical to 'stable worldly structures'. I earlier noted Arendt's notion of the identification of means and ends as characteristic of modern mass 'movements', a development that eliminates the distinction between the institution of the political party and its objectives. In her view, the identification of means and ends goes to the heart of the totalitarian assumption of 'eternal dynamism', which overflows all spatial and historical boundaries, and the totalitarian conception of the political, which is stripped of all humanly recognisable utilitarian goals. The boundless dynamism of totalitarian rule is antithetical to the liberal institutionalisation of political rule as well as its territorially finite state, whose legal guarantees of civil and political rights presuppose a stable constitutional order. In his *Second Book: The Unpublished Sequel*, Hitler provides a succinct description of the liberal state's dystopic opposite:

The foreign policy of the bourgeois world is in truth always only focused on borders, whereas the National Socialist movement, in contrast, will pursue a policy focused on space … The National Socialist movement … knows no Germanization … but only the expansion of our own people … The national conception will not be determined by previous patriotic notions of state, but rather by ethnic and racial conceptions. The German borders of 1914 … represented something just as unfinished as peoples' borders always are. The division of territory on the earth is always the momentary result of a struggle and an evolution that is in no way finished, but that naturally continues to progress. (Hitler in Bartov 2004: 4)



National Socialism
Fascism

Arendt could not have known this work when she wrote either the review in question or *Origins*, since the manuscript was discovered in 1958 and published only in 1961. Yet there is an uncanny resonance between her analysis of the internal contradictions of the nation-state and Hitler's stated goals.**[x]** Hitler dismisses the bourgeois notion of a stabilised, territorially delimited state. Nazi expansionism, moreover, 'knows no Germanization' and therefore eschews the Roman model of a politically integrated and naturalised imperial domain, proposing instead an ethnically and racially exclusive movement, which eliminates obstacles to a continuously expanding Aryan realm. Rather than incorporating territories and their native populations into a proposed new *Reich*, Hitler envisaged an exclusive racial elite 'cleansing' territories for settlement by 'our own people'. Thus 'the National Socialist movement… will never see in the subjugated, so-called Germanised, Czechs or Poles a national, let alone folkish, strengthening, but only the racial weakening of our own people' (Hitler 1961: 45). Hitler, it should be noted, wrote this in 1928.

From this perspective, the idealisation of the state is not only antithetical to the Nazi project but would in fact constitute a deliverance from its most radical objectives. Hitler early on identified the bourgeois territorial state first and foremost as an obstacle to his ideological goals. Conversely, Arendt theorises these objectives in terms of a totalitarian movement subordinating the state to the 'ideas' of nation, race, or class in pre-1925 Fascism, Nazism and post-1929 Stalinism, respectively:

The state, even as a one-party dictatorship, was felt to be in the way of the ever-changing needs of an ever-growing movement … while the 'party above parties' wanted only to seize the state machine, the true movement aimed at its destruction; while the former still recognized the state as highest authority once its representation had fallen into the hands of the members of one party (as in

Mussolini's Italy), the latter recognised the movement as independent of and superior in authority to the state. (Arendt 1979: 260)

The importance of this statement, in my view, exceeds the merely controversial claim that totalitarian regimes are, strictly speaking, not state forms at all.

Arendt is arguing that however imperfectly, the modern nation-state has performed the function of the ancient *polis*. By attacking the institutions of the state, the totalitarian movements gauged, correctly as it turned out, the one great vulnerability of the bourgeois nation-state in the post-World War One era; namely, its complete lack of defences in the face of extra-parliamentary and extra-legal challenges to state authority. In Arendt's view, Western European totalitarian movements exploited the conditions of 'mass society' born of the 'decay of the Continental party system [that] went hand in hand with a decline of the prestige of the nation-state … and it is obvious that the more rigid the country's class system, the more class-conscious its people had been, the more dramatic and dangerous was this breakdown' (ibid.: 261-2). The masses springing from the cataclysm of total war were distinguished from the rabble of former centuries by the fact that they were 'masses' in a strict sense, without

*… common interests to bind them together or any kind of common 'consent' which, according to Cicero, constitutes inter-est, that which is between men, ranging all the way from material to spiritual and other matters. (Arendt 1953c: 406)***[xi]**

In Germany's case, at least during the late Weimar period, the party system could no longer fulfil its function of ordering the public world and the class system had begun to disintegrate (Arendt 1979: 260-1). Developments in the Soviet Union were markedly different and more complex, although there too, war and revolution had shattered its neo-feudal class system. Yet Arendt's central point in this regard is that Lenin's 'revolutionary dictatorship', whatever its totalitarian elements and proclivities, remained bound to attempts to stabilise the revolution and restore a semblance of rational policy calculation. For this reason, Arendt stresses Stalin's 'second revolution' of 1929 and the purges of the 1930s, which targeted residual class loyalties and social hierarchies in a campaign that was geared to securing Stalin's unchallenged, total authority. However, before I address this dimension of Arendt's totalitarianism thesis, we need to look more closely at Arendt's controversial account of developments in nineteenth century

Europe, which she addresses in the first two parts of *Origins*, and which many commentators have misconstrued as 'causal' elements in the genesis of Europe's inter-war crises.

Anti-semitism and imperialism in nineteenth-century Europe

Bolshevism and Nazism at the height of their power outgrew mere tribal nationalism and had little use for those who were still actually convinced of it in principle, rather than as mere propaganda material. (Hannah Arendt)

In her introduction to the original edition of *Origins*, Arendt identifies the 'spurious grandeur of "historical necessity"' (Arendt 1979: viii) as the antithesis of political thought and action. For Arendt, comprehension does not entail 'deducing the unprecedented from precedents' but rather 'facing up to' events, without submitting to the view that they are somehow preordained (ibid.). The 'emancipation from reality and experience' (ibid.: 471) effected by ideological argumentation degrades our political faculties. For this reason, Maurice Cranston argues, *Origins* refrains from any 'naïve empiricist notion of causality in history, and in looking for "origins", seeks only to locate the factors which led up to totalitarianism and make it intelligible' (Cranston 1982: 58).

This is not a view that is universally shared. Agnes Heller, for example, argues that Arendt views totalitarianism as 'the offspring of our modern, Western culture' (Heller 1989a: 253) and as such 'could only emerge after all previous events of modernity had all unfolded' (ibid.: 254)**.[xii]** On the basis of these assumptions, Heller goes on to criticise Arendt for a residual evolutionism insofar as she allegedly 'attributed [a] certain kind of necessity to the factual sequence of historical events' (ibid.: 253).**[xiii]** The passage in question, referred to above in a different context, appears in the Preface to the first edition of *Origins* in which Arendt alludes to 'The subterranean stream of Western history [that] has finally come to the surface and usurped the dignity of our tradition' (Arendt 1979: ix). And yet this passage is deserving of a contextual reading. Heller, righting Arendt's wrong, proposes an alternative perspective, suggesting that 'the fact that history unfolds in a certain way does not prove that it could not have been otherwise' (Heller 1989a: 254). Indeed, as Arendt repeatedly stresses, comprehension means

… examining and bearing consciously the burden that events have placed upon us

– neither denying their existence nor submitting meekly to their weight as though everything that in fact happened could not have happened otherwise. (Arendt 1979: xiv; emphasis added)

Arendt is arguing that we assume responsibility for events that have already unfolded, that past deeds are irreversible and future developments unknowable given the radical contingencies of life. From this perspective, and given what we know of the historical circumstances, totalitarianism was not an inevitable outcome of Europe's long series of inter-war crises, although these certainly aided the formation and ascendancy of totalitarian movements. Still, for Arendt the lessons and conclusions to be drawn from Europe's cataclysm of war and revolution do not include the surrender to a logic of inevitability, according to which totalitarianism is 'explained' as the preordained outcome of historical forces inherent in 'political modernity'. The irreversibility of what happened does not mean that it could not have happened differently. It is Heller, after all, and not Arendt who ventures the opinion that the 'totalitarian option had been present since the dawn of modernity' (Heller 1989a: 254).

In the 1967 Preface to Part One of *Origins*, Arendt explains herself:

Since only the final crystallizing catastrophe brought these subterranean trends into the open and to public notice, there has been a tendency to simply equate totalitarianism with its elements and origins – as though every outburst of antisemitism or racism or imperialism could be identified as 'totalitarianism'. (Arendt 1979: xv)

As countervailing undercurrents or tributaries of mainstream European developments during the nineteenth century the 'elements' that later 'crystallized in the novel totalitarian phenomenon' – post-Enlightenment racism and nation-state imperialism – were scarcely noticed. Still, 'hidden from the light of the public and the attention of enlightened men, they had been able to gather an entirely unexpected virulence' (ibid.) until, finally, the catastrophic impact and revolutionary afterlife of the First World War thrust them into prominence. In retrospect, Arendt regretted the choice of title, arguing that *Origins* **'**does not really deal with the "origins" of totalitarianism – as its title unfortunately claims – but gives an historical account of the elements which crystallized into totalitarianism' (Arendt in Kateb 1984: 55). Accordingly, as Benhabib notes, the title of the book constitutes a 'misnomer ' (Benhabib 1994: 114), one that has

played no small part in the misreading of Arendt's central arguments.

The two key elements

The two key 'elements' that feature prominently in *Origins* are 'anti-Semitism' and 'imperialism'. Unsurprisingly, Arendt presents a novel interpretation of both, steering a wide berth around the prevailing clichés then current in the literature. This is especially true of her controversial account of the former, which distinguishes between historical forms of religious and social anti-Semitism on the one hand, and the Nazi ideology of biological racism on the other. She contends that prior to the advent of Nazism, anti-Semitism played a purely secondary role in European history and politics, and was of far less significance than the phenomena of imperialism and class politics. In this view, the first time the 'Jewish Question' assumed importance in the national politics of a country was following the Nazi seizure of power, and it was preceded by meticulous groundwork during the 1920s, that saw the Nazis elevate anti-Semitism from gutter politics to the organising principle, firstly, of the Nazi totalitarian movement, and subsequently of the Nazi dictatorship. None of this would have been possible, or at least very likely, would it not have been for the devastation of total war, which transformed the landscape of possibilities in post-war Germany much as the Bolshevik Revolution – itself no small miracle of history – blasted away the detritus of a reified tradition.

From a present-day perspective, the Nazi genocide of European Jewry, Sinti and Roma, and homosexuals seems all but inevitable. Yet despite the enormity and sheer horror of the Nazi mass crimes, they entered popular Western consciousness relatively late, and only began to play a central role in Western historiography more than a decade after the war. Arendt wrote and lectured extensively about the Nazi mass crimes during the final war years, whereas following the war her focus shifted to theorising the 'radical discontinuity' and novelty of the totalitarian system of government (Kateb 1984: 55; see 149; Benhabib 1994: 119). Arendt repeatedly returned to the theme of historical contingency; her view, that is, that 'the story told by [history] is a story with many beginnings but no end' (Arendt 1953b: 399). Her distinctive historical sensibility contrasts powerfully with what Villa terms 'Hegelian-type teleologies, whether of progress or doom' (Villa 1999: 181). In various different contexts, and in all of her works, Arendt challenges deterministic philosophies of history that reduce the unprecedented to precedents. In the aforementioned 1967 Preface, Arendt

describes all such approaches as no less ‘misleading in the search for historical truth’ as they are ‘pernicious for political judgement’. She illustrates this point with a startling analogy. If we were to reduce National Socialism to racism, moreover employing the latter term indiscriminately, then we might reasonably conclude from the racism characteristic of government in the Southern states of the United States that ‘large areas of the United States have been under totalitarian rule for more than a century’. Hence, to grasp the radical novelty of Nazi ideology, we need to acknowledge the distinction between ‘pre-totalitarian and totalitarian’ forms of racism and anti-Semitism. Only in this way will we be able to understand the role played by Nazi biological racism in the regime’s ideological and organisational innovations. For the cataclysm that was Nazi rule was a fusion of novel forms of ideology and political organisation, which attained its most concentrated expression in the death factories for the production of human corpses. If this destructive phenomenon could now *seem* to have been predictable, this is only because we have recovered our senses following the first shock of discovery.

The complexity of Arendt’s analysis of anti-Semitism mirrors the welter of conflicting social and political forces at work in nineteenth century Europe, which were all tied, in one way or another, to the emergence of modern European imperialism and the concomitant decline of the nation-state during the last quarter of the century. Arendt contends that the acquisition of empire undermined the national political institutions of the imperial states and fundamentally transformed the balance of forces and interests that had sustained the latter for much of political modernity. This was particularly evident in changing popular attitudes towards Western European Jewry, which mirrored the declining influence of the Jewish bourgeoisie in Europe’s royal houses. Arendt cites an interesting precedent in this regard. For Tocqueville’s analysis of revolutionary France similarly pointed to the coincidence of popular hatred for the aristocracy and the dissolution of the latter’s political power. In other words, resentment was a function of the growing disjunction between the aristocracy’s great wealth and privilege on the one hand, and its rapidly declining political power on the other. For the state of ‘wealth without power or aloofness without a policy’ are felt to be parasitical by masses accustomed to associating wealth with sovereign power, even if that association often enough consists in a relation between oppressor and oppressed (Arendt 1979: 4). Similarly, European Jewry was tolerated within the national body politic for as long as its pseudo-bourgeoisie

served a demonstrable public function in the comity of European nation-states. This 'function' was derived from its close economic ties to Europe's royal houses and state institutions. When Continental Europe's class system began to break down and her nation-state system began to disintegrate during the late nineteenth century, the various Jewish bourgeoisies lost their public functions and influence without suffering a concomitant loss of material wealth. Moreover, unlike the Christian bourgeoisie, the class of privileged Jews had never been accepted into Europe's class system, which itself contradicted the principle of equality upon which the modern state was founded. In other words, the Jewish elite did not even belong to a class of oppressors, whereas 'even exploitation and oppression still make society work and establish some kind of order' (ibid.: 5).

A caricature of Alfred Dreyfus 'The Traitor'

Arendt is suggesting that hatred of Europe's Christian bourgeoisie stemmed from its role in the exploitation and oppression of the masses. Conversely, their Jewish counterparts were, first and foremost, ethnic and religious outsiders whose tenuous social status was an exclusive function of their economic usefulness. Once they had been deprived of their privileged access to the aristocracy, they were bereft of any 'useful' function. Henceforth, growing anti-Jewish sentiment could be exploited by a new class of political parties and movements, whose anti-Semitism was no longer merely social or religious in nature, but now assumed a distinctive 'ideological' character. Arendt cites the Dreyfus Affair as emblematic of this new mentality and of the changed political circumstances; a 'foregleam of the twentieth century', insofar as the domestic politics of a modern state 'was crystallized in the issue of antisemitism' (ibid.: 93, 94). This signified the transformation of social and religious anti-Semitism into a political creed that

served as the organising principle of mass political movements. These movements were now able to exploit and manipulate popular anti-Semitism as they propagated their ideologies of the 'alien Jew' and a Jewish world conspiracy. Arendt notes the striking fact that persecution of European Jewry intensified in an inverse relation to its declining political influence, for Europe's Jewish communities had become 'powerless or power-losing groups' (ibid.: 5).

Ideological scientificality

Anti-Semitism had become infected by what Arendt terms 'ideological scientificality' or a form of political discourse that was released 'from the control of the present' by positing an inevitable historical outcome, which is by its very nature immune to all tests of validity (ibid.: 346). This mode of ideological argumentation was but one step removed from its totalitarian incarnation, for the Nazis infused this device with a prophetic quality whose infallibility derived from the fact that their policies were geared to realising their stated ideological goals. By transforming the 'idea' – race in racism – into an all-encompassing explanation of the unfolding 'movement' of history, which in turn was realised through the application of 'total terror', the Nazis eliminated all competing 'ideas', as well as all contradictions and obstacles that might stand in the way of an ideological vision and reality (ibid.: 469). I will address the relation in Arendt's thought between totalitarian ideology and total terror in greater detail below. In the present context, however, I should like to stress Arendt's related argument that the 'only direct, unadulterated consequence of nineteenth-century anti-Semitic movements was not Nazism but, on the contrary, Zionism' (ibid.: xv). For Zionism emerged as a form of 'counter-ideology' and a political response to the age-old problem of European social and religious anti-Semitism. Conversely, such relation as there was between Zionism and Nazi racism was limited to the exploitation of Zionism and conventional anti-Semitism by the Nazi movement to foster and underscore its claims of a global Jewish conspiracy. In this way a peculiar triangular dialectic was established between anti-Semitism, Zionism and Nazism, that was only finally resolved with the establishment of Israel in 1948.

Thus, pre-Nazi anti-Semitism served as a virtual palette for propagandists, who manipulated the history of Jewry in ways that reinforced the urgency of the so-called 'Jewish question' (ibid.: 6-7, 355). Moreover, the Nazi movement revolutionised the function of ideology, and ideologized the 'Jewish question', by transforming mere anti-Semitic 'opinion' into an immutable 'principle of self-

definition' (ibid.: 356). Identity, rather than being a social, religious or economic category, was redefined in objective, 'scientific' terms as the biological-racial characteristics of the individual on the one hand, and as the imperative of conserving the racial characteristics of the master species or *Volk* on the other. For the first time in history, racism had become the organising principle of a mass political movement, and would soon also become the binding ideology of a totalitarian system of government. By displacing sovereign political authority from the state to the totalitarian movement, the German state was redefined as a '"means" for the conservation of the race, [just] as the state, according to Bolshevik propaganda, is only an instrument in the struggle of classes' (ibid.: 357).

One other aspect of Arendt's engagement with the question of anti-Semitism in *Origins* should be noted here. Although Arendt's interpretation of Nazi racism focuses quite heavily on the question of anti-Semitism, this is largely a reflection of the status of European Jewry as the principal target of the Nazi genocide. However, once her focus shifted to the broader category and implications of Nazi biological racism, she stressed that there were also other categories of victims of the Nazi genocide, which moreover reveals the truly unprecedented nature of Nazi ambitions. Thus for example, in the 1963 work *Eichmann in Jerusalem*, Arendt argues that Eichmann was guilty of the extermination of Sinti and Roma 'in exactly the same way he was guilty of the extermination of the Jews' (Arendt 1964e: 245). This is still regarded by many as a controversial statement, although it should not be. Nazi racism did not just envisage the extermination of European Jewry but aimed at a total reordering of the racial demographics of occupied Europe. Hitler had already begun to implement his '*Generalplan Ost*' prior to Germany's defeat. The policy envisaged the resettlement of millions of SS cadres, beginning with the elite 'Order of Heinrich Himmler', and entailed 'ethnic cleansing' on an unprecedented scale and the expansion of the camp system across the occupied territories of the East (Schulte 2001: 287, 307-09, 334-51, 376-8; Browning 2004: 240-1). Hence, the ultimate goal of Hitler's race-ideology entailed even greater horrors and considerably greater numbers of potential victims. It was only Hitler's defeat in 1945 that spared the world from the broader goals of the 'Final Solution'.

Imperialism, the topic of the second part of *Origins*, played a more direct role in mainstream European politics between 1884 and the outbreak of World War One.

It was, moreover, the most significant element leading Europe into the catastrophe of total war. Arendt focuses on the anomalies of nation-state imperialism, which set the stage for a global war, in whose wake social and political institutions were shattered and entirely new categories of 'superfluous' humanity were generated. However, Arendt's interest does not lie in the history of imperialism's warmongering as much as in its hubris of intent. She argues that conquest and empire are destined to end in tyranny unless they are based primarily upon law; law, that is, as understood by the Roman Republic as integrating, rather than merely assimilating the heterogeneous conquered peoples as subjects of a common polity. The dilemma posed by overseas conquest was that it contradicted and ultimately undermined the national principle of 'a homogenous population's active consent to its government', which ever since the dawn of political modernity had constituted the *raison d'être* of the nation-state. Thus Europe's imperial ambitions, propelled by the economically driven rush for resources and markets, were not matched by a viable political model of imperial rule. The exclusion of the extra-national territories and peoples from the body politic of the conquering powers meant that rather than grounding their rule in the principle of justice, the imperial states were reduced to forcibly extracting the 'consent' of the subject peoples to their own subjugation (Arendt 1979: 125). This device of rule impacted most directly on the colonial entities. Nonetheless, in the wake of the First World War, Europe, too, experienced the condition of 'statelessness' and all that went with the loss of constitutionally guaranteed national rights. Millions of displaced refugees were generated by policies of expulsion from former national territories and the loss of these territories. This was accompanied by widespread economic crises, which in turn generated social conflict and dislocation. These conditions were antithetical to Europe's Enlightenment understanding of a socially integrated and politically secured citizenship. They also resembled conditions that had been generated by the imperial powers in their colonial possessions.

Arendt's analysis of modern imperialism investigates the parallels between the impact of empire on the subjugated peoples and the impact of total war on the peoples of the imperial powers. Moreover, it targets modern imperialism's idealisation of 'power', which went hand in hand with the instrumentalization of violence. In other words violence, rather than serving the ends of law and its enforcement, 'turns into a destructive principle that will not stop until there is nothing left to violate' (ibid.: 137). If we recall, for Arendt violence and force are

antithetical to her concept of power, which she defines as the acting and speaking together of the citizenry. In Europe's imperial domain, however, the 'power export' mobilised the state's instruments of violence, the police and the army, which were liberated from the control and constraints imposed by national institutions, becoming themselves 'national representatives' in undeveloped countries (ibid.: 136). Therefore, at the outset of the imperialist adventure, institutions that performed constitutionally proscribed and prescribed functions in Western societies were deprived of their proper function and invested with enormous sovereign powers. Restricted to the realm of empire, these developments were destructive enough, since the logic of unlimited expansion forestalls the establishment of enduring and stabilising political structures, and 'its logical consequence is the destruction of all living communities, those of the conquered peoples as well as of the people at home' (ibid.: 137). Still, in the relatively short life span of the European empires, the national institutions of the imperial states, though corrupted by empire, withstood its corrosive effects. The same cannot be said of their totalitarian successors. In their expansionary phases, both Germany and the Soviet Union

… dissolved and destroyed all politically stabilized structures, their own as well as those of other peoples. The mere export of [imperialist] violence made the servants into masters without giving them the master's prerogative: the possible creation of something new. Monopolistic concentration and tremendous accumulation of violence at home made the servants [of totalitarianism] active agents in the destruction, until finally totalitarian expansion became a nation- and people-destroying force. (ibid.: 138)

Whereas European imperialism legitimated the violent excesses of an anti-political conception of power reduced to a function of political domination, totalitarianism eliminated the political institutions which control the exercise of power, and which are intended to serve the political community.

Arendt's analysis of imperialism's pre-totalitarian power principle is complemented by a novel interpretation of what she terms 'race-thinking', whose key elements are traceable to various strands of eighteenth century European thought, but whose emergence during the nineteenth century brought it into conflict with the competing ideologies of 'class-thinking'. These two dominant strains of political thought now competed for dominance in the collective consciousness of European peoples. Around the time of the 'Scramble for Africa',

following the Berlin conference of 1884, race-thinking flourished as a corollary of imperialistic policies. Arendt cites Count Arthur de Gobineau as the most important progenitor of all modern race theories. His 'frankly ridiculous' doctrine is described as the product of a 'frustrated nobleman and romantic intellectual'. But for all that Gobineau may have 'invented racism almost by accident' (ibid.: 172), his ideas proved particularly influential fifty years after their formulation, in 1853 – at a time, that is, when European dominance of the globe was at its height. Gobineau's 'doctrine of decay' was never biological in the manner of Nazi racism, since it posited that mere acceptance of the ideology of race was proof positive that an individual was 'well-bred'. Nonetheless, it inspired a generation of European intellectuals, amongst whom may be counted very respectable figures indeed. Arendt's point, however, is that Gobinism's amalgamation of race and 'elite' concepts energised 'the inherent irresponsibility of romantic opinions', since it resonated with the latter's preoccupation with the 'self' and the romantic yearning to impart 'inner experiences' with universal 'historical significance' (ibid.: 175).

Joseph Arthur de Gobineau

Race-thinking

In re-functionalising pre-modern 'race-thinking', National Socialism installed 'a race of princes' as the subjects of this history – a substitute aristocracy, the Aryans, whose function was to rescue society from the levelling effects of democracy. Conceived in these social terms, Gobinism, though distinct from Nazism's biological racism, appealed to turn-of-the-century intellectuals preoccupied with the problem of *decadence* and overwhelmed by a pessimistic mood that revolved around the notion of the inevitable decline of Western civilisation. Gobineau's ideas would also find considerable resonance in a later generation of Germans, whose trauma of despair in the wake of the Great War gradually made way for a radical ideology of redemption, which adopted

Gobineau's category of race and adapted it to the biological 'necessities' underpinning an ideology of 'racial hygiene'. For this generation of racial thinkers, the logic of purity henceforth demanded that the pure be rescued, that the impure must be destroyed as a matter of course, thereby actually setting in motion 'the "inevitable" decay of mankind in a supreme effort to destroy it' (ibid.: 173).

For race-thinking to make the transition to racism, and thence to becoming a fully-fledged ideology in Arendt's sense, the preoccupations of nineteenth century romantics and intellectual adventurers underwent, firstly, a political marriage of convenience with imperialistic policies and, secondly, were seized upon by '"scientific" preachers':

For an ideology differs from a simple opinion in that it claims to possess either the key to history, or the solution for all the 'riddles of the universe', or the intimate knowledge of the hidden universal laws which are supposed to rule nature and man. (ibid.: 159)

Ideologies in this sense are not theoretical doctrines but come into existence and are perpetuated as a 'political weapon'. Their 'scientific aspect' serves as a foil for the spurious basis of supposedly infallible arguments, whose great power of persuasion derives from their logical construction. None of the nineteenth century ideologies, Arendt argues, were predestined to triumph over the others. Instead, they coexisted as a matter of course in the liberal polity, some gaining prominence with unfolding events such as the 'Scramble for Africa', others emerging as fully fledged ideologies in the wake of the Bolshevik Revolution and the First World War. Arendt nonetheless acknowledges the predominance in early twentieth century Europe of the secular ideas of 'race' and 'class', whose ascendancy was a function of their appeal to the experiences and desires of the masses engaged in or affected by political conflicts between Europe's nation-states and amongst its social classes. These ideologies thus enjoyed the advantage that they resonated with existing social and political realities, predating and preceding the adoption by the totalitarian movements of the ideas of race and class as the mobilising and organising principles of their revolutionary movements (ibid.: 159, 160).

Arendt's extensive analysis of race-thinking and racism, like her treatment of colonialism and imperialism, targets the political dimension and impact that

modes of thought, immersed in the historical experiences of conquering and dominating, being conquered and being dominated, were to have on post-war Europe. To the extent that race-thinking was an historical adjunct to European imperialism, it had already become politicised, although none of the imperial powers had adopted the notion of racial domination itself as a core value of the national political culture of their countries. Still, Arendt argues that the destructive potential of these ideologies was prefigured in the thinking of the modern imperialists and in the mentality of the imperial elites and bureaucratic foot-soldiers. Arendt views the injunction 'exterminate the brutes' as more than a literary device, whereas Conrad's *Heart of Darkness* conveys the brutish mentality of the times, which was put to devastating effect in 'the most terrible massacres in recent history'. Particularly Germany's African domain and the Belgian Congo were the scenes of 'wild murdering' and decimation. Ignorant settlers and brutal adventurers responded ruthlessly to a humanity that 'so frightened and humiliated the immigrants that they no longer cared to belong to the same human species' (ibid.: 185). Racism and bureaucracy developed on parallel tracks, and they converged in the practice of 'administrative massacres'.

The key factor here is that race-thinking and racism fulfilled a legitimating function vis-à-vis imperial policy without of its own accord generating new conflicts or producing 'new categories of political thinking' (ibid.: 183). In Arendt's view, even champions of the 'race' idea, such as Gobineau and Disraeli, were ill-equipped to fathom the true significance of the novel experiences of European settlers, whose 'brutal deeds and active bestiality' were neither acknowledged nor understood, but which nonetheless had a pernicious effect on the European body politic (ibid.: 183). Race-thinking and racism were home-grown European ideologies, yet they gathered an 'unexpected virulence' in the context of colonial policy, and the conflicts between the colonial powers, for whom the lives of the indigenous populations counted as little more than expendable labour power. In other words, 'an abyss' had opened up 'between men of brilliant and facile conceptions and men of brutal deeds and active bestiality which no intellectual explanation is able to bridge' (ibid.). Viewed as a justification rather than as a principle of political action, race-thinking did not become the driving force of European imperialism during the nineteenth century. Still, whether defined culturally, linguistically, geographically, or biologically, once a particular race seized upon racial domination as the organising principle of its national polity there was no predicting the inherent force of its

destructiveness. In this sense, ‘class-thinking’ was a variation on the theme of radical identity politics, and following the Bolshevik Revolution the idea of class made its transition from a Marxist critique of relations of class domination to a policy of exterminating so-called counter-revolutionary classes.

The gradual substitution of race for nation was set in motion during the late imperial era. Conversely, the advent of modern bureaucracy as a substitute for government shattered the constraints against power accumulation that had been put in place by a liberal regime of limited government (ibid.: 186). In other words, modern bureaucracy revolutionised the state, expanding its reach and ability to control society (and colonies) in ways not envisaged by the proponents of the modern European nation-state. When applied to Europe’s imperial domain, a regime of ‘aimless process’ (ibid.: 216) provided the colonial administrator with an effective device for instilling order, without having to resort to the customary homeland practice of enforcing the rule of law. Once the enormous power potential of an administrative regime was freed of legal constraints and was placed in the hands of colonial administrators, a limitless horizon of administrative decrees replaced the customary legal and institutional constraints that form the basis of all forms of civilised government. This was a new experience for modern man, one that introduced into politics the ‘superstition of a possible and magic identification of man with the forces of history’ (ibid.). ‘The law of expansion’, the boundless terrain of imperialistic ambition, and the belief that the realisation of empire entailed entry into ‘the stream of historical necessity’ – of being ‘embraced and driven by some big movement’ (ibid.: 220) – promoted a new sense and intoxication with serving a power greater than oneself. Arendt quotes revealing passages from T. E. Lawrence, who at the end of his career seemed as uncomprehending of his true ‘function’ as he was desolate in its absence (ibid.: 218-21).[14]

Still, in Arendt’s view, even this archetype of the modern adventurer ‘had not yet been seized by the fanaticism of an ideology of movement’ (ibid.: 220), although he did seem to believe that he was an instrument of ‘historical necessity’ – a functionary of secret forces prevailing in the world independent of human will or design. Although Lawrence was very much a product of his era, for Arendt he also represents a transitional figure, whose willing participation in a cause transcending individual interest and purpose heralded a later generation of adventurers thrown into prominence by the First World War. In the wake of

Europe's disaster, novel political movements emerged armed with both fully fledged ideologies and forms of bureaucratic organisation that would prove more destructive than anything produced by Europe's imperialist ambitions. The power potential of these new entities resided in their discovery that ideologies become 'political weapons' in the hands of totalitarian movements. The Bolshevik Revolution was of particular significance in this regard, since it manifested, for the first time, the new power structure of a modern revolutionary dictatorship, which although pre-totalitarian in Arendt's sense, saw ideology assume the role once played by 'opinion' and 'interest' in the handling of public affairs. Ideologies in their totalitarian forms are by definition impervious to the 'undetermined infinity of forms of living-together' (ibid.: 443). Arendt contends that what the Soviet Union lacked under Lenin was a leadership devoted, as a matter of principle, to a policy of mass terror (see especially ibid.: 305-23, 379-80). The levelling and equalising force of totalitarian terror targets individuality, plurality, natality, spontaneity, and freedom – our distinctly human traits – reordering human relations in accordance with the ideological imperatives of 'total domination'. A philosophical term which is commonly misunderstood in the secondary literature as suggesting an idealistic conception of 'total power', 'total domination' constitutes the touchstone of Arendt's theory of totalitarianism and the mirror image of her post-*Origins* theorisation of action and politics. Ideology and terror constitute complementary devices in the hands of totalitarian movements, which always seek to fabricate 'something that does not exist, namely, a kind of human species resembling other animal species' (ibid.: 438). In other words, the complex relation between ideology and terror goes to the heart of Arendt's account of 'the *event* of totalitarian domination itself' (ibid.: 405). I will explore the important relation between ideology and terror below. Firstly, however, I would like to make certain preliminary observations about Arendt's reasons for emphasising the 'function', rather than the distinct contents of various totalitarian ideologies, for one of the most persistent criticisms of Arendt's theory of totalitarianism is that she disregards the important differences, notably, between the Nazi and Stalinist ideologies.

Ideology: Eliding the great left-right divide

Arendt's analysis of ideology in Origins engages with the complex interplay between nineteenth century European anti-Semitism, race-thinking and imperialism, a perspective that has attracted the charge of 'Eurocentrism'. The broadly European context of Origins is a function of its historical and theoretical

subject matter, rather than evidence either of historical bias or of an indifference to the violence wrought on non-European societies. For better or worse, Europe's global hegemony was a fact of its imperial reach and economic power. Arendt emphasises throughout that modern European imperialism was distinct from both classical empire building and assimilationist conquest. Instead, the European powers subjected conquered territories and peoples to a novel form of colonial administration, that was quite distinct from, and subordinate to, the domestic institutions of the imperial powers (Arendt 1979: 130-2). Arendt's analysis of European 'colonial imperialism' thus weaves a complex tale of some of the key trends and events in European history that were coincident with the disintegration of the nation-state, a process that contained within itself 'nearly all the elements necessary for the subsequent rise of the totalitarian movements and governments' (ibid.: xxi). The argument mounted by some critics, that Arendt's extensive analysis of anti-Semitism points to an imbalance between her analyses of Nazism and Stalinism overlooks an underlying strategy of Arendt's book, for what she is attempting to do is to chart the transformation of nineteenth century ideologies into fully-fledged totalitarian ideologies. Having brutally suppressed its imperial domain and twice unleashed world war it is, Arendt argues, precisely in Europe that 'a new political principle' was most urgently to be sought, one that would complement a 'new law on earth, whose validity this time must comprehend the whole of humanity' (ibid.: ix).

Against this historical and theoretical backdrop, the third and final part of *Origins* takes up the question of totalitarianism *per se*. The whole question of totalitarianism seems first to be intimated in Arendt's essays of 1944, at a time when Germany's military defeat was a foregone conclusion, whereas the full extent of its mass crimes remained hidden. Moreover, whereas Arendt's focus shifted to the Soviet Union in the early stages of the Cold War, this was true of most observers and theorists, irrespective of their political views and ideological biases. While many Western Marxists earnestly debated Stalin's putative Marxist credentials, Arendt was more interested in what the Stalinist dictatorship was actually doing rather than what it said it was doing. With the benefit of hindsight, it is indeed striking that very few Western intellectuals were troubled by the relation between terror and ideology in the Stalinist system of government, which constituted the central focus of Arendt's analysis. The absence in *Origins* of a sustained analysis of the fraught relationship between Marx's thought and Stalin's totalitarian ideology is indicative of Arendt's view that Stalinism was not

principally a problem for Marxist theory. Instead, she focuses on the perceived manifestation of a phenomenon with which Hitler had just acquainted Europe and much of the world. For a world at war was preoccupied with defeating the Nazi regime, of which far more was known, both during the war and throughout the entire post-war era, than with the sprawling Soviet behemoth. But even the Nazi terror enjoyed little attention from academics in the immediate post-war years, the energies of a few dedicated researchers notwithstanding. Although this phenomenon is not unrelated to the fragmentary evidence of the extermination machine that had once existed in occupied Europe, it cannot be wholly explained in these terms.

Arendt's concerns, then, were of an altogether different order than the polemics on either side of the post-war ideological divide. In her view, both the proponents and critics of the Stalinist phenomenon failed to grasp the sheer novelty of Soviet totalitarianism and hence neither side in the ongoing controversy understood what was at stake, theoretically and politically, in the Cold War conflict. Debate especially in the Western academy revolved around the question of Stalin's Marxist credentials, whereas his regime of terror was more often than not hijacked for propaganda purposes. Arendt's approach was both more balanced and nuanced. On the one hand, she dismissed the notion of a direct line of descent between Marx's political thought and Stalinist totalitarianism. On the other hand, however, she acknowledged the Enlightenment inspiration of Bolshevik ideals, whilst nonetheless arguing that Lenin had perverted the ideals for which he had fought. This complex link between Lenin's ideals and Marx's thought and Lenin's construction of an apparatus of terror that was to be the defining feature of the Stalin years, is a major subtext of Arendt's post-*Origins* philosophical inquiry. In Arendt's view, the absence of any such link between Nazism and the Enlightenment was manifest. Moreover, she took to task all those commentators who equated Nazism and Fascism, for in her view they thereby grossly underestimated the novelty and virulence of Hitler's ideology and system of rule. *Origins* owes much of its emphasis upon Nazism to this concern, which also entailed refuting a direct line of descent between Europe's history of Church-inspired anti-Semitism and Nazi race ideology – an approach that earned Arendt quite a number of enemies. If the Dreyfus affair in late nineteenth century France affirmed the potential that Jew-hatred held as the motor of annihilation, that potential was actualised only once a totalitarian movement had seized upon biological racism as the organising concept of its ideology.

Arendt's totalitarianism thesis has been targeted most especially by those writing in the Marxist tradition. In my view, the reasons for this are not difficult to fathom. Those loyal to the Bolshevik revolutionary project were forced either to abandon their revolutionary ideals to the Stalinist involution, or to concede that the revolution had failed. Since Arendt clearly viewed the Bolshevik Revolution as a failure, her critics were wont to dismiss her views as indicative of her ignorance of Soviet politics and history at best. Arendt was neither a historian nor a specialist in Russian history. Nevertheless, Arendt makes a convincing case for a comparative analysis of the Nazi and Stalinist totalitarianism, even if it would be more than a generation before many of her erstwhile critics would grudgingly (and as we shall see in the next chapter, also often unwittingly) concede that she had grasped the essential dynamic of Stalinist rule. *Origins*, therefore, is not a work of history, but a study of the nature of totalitarian ideologies, the emergence of totalitarian movements, and their transformation as governing parties. Only if we grasp her general approach does it become possible to integrate her arguments in the first two parts of *Origins* with the third part dealing with totalitarianism *per se*. In short, Arendt would like us to see that just as Hitler's biological racism constituted a fundamental break with nineteenth century anti-Semitism and race doctrines, Stalin cannot simply be viewed merely as consolidating Lenin's revolutionary dictatorship, but that he in fact radically transformed it. What I think is important here is the sense in which any 'idea', once seized upon by a totalitarian movement, becomes the basis not only of its ideology but also of its total reorganisation of society.

Arendt could not have known in detail the course of events in the Soviet Union any more than her Western colleagues did. Still, there was sufficient evidence of mass terror for any fair-minded observer to conclude that the self-image of the dictatorship was hardly an appropriate basis upon which to write history, still less to make judgements about the nature of Bolshevik rule. It also needs to be stressed that Arendt held a concept of totalitarian ideology that was not principally concerned with the 'content' of the ideology, but with its function within the totalitarian system of rule. Although ideologies are not unique to totalitarian regimes, they perform a very particular function.

Ideologies

Arendt defines ideologies as 'isms which to the satisfaction of their adherents can explain everything and every occurrence by deducing it from a single premise'

(ibid.: 468). Although these 'isms' can be traced to the worldviews and ideologies of the nineteenth century, they are not in themselves totalitarian. Still, by force of historical events and social trends, racism and communism had come to dominate the ideological landscape of twentieth century Europe. Arendt argues that neither ideology was any more totalitarian than the many non-starters, which either lacked an appreciable following or did not possess a sufficient degree of popular resonance. Nonetheless, all ideologies have totalitarian 'elements' and become totalitarian only insofar as they are mobilised by a totalitarian movement and transformed into instruments of totalitarian domination (ibid.: 470). In their totalitarian forms, racism and communism became political weapons and devices of rule. Hence, Nazi

… race ideology was no longer a matter of mere opinion or argument or even fanaticism, but constituted the actual living reality … The Nazis, as distinguished from other racists, did not so much believe in the truth of racism as desire to change the world into a race reality. (Arendt 1954a: 351; emphasis added)

Similarly, Stalin transformed Lenin's dictatorship of a vanguard party into a terror regime targeting all social layers and remnants of classes that had survived the first decade of Bolshevik rule, therewith realising, 'albeit in an unexpected form, the ideological socialist belief about dying classes' (ibid.: 351). Seized by totalitarian movements as templates of a future perfect, ideological systems of belief are transformed into deductive principles of action. Whereas the axiomatic 'idea' underpinning these ideologies varies, in practice the 'ideas' of race or class perform the same organising and reductive function and are therefore virtually interchangeable. Of course historically the distinction between race- and class-thinking is of great relevance, determining, *inter alia*, the primary victims of the terror. Arendt acknowledges that Nazi ideology was historically unprecedented and perhaps also uniquely destructive insofar as it tended by its very nature to be genocidal. Stalin's terror, although more complex and ideologically fraught than the Nazi regime of terror, proved to be no less destructive for those reasons.

Les Adler and Thomas Patterson long ago challenged Arendt for 'avoiding' what they term

… the important distinction between one system proclaiming a humanistic ideology and failing to live up to its ideal and the other living up to its antihumanistic and destructive ideology only too well. (Adler and Paterson 1970:

1049)

In other words, the authors wish to stress the supposed Marxist pedigree of Stalin's ideology, an approach that has the no doubt unintended effect of impeaching Marx's philosophy rather than demonstrating the humanist content, or even intent, of Stalin's rather bloody path to enlightenment. Whereas these critics distinguish between two ostensibly unrelated systems of ideas, Arendt was more concerned to explain how it was that Stalin transformed Lenin's one-party dictatorship into a totalitarian dictatorship, and why Stalin's terror regime cannot be portrayed merely as a failure to live up to Bolshevik revolutionary ideals. In her view, the premise of all such argumentation – that Stalin somehow unleashed successive waves of terror in order to achieve humanist ideals – betrays an unwillingness to face up to the true nature of Stalin's rule.

Others, such as Robert Tucker, charge Arendt with misreading the apparent close relation between Stalinism and the general category of 'communist ideology'. Tucker acknowledges Arendt's concept of totalitarian ideology and concedes Arendt's view that the totalitarian dictator fulfils a largely functional role in the totalitarian regime, as the initiator and driving force behind the practice of totalitarian terror. Tucker nonetheless posits a category of the paranoid 'personality type' of the totalitarian dictator (Tucker 1965: 564), arguing that if Stalin's terror was a function of his 'paranoid personality',

… then the explanations of totalitarian terror in terms of functional requisites of totalitarianism as a system or a general ideological fanaticism in the ruling elite would appear to have been basically erroneous – a conclusion which derives further strength from the fact that the ruling elite in post-Stalin Russia remains committed to the Communist ideology. (ibid.: 571)

The problem with this interpretation is twofold. Firstly, Tucker implies a degree of continuity between the ruling elites under Stalin and during the post-Stalin era that is contradicted by the evidence of the decimation of Stalin's inner-circle immediately following his death. For Arendt, moreover, the 'ruling elite' in totalitarian dictatorships is not coterminous with the formal state or party hierarchies, but consists of the dictator's 'inner-circle' whose control of the levers of power is dependent on the unpredictable calculations of the Leader, who presides over a 'fluctuating hierarchy' that keeps 'the organisation in a state of fluidity' (Arendt 1979: 368, 369). The pecking-order within this inner-circle, as

well as of the movement more generally, is determined by the dictator. It follows that any change of leadership would potentially dramatically alter the nature of the regime itself.

Secondly, Tucker does not define 'Communist ideology'; he merely argues that Stalin 'wove' his private vision of reality

… into the pre-existing Marxist-Leninist ideology during the show trials of 1936-1938, which for Stalin were a dramatization of his conspiracy view of Soviet and contemporary world history. The original party ideology was thus transformed according to Stalin's own dictates into the highly 'personalized' new version of Soviet ideology. (Tucker 1965: 568)

In other words, Tucker displaces the functions of total terror and ideology onto the person of the dictator, who is after all the author of both. There is common ground here between Tucker and Arendt, but there is also a fundamental disagreement. Clearly any form of dictatorship is by definition highly 'personalised' and it is notoriously difficult to assess the impact on any given dictatorship of the personal motives and personality traits of the dictator. Tucker may well be right that 'paranoia' played an important role in both dictatorships. Still, we can no more think our way into Stalin's mind than we can into Hitler's. But we can examine the nature of their dictatorships and analyse the role played in both by formal state structures, ideology, terror, and so on. In other words, it would seem obvious that neither Hitler nor Stalin was 'rational', insofar as their political decisions were solely determined by their ideological preconceptions and 'paranoid' tendencies. Still, if 'paranoia' did play a key role in the mass crimes of their dictatorships, and even if it is a distinguishing criterion of totalitarian rule, the nature of a dictatorship is not simply an extension of the personality of the dictator.

Stalin – Hitler

Revolutionary and totalitarian dictatorship

It falls to Tucker to explain the relevance of his observation of the post-Stalin regime's continued commitment to the 'Communist ideology', when he nonetheless adopts Arendt's distinction between Lenin's 'revolutionary dictatorship' and Stalin's 'totalitarian dictatorship' (ibid.: 556). Tucker, moreover, draws a distinction between 'dictatorial terror' and 'totalitarian terror' (ibid.: 561) and in an earlier article makes the same case for Stalin's organisational innovations, arguing that 'what we carelessly call "the Soviet political system" is best seen and analysed as a historical succession of political systems [Leninist, Stalinist, and post-Stalinist] within a broadly continuous *institutional* framework' (Tucker 1961b: 381; emphasis added). But if Stalin's dictatorship was both organisationally and ideologically distinct from both antecedent and successor regimes, moreover introducing 'totalitarian terror', the 'ruling elite's' 'continued' commitment to 'Communist ideology' could only be interpreted as a renewed commitment to Marxist-Leninism, purged of Stalin's 'personalised' reworking of the 'pre-existing' doctrine and accompanied by the abandonment of his system of rule. To be clear on this point, it is not my intention here to refute Tucker's view that we need to better understand the personality type of the totalitarian dictator, if such a thing is possible. Nevertheless, Tucker cannot elevate the personality of the dictator, Stalin, to a position of primacy, argue that Stalinist ideology and terror were distinctively totalitarian, and simultaneously claim that the process of detotalitarianization following Stalin's death belies the continuity of the ruling elite's Communist ideology – without drawing the implicit conclusion. Either Stalin's personal rule was totalitarian, or it was not. Either post-Stalin Communist ideology was also Stalin's ideology, or it was not. In other words, either totalitarian rule came to a (virtual) end with the dictator's death, or it was never truly tied to the person of the dictator in the first place.**[xv]** Arendt consistently rejects the view that totalitarianism can be understood in terms merely of personalising the evil of the regime. This is particularly evident in her analysis of the novel organisational devices of totalitarian rule.**[xvi]** She nonetheless does insist upon the central role of the dictator in all totalitarian regimes, although she views Hitler and Stalin as a new breed of dictator. Moreover, she recognises the sheer force of will that drove these men along their chosen trajectories,**[xvii]** and her account does suggest that the regimes they created disintegrated upon their deaths. But we have only the Stalinist case as evidence of this, since Hitler's death coincided with Nazi Germany's total defeat and occupation.

If Arendt's concept of totalitarian ideology is often misinterpreted, nonetheless the mainstream anti-Marxist camp was never quite reconciled to the view that the Stalinist dictatorship faithfully reflected the project of emancipation that Marx, especially in his more youthful writings, had envisaged. Still, both sides to the Cold War dispute exploited Stalin's putative Marxist credentials for propaganda purposes. Western anti-Communist propaganda seized upon Stalin's supposed faithful adherence to Marxist doctrine as evidence that Marxism is inherently terroristic. Western Marxists, and especially adherents of the so-called 'New Left' during the 1960s, clung to the notion of a historically determined transition to true democracy. This indefinitely-postponed future provided a foil for challenging any attempt to critique the actually existing practices in the Soviet Union, which in the case of the Stalinist period were more often than not simply denied, and in subsequent years subjected to tortuous and inconclusive historical and doctrinal debates. In that sense, writing in the late 1940s to early 1950s, Arendt was challenging an impregnable edifice of denial, itself a function of the circus going on in Washington at the time. Arendt rightly dismissed both sides as ideologically blinkered and intellectually dishonest, stressing not only that which was known about Stalin's terror but also his relation to the Marxist-Leninist tradition, to which he laid claim but to which he also did extreme violence. Marxism was an alibi rather than a basis of Stalin's political programme, and if he paid little more than lip service to the ideals of the Bolshevik revolutionary programme itself, there were few pre-war Western Marxists willing unambiguously and unconditionally to point this out, not least of all to themselves. Still, Arendt's central point was that the Nazi and Stalinist systems of government were comparable, and that their ideologies, although clearly distinct, were important not for their presumed content, but instead for their narrow political function. This is a view echoed, for example, by Martin Broszat who similarly argues that the comparative analysis of the National Socialist and Stalinist systems of government is theoretically justified, despite important differences between their societies and ideologies (Institut 1980: 35).

Arendt challenges the thesis of a continuity between Marx's thought and Stalin's ideology, whilst nonetheless highlighting the totalitarian elements of Marxism-Leninism that formed the basis of Stalinism, without collapsing the former into the latter. This was bound to be controversial. The purpose of this essay has been to stress Arendt's general approach rather than to provide an in-depth analysis of her controversial view that Stalin fundamentally transformed the system of

government spawned by the Bolshevik Revolution. In the following section, I will analyse Arendt's even more controversial contention that rather than their content, totalitarian ideologies are principally distinguished by their function in the establishment of a regime of total domination.

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NOTES

i. Auschwitz and Majdanek were unique insofar as they also served as concentration and slave labour camps. Moreover, Auschwitz belonged to the largest industrial complex in all of occupied Europe, and it was composed of three main camps: the original concentration camp, Auschwitz I; Auschwitz II or Birkenau, the largest of the camps and the centre of extermination; and Auschwitz III or Monowitz, which was a dedicated slave labour camp directly attached to the industrial installations. During the immediate post-war years, the dedicated extermination camps of the *Aktion Reinhard* programme – Treblinka, Sobibor and Belzec – were much less frequently mentioned. This was because they were comparatively small operations that were entirely dismantled prior to the Soviet invasion, and because very few inmates of these camps survived. Unlike Auschwitz, these camps were distinguished by their secret locations and the majority of their staff managed to escape arrest in the immediate post-war years. Nevertheless, the story of the belated acknowledgement of the existence of these camps is somewhat puzzling. For in 1942, reports in the English-language newspaper *Polish Fortnightly Review*, published by the Polish government-in-exile, repeatedly referred to these camps as 'extermination facilities'. Moreover, the exiled Polish government advised its Allied counterparts of the mass extermination of the Jews by no later than December 1942. Mass exterminations began later in Auschwitz than in the other dedicated death camps, whereas reports about 'Auschwitz' and 'Birkenau' during 1943 failed to register that these were two sub-camps of the greater Auschwitz complex. This link was first conclusively established in a June 1944 report of the Jewish Agency in Geneva, which cited eyewitness accounts by Rudi Vrba and Alfred Wetzlar, who had escaped from Auschwitz-Birkenau in April 1944. There were other, and earlier, first-hand accounts. Thus the Polish underground published the first book on Auschwitz, *Oboz Smierci* (Camp of Death), in 1942, prior to the commencement of mass killings, whereas throughout 1943 a steady stream of information about the

camp's various activities was transmitted by the Polish resistance (Van Pelt 2002: 144-5).

ii. The charge that *Origins* fails to make an adequate case for the comparative analysis of Nazi and Stalinist totalitarianism will be dealt with in chapter five (see also De Mildt 1996; Browning 1995).

iii. As we have seen, *Origins* certainly was not, as Walter Laqueur claims, 'the first in the field', a claim made in the same paragraph in which he notes that 'during the previous decade others had pointed to the specific character of totalitarianism – Ernst Fraenkel and Franz Neumann, Waldemar Gurian and Franz Borkenau, Boris Souvarine, Rudolf Hilferding, and others, including Russian writers such as Georgi Fyodotov' (Laqueur 2001: 51).

iv. Arendt's post-war analysis characterises this murderous imperialistic impulse as a product of totalitarian rulers who typically 'consider the country where they happened to seize power only the temporary headquarters of the international movement on the road to world conquest, that they reckon victories and defeats in terms of centuries or millennia, and that global interests always overrule the local interests of their own territory' (Arendt 1979: 411).

v. In view of the scope and complexity of Arendt's subject matter, it is indeed puzzling how Walter Laqueur could claim that 'what was new and ingenious in Arendt's book was not relevant to her topic – the long and far-fetched discourses on the Dreyfus trial and French anti-Semitism, on D'Israeli, Cecil Rhodes, Lawrence of Arabia, and British imperialism – for it was not in these countries that totalitarianism came to power' (Laqueur 2001: 51). The radicalising impact of the Dreyfus affair; the distinction between social and religious anti-Semitism and biological racism; the impact of imperialism on Europe's national states; and the mentality of figures such as Rhodes – he would 'colonise the planets' – all of these are irrelevant to the First World War that spawned Europe's inter-war radicalism and her ideologies of *Lebensraum* and world revolution?

vi. Having articulated this view in *Origins*, Arendt turned to a study of the 'Totalitarian Elements of Marxism', which she never completed, but whose themes were incorporated notably in *The Human Condition* and *On Revolution*, as well as in several important essays and lectures. At a time when it was quite unheard of in America, Arendt argued that Marxism is inextricably bound up with the chief tenets of Western political philosophy.

vii. Schmitt distinguishes between the ancient *polis* and the state proper, which emerged in sixteenth century Europe in the wake of the Renaissance, humanism, Reformation and counter-Reformation; a product of 'neutralising' and

'secularising' occidental rationalism on the one hand (Schmitt 1988a: 271; also Schmitt 1991: 19), and on the other monarchical absolutism, which centralised political power and forged a unified, post-feudal state (Schmitt 1978: 204). If we recall, Schmitt presents the key transitions in modern European history in schematic terms as a series of successive 'dominant spheres', corresponding to the progressive secularisation of the European state. Hence, the theology and metaphysics of the sixteenth and seventeenth centuries, respectively, was followed by the eighteenth century world of humanism and rationalism, which in turn gave way to the 'economism' characteristic of the nineteenth century (Schmitt 1993: 130-4). He argues that the secularisation of the public sphere coincided with both the triumph of the 'natural' sciences and the emergence of the liberal *Rechtstaat*, in the wake of the French Revolution. The secular institutions of the liberal state grew out of a popular yearning for a free realm of public debate and exchange, which would underpin the state's political authority and inform its decision-making processes. However, two forces now emerged to undermine both the political neutrality of the state and the bourgeois social contract, which presupposed both the social and economic hegemony of the enfranchised and ideologically coherent middle classes and the relegation of social and economic questions to the depoliticised sphere of civil society. Thus, the division of labour, which was introduced by the process of industrialisation, was accompanied by the democratisation of society. The resulting social cleavages gave rise to extra-parliamentary corporate structures and associations, whose 'politicisation' undermined the sovereign political authority of the state (Schmitt 1928: 151-2). Thus, the classic liberal state was transformed into a weak, interventionist, quantitatively total state, whose role was restricted to mediating between society's organised interests and parties.

viii. Arendt's focus in the review is Western Europe. Nevertheless, she notes that 'all one party systems follow the basic pattern of "movements"' (Arendt 1946c: 209), an implicit reference to her characteristic distinction between totalitarian movements and totalitarian regimes. Whereas the Fascist, Bolshevik, and Nazi parties all constituted totalitarian movements, it was only under the rule of Hitler and Stalin that totalitarian rule finally took hold.

ix. Arendt's interest in Cecil Rhodes centred on his claim that 'I would annex the planets if I could' (Arendt 1979: 124), an ambition Arendt never doubted.

x. In the 1954 article 'Dream and Nightmare' Arendt notes Hitler's pre-war 'promise that he would liquidate Europe's obsolete nation-state system and build a united Europe' (Arendt 1954e: 417).

xi. In this post-war exchange with Eric Voegelin, Arendt introduces key themes of the 1958 work, *The Human Condition*. She argues that the plight of the modern masses revolves around the destruction of binding common interests that are the basis of human solidarity. Without this '*inter–est*' both bringing together and distinguishing them as individuals, the atomised masses fall prey to totalitarian 'consolidation'. Hence Arendt's view that that totalitarianism 'is identical with a much more radical liquidation of freedom as a political and as a human reality than anything we have ever witnessed before' (Arendt 1953c: 408).

xii. It is not clear how Heller would account for Soviet totalitarianism, which emerged in a society that could hardly have been described either as Western or 'modern', in Heller's sense of that term.

xiii. See Young-Bruehl's discussion of Waldemar Gurian and David Riesman's sense that *Origins* might imply 'the inevitability of totalitarianism' (Young-Bruehl 1982: 251).

xiv. Arendt's reflections on Cecil Rhodes and T. E. Lawrence draw on her interpretation Franz Kafka, whose interpretation of bureaucracy and the modern administrative regime influenced Arendt's notion of 'pre-totalitarian' rule and her understanding of the dynamics of modern mass movements (see e.g. Arendt 1979: 245; Arendt 1944a; see Danoff 2000).

xv. Different problems present themselves in another of Tucker's articles of 1961, in which he claims that Arendt never definitively distinguished the Leninist and Stalinist regimes, but instead implies that 'the communist political system, established by Lenin and the Bolshevik Party, *is what it became* after Stalin revolutionized it and transformed it into a Stalinist political system' (Tucker 1961a: 282). In fact, Arendt argues quite the contrary, rejecting a teleological interpretation of the Bolshevik Revolution as inherently totalitarian (see e.g. Arendt 1953e: 364-7). Her point, to put it in vulgar terms, is that Stalin needn't have happened, although he or someone like him would probably not have been elected Prime Minister of Britain (see Arendt 1979: 308).

xvi. See Arendt's incisive comparative description of Hitler's and Stalin's functions as 'the Leader' in relation to the organisational imperatives of their totalitarian movements (1979: 373-81).

xvii. See e.g. Arendt's analysis of *Hitler's Table Talk* (1951: 291-5).

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In September 2011, *Professor Anthony Court* of the College of Graduate Studies was awarded the UNISA Press, *Hidding Currie* prize for 2010. The Hidding Currie prize is awarded annually for academic or artistic work of the highest quality which contributes to the understanding or development of the discipline. Professor Court's book, entitled *"Hannah Arendt's Response to the Crisis of Her Times"*, was published in 2008 by Rozenberg Publishers, Amsterdam, and republished by UNISA Press in 2009. The book appeared in the bi-national SAVUSA Series, which aims to publish scientific, yet broadly accessible texts on historical and contemporary issues.

Professor Court's interest in Hannah Arendt's political thought grew out of his undergraduate studies in political philosophy and international relations at Munich University's Geschwister Scholl Institute in the 1980s. During this period, there was a resurgent interest in Arendt's political thought generally and her theory of totalitarianism more particularly. The author notes that Arendt's novel contributions to twentieth century political thought resist easy categorisation. Nevertheless, in his view there are few thinkers in Western history who share Arendt's unwavering sense for the political. A central argument of the book is that Arendt's theory of totalitarianism and her theory of politics can be traced back to her personal experience of the twentieth century phenomenon of "total domination". Although much of Arendt's early writings consist of reflections upon the harrowing phenomena of Nazi and Stalinist totalitarianism, "total war" and genocide, Arendt's later works articulate a pluralistic theory of politics that is grounded in her concept of "natality". In Arendt's own words, new "beginnings" are without end, and each new beginning "is guaranteed by each new birth; it is indeed every man".

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Hannah Arendt's Theory of Totalitarianism – Part Two

Hannah Arendt – Ills. Ingrid Bouws

Ideology and terror: The experiment in total domination

In chapter two of *Hannah Arendt's Response to the Crisis of her Time* it was argued that Arendt's typology of government rests on the twin criteria of organisational form and a corresponding 'principle of action'. In the post-*Origins*

essay *On the Nature of Totalitarianism*, Arendt argues that Western political thought has customarily distinguished between 'lawful' and 'lawless', or 'constitutional' and 'tyrannical' forms of government (Arendt 1954a: 340). Throughout Occidental history, lawless forms of government, such as tyranny, have been regarded as perverted by definition. Hence, if

… the essence of government is defined as lawfulness, and if it is understood that laws are the stabilizing forces in the public affairs of men (as indeed it always has been since Plato invoked Zeus, the god of the boundaries, in his Laws), then the problem of movement of the body politic and the actions of its citizens arises. (Arendt 1979: 466-7)

'Lawfulness' as a corollary of constitutional forms of government is a negative criterion inasmuch as it prescribes the limits to but cannot explain the motive force of human actions: 'the greatness, but also the perplexity of laws in free societies is that they only tell what one should not, but never what one should do' (ibid.: 467). Arendt, accordingly, lays great store by Montesquieu's discovery of the 'principle of action' ruling the actions of both government and governed: 'virtue' in a republic, 'honour' in monarchy, and 'fear' in tyrannical forms of government (Arendt 1954a: 330; Arendt 1979: 467-8).

In all non-totalitarian systems of government, therefore, the principle of action is a guide to individual actions, although fear in tyranny is 'precisely despair over the impossibility of action' since tyranny destroys the public realm of politics and is therefore anti-political by definition. Nevertheless, the state of 'isolation' and 'impotence' experienced by the individual in tyrannical forms of government springs from the destruction of the public realm of politics whereas the mobilisation of the 'overwhelming, combined power of all others against his own' (Arendt 1954a: 337) does not eliminate entirely a minimum of human contact in the non-political spheres of social intercourse and private life. Thus, if the fear-guided actions of the subject of tyrannical rule are bereft of the capacity to establish relations of power between individuals acting and speaking together in a public realm of politics, the 'isolation' of the political subject does not entail the destruction of his social and private relations (ibid.: 344). Therefore, in all non-totalitarian forms of government, the body politic is in constant motion within set boundaries of a

stable political order, although tyranny destroys the public space of political action (Arendt 1979: 467).

Arendt argues that totalitarianism is distinguished from all historical forms of government, including tyranny, insofar as it has no use for any 'principle of action taken from the realm of human action', since the essence of its body politic is 'motion implemented by terror' (Arendt 1954a: 348; see 331-3). In other words, totalitarianism aims to eradicate entirely the human capacity to act as such (Arendt 1979: 467). For totalitarian rule targets the total life-world of its subjects, which in turn presupposes a world totally conquered by a single totalitarian movement.**[i]** Hence, only in

… a perfect totalitarian government, where all men have become 'One Man', where all action aims at the acceleration of the movement of nature or history, where every single act is the execution of a death sentence which Nature or History has already pronounced, that is, under conditions where terror can be completely relied upon to keep the movement in constant motion, no principle of action separate from its essence would be needed at all. (ibid.)

This important passage contains several key ideas that need to be carefully unpacked. Firstly, we encounter Arendt's conception of society reduced to 'One Man' or a single, undifferentiated Mankind as a condition of a 'perfect totalitarian government'. We may note here that totalitarianism thus conceived constitutes the very antithesis of the political in Arendt's sense of men acting and speaking together in a public realm of politics. Secondly, Arendt contends that only in such a perfect totalitarian system would terror, which she views as the 'essence' of totalitarianism, suffice to sustain totalitarian rule. Hence, in all imperfect totalitarian dictatorships, terror in its dual function as the 'essence of government and principle, not of action, but of motion' (ibid.), is an insufficient condition of totalitarian rule. For, insofar as totalitarianism has not completely eliminated all forms of spontaneous human action, freedom, or the inherent human capacity to 'make a new beginning', exists as an ever-present potential within society (ibid.: 466)**.[ii]** Totalitarian movements must therefore strive to eliminate this capacity for political action, and any form of spontaneous human relations. Hence:

What totalitarian rule needs to guide the behaviour of its subjects is a preparation to fit each of them equally well for the role of executioner and the role of victim. This two-sided preparation, the substitute for a principle of action, is the ideology.

(ibid.: 468)

However – and this is a crucial point – Arendt stresses that it is

… in the nature of ideological politics … that the real content of the ideology (the working class or the Germanic peoples), which originally had brought about the 'idea' (the struggle of classes as the law of history or the struggle of races as the law of nature), is devoured by the logic with which the 'idea' is carried out. (Arendt 1979: 472)

In other words, 'the preparation of victims and executioners which totalitarianism requires in place of Montesquieu's principle of action is not the ideology itself – racism or dialectical materialism – but its inherent logicality' (ibid.: 472). In Arendt's view, the device of 'logicality', which underpins all ideological thought processes, draws its strength from a simple human fact; 'it springs from our fear of contradicting ourselves' (ibid.: 473).

Arendt's concept of totalitarian ideology is linked to her category of totalitarian 'lawfulness'. She argues that totalitarian rule 'explodes' the opposition between lawful and lawless government, since although lawless in the conventional sense that it disregards even its own positive laws, unlike tyranny, it is 'not arbitrary insofar as it obeys with strict logic and executes with precise compulsion the laws of History or Nature' (Arendt 1954a: 339-40). This means, for one thing, that totalitarianism is not an exaggerated version of the arbitrary and self-interested rule of the tyrant and the laws of Nature or History are not the 'immutable *ius naturale*' or the 'sempiternal customs and traditions of history', from which positive laws governing the actions of men customarily derive their authority. In its totalitarian incarnation, 'law' no longer signifies the stabilising legal framework governing human actions, but instead transforms individuals into the living embodiments of the laws of movement, 'either riding atop their triumphant car or crushed under its wheels' (ibid.: 341). Since 'totalitarian government *is* only insofar as it is kept in constant motion' (ibid.: 344), the comparatively stable positive legal framework guiding the actions of ruler and ruled within the finite territorial realm of the modern nation-state is antithetical to the requirements of a totalitarian regime. Individual subjects of totalitarian rule either surrender to the dynamic process of becoming, or they are consumed by it: '"guilty" is he who stands in the path of terror, that is, who willingly or unwillingly hinders the movement of Nature or History' (ibid.: 342). The qualification is significant, since

the automatism of the impersonal and dynamic forces of Nature or History enjoy complete primacy over the individual members of society, who either join the movement or are swept away by it.

Ideology's function

Totalitarian lawfulness applies the laws of Nature or History 'directly to the "species", to mankind [and] if properly executed, are expected to produce as their end a single "Mankind"' (ibid.: 340). Ideology's function is to transform Nature and History 'from the firm soil supporting human life and action into supra-gigantic forces whose movements race through humanity' (ibid.: 341). This function, rather than the substance of the ideology, distinguishes totalitarian ideologies from their antecedents in the nineteenth century. As we have seen, in the first two parts of *Origins* Arendt foregrounds the phenomena of race-thinking and class-thinking, both of which were general trends in nineteenth century European thought and politics, whereas only Marxism could lay claim to a respectable philosophical lineage. Race-thinking and racism, which interpret history as a natural contest of races, springs from the 'subterranean' currents – that is, the gutter – of European political thought (Arendt 1953f: 375). Still, both resonated with a substantial body of popular opinion and sentiment since both doctrines derived their potency and persuasive power from actual historical trends. For 'persuasion is not possible without appeal to either experiences or desires, in other words to immediate political needs' (Arendt 1979: 159).

The transition to the twentieth century coincided with the ascendancy of racism and Marxism and their emergence as the dominant ideologies in inter-war Europe, a dominance that was a function of their coincidence with the century's two most important elements of political experience; namely, 'the struggle between the races for world domination, and the struggle between the classes for political power'. Racism and communism triumphed over competing ideologies both because they reflected dominant currents in society and politics and because they were seized upon as the official ideologies of the most powerful and successful totalitarian movements (ibid.: 470). Their totalitarian character, moreover, presupposed emptying racism and revolutionary socialism of their 'utilitarian content, the interests of a class or nation' (ibid.: 348), generating a precedence of form and function over content, of infallible prediction over interest and explanation, driving 'ideological implications into extremes of logical consistency' (ibid.: 471).**[iii]** In this way, totalitarian ideologies manufactured a

total explanation of reality freed of inconsistencies, unhampered by mere facts, and independent of all experience.

For Hitler, Arendt tells us, this process was set in motion by a 'supreme gift for "ice cold reasoning"', for Stalin, by the 'mercilessness of his dialectics' (ibid.); for both bespeaking a determination to effect controlled changes in human nature as the primary impediment to total domination. Total domination, in turn, guided by totalitarian ideology and actualised by the application of terror, invariably results 'in the same "law" of elimination of individuals for the sake of the process or progress of the species' (Arendt 1954a: 341). Nevertheless, whereas the application of terror is initially aimed at eliminating opposition, total terror also serves the important function of 'stabilising' men to permit the unhindered movement of Nature or History, eliminating 'individuals for the sake of the species' and sacrificing 'men for the sake of mankind' (ibid.: 343). Having discovered the laws of motion of totalitarian ideologies – that is, having mastered the intricacies of totalitarian organisation –, the dictator eliminates all obstacles to the fulfilment of the objective laws of movement. Unlike the tyrant, who, as a 'free agent', imposes his arbitrary subjective will, the totalitarian ruler acts in accordance with the logic inherent in the idea, freely submitting to his function as

… the executioner of laws higher than himself. The Hegelian definition of Freedom as insight into and conforming to 'necessity' has here found a new and terrifying realisation. For the imitation or interpretation of these laws, the totalitarian ruler feels that only one man is required and that all other persons, all other minds as well as wills, are strictly superfluous. (Arendt 1954a: 346)

In the popular attraction of totalitarian ideologies, which derives from their all-encompassing explanation of life and the world, secures the leader in his role as 'the functionary of the masses he leads' (Arendt 1979: 325). Once seized upon by totalitarian movements, notions of a classless society or a master race presuppose 'dying classes' and 'unfit races'. The 'monstrous logicality' inherent in such ideological constructs dictates that whosoever accepts their initial premise but does not draw the logical conclusion of exterminating 'class enemies' or 'inferior races', is 'plainly either stupid or a coward' (ibid.: 471, 472). Still, without the Leader's genuine gift for mobilising the masses and implementing the novel methods of totalitarian organisation, ideological intent could not be translated into historical reality. Thus, despite the fact that neither Hitler nor Stalin added anything of substance to the ideologies which they adopted, it is they who

discovered the principle of logical process which ‘like a mighty tentacle seizes you on all sides as in a vise and from whose grip you are powerless to tear yourself away; you must either surrender or make up your mind to utter defeat’ (Stalin in ibid.: 472).

If Arendt regards neither class-thinking nor race-thinking as inherently totalitarian, this is because any ideology or system of ideas, insofar as it is articulated as a definite theoretical or political doctrine or formulated as a party program, is incompatible with totalitarianism. For doctrines and programs, like positive laws, set limits, establish boundaries, and introduce stability (ibid.: 159, 324, 325). Nevertheless, all ideologies have totalitarian ‘elements’, for every ideology adopts an ‘axiomatically accepted premise’ that forms the basis of a logically or dialectically constructed argument, whose absolute consistency is a function of its complete emancipation from all observable facts, contrary evidence or life experience (ibid.: 470, 471). This is a crucial aspect of Arendt’s argument, for she stresses that the ‘arrogant emancipation from reality and experience’ points to the nexus between ideology and terror characteristic of all totalitarian regimes, and accounting for their unprecedented destructive power. The key to unlocking this power resides in the totalitarian organisation of society. Freed of the customary standards of lawful action and verifiable truth claims, totalitarian movements unleash terror in accordance with the imperatives of the ideological reconfiguration of society. All members of society are now the potential targets of a regime of terror that functions independently of both the interests of society and its members (Arendt 1954a: 350).

Ideology and terror

Hannah Arendt Plaque in Marburg

The link thus established between ideology and terror, although only realised by totalitarian organisation, is nonetheless implicit in all forms of ideology, for ideology 'is quite literally what its name indicates: it is the logic of an idea' and it treats the course of history in all its contingency and complexity as a function of the 'logical exposition of its "idea"'.**[iv]** The strict logicality with which an ideological argument is extrapolated from an axiological premise is termed 'totalitarian lawfulness' by Arendt. Thus the 'ideas' of race and class 'never form the subject matter of the ideologies and the suffix *–logy* never indicates simply a body of "scientific" statements about something that *is*, but the unfolding of a process which is in constant change' (Arendt 1979: 469) – the 'idea', that is, as instrumental in calculating the course of events. Ideology in this sense is a strictly closed system of thought since the vagaries and contingencies of history are presumed to be subject to an overarching, 'consistent movement' of history which can explain all contradictions and resolve all difficulties 'in the manner of mere argumentation' (ibid.: 470).

All ideologies therefore appeal to a putative 'scientificality' that purports to reveal the motor of history with the same precision and logical consistency to be found in the natural sciences. Arendt stresses, however, that the scientificality of ideological thinking is distinct from '"scientism" in politics [that] still presupposes that human welfare is its object, a concept that is utterly alien to totalitarianism'. Thus 'modern utilitarianism', whether socialist or positivist, is imbued with the interests of class or nation (ibid.: 347) and strives to either transform the outside world or bring about a 'revolutionizing transmutation of society'. The evaluation of interest as an omnipresent force in history, together with the assumption that power is subject to discoverable objective laws, collectively constitute the core of utilitarian doctrines. Totalitarian ideologies, on the other hand, aim to transform human nature itself (ibid.: 458, also 440), since the human condition of plurality is the greatest obstacle standing in the way of the realisation of an ideologically consistent universe. For a view of history as a logical and consistent process of becoming, set in motion by a movement which is the expression of the 'idea' and which is unaffected by external forces, dispenses with the 'freedom inherent in man's capacity to think' embracing, instead, the 'straight jacket of logic' (ibid.: 470). Thus, the 'logicality of ideological thinking' is both a template of an imagined society as well as the motor of a regime of terror, which is both means and end. Once seized upon by a totalitarian government, ideologies form the basis of all political action, not only guiding the actions of the government but also

rendering these actions ‘tolerable to the ruled population’ (Arendt 1954a: 349). In this sense, ideology facilitates the extraction of ‘consent’ from the members of society whose standards of judgement are wholly informed by a closed system of thought and whose actions, or inaction, are judged solely by the requirements of the ‘objective laws of motion’.

The transformation of ideologies into fully fledged totalitarian ideologies is thus a crucial prerequisite of totalitarian rule. Anti-Semitism, for example, only becomes ideological in Arendt’s sense once it presumes to explain ‘the whole course of history as being secretly manoeuvred by the Jews’, rather than merely expressing a hatred of Jews. Similarly, socialism *qua* ideology ‘pretends that all history is a struggle of classes, that the proletariat is bound by eternal laws to win this struggle, that a classless society will then come about, and that the state, finally, will wither away’. By stripping away contingency and human agency as determinants of history, totalitarian ideologies point to irresistible forces that allegedly disclose the true course of events, past and future, ‘without further concurrence with actual experience’ (Arendt1954a: 349). Totalitarianism’s ‘supersense’ construes all factuality as fabricated, therewith eliminating the ground for distinguishing between truth and falsehood. Guided by ideology and goaded by terror, human beings lose their innately human capacity for spontaneity and action, which is to say their capacity for political discourse and the distinctly human capacity for creative and unconstrained thought (ibid.: 350).

Arendt argues that totalitarian rulers employ a deceptively simple device for transforming ideologies into coercive instruments: ‘they take them dead seriously’ (Arendt 1979: 471; Arendt 1954a: 350). This statement might seem self-evident, even trite. Yet Arendt means by this two very important points. Firstly, she contends that neither Hitler nor Stalin contributed anything of substance to racism and socialism respectively. Their importance as ideologists stems from their understanding the political utility of eliminating ideological complexity, by means of which they transform ideologies into ‘political weapons’. Conversely, the Leader’s image of ‘infallibility’, as propagated by the party, hinges on his pretence at being the mere agent of the ideological laws of Nature or History. The Leader reinforces this image by means of a simple but effective ruse, for it is customary for the Leader to reverse the relation of cause and effect by proclaiming political intent in the guise of a ‘prophecy’. Thus, for example, when Hitler in 1939 ‘prophesied’ that in the event of another world war the Jews of

Europe would be ‘annihilated’, he was in fact announcing that there would be another world war and that the Jews would be annihilated. Thus, political intent concealed as ‘“prophecy” becomes a retrospective alibi’ (Arendt 1979: 349): the realisation of this ‘prophecy’ has the effect of reinforcing the Leader’s image of infallibility.**[v]** Similarly, when in 1930 Stalin identified ‘dying classes’ as the central threat to the consolidation of Bolshevik power, he was in fact merely identifying the targets of the coming purges. From this point of view the content of the ideology and its substance – the prophecies of ‘dying classes’ and ‘unfit races’ – are indeed of consequence insofar as they reveal the Leader’s political intentions by identifying the groups to be targeted by the regime’s terror. The ‘language of prophetic scientificality’ (ibid.: 350) also answers to the needs of disoriented and displaced masses, whose insecurity renders them susceptible to all-encompassing explanations of life and the world and whose membership of mass political movements releases them from the vagaries of an indeterminate fate (ibid.: 352, 368, 381).

Propaganda

Arendt wishes us to see that the totalitarian Leader’s ideological fervour has nothing to do with the fidelity of ideological discourse and everything to do with eliminating ideological complexity, which is antithetical to the organisational needs of the movement. Ideological complexity is also an obstacle to the effectiveness of propaganda, which is distinct from ideology and serves as a recruiting device (ibid.: 343). Propaganda creates conditions in which both the movement and society can be reordered into what Hitler termed a ‘living organisation’ (ibid.: 361). In the pre-power phase, propaganda holds the ‘real world’ at bay, whose complexity and contingency continuously threatens the integrity of the movement and the internal consistency of its ideological world-view. Propaganda thus shelters the movement *qua* proto-totalitarian society from a worldly reality (ibid.: 366), attracting masses already predisposed to discounting the evidence of their senses and who are thus susceptible to the ‘propaganda effect of infallibility’ (ibid.: 349). Once the movement has seized power, this ‘effect’ is amplified by the totalitarian reorganisation of society, at which point ideology ceases to be a matter of mere opinion or ‘debatable theory’ (ibid.: 362). Instead, the totalitarian movement organises the members of society into a race or class reality presided over by the ‘never-resting, dynamic will’ of the Leader, which is the ‘supreme law in all totalitarian regimes’ (ibid.: 365).

Propaganda is thus principally aimed at the non-totalitarian world. Its distinctively totalitarian character is expressed 'much more frighteningly in the organisation of its followers than in the physical liquidation of its opponents' (ibid.: 364). Propaganda thus serves the organisational interests of the movement while ideology facilitates the exercise of terror, which coincides with the reorganisation of society itself. Ideology and terror are thus the instruments of a revolutionary transformation of society, since ideology identifies the victims of terror, whereas terror realises the claim 'that everything outside the movement is "dying"' (ibid.: 381). Fabrication rather than followers is the key to the success of totalitarian rule. Indeed, a community of 'believers' implies an element of fidelity that hinders the Leader's freedom of action. What is required is a complete absence of the ability to distinguish between fiction and reality (ibid.: 385). Henceforth, factuality and reality become a matter of mere opinion, whereas the truth of lies is affirmed by the actualisation of ideological goals. Hence, not 'the passing successes of demagogy win the masses, but the visible reality and power of a "living organization"' (ibid.: 361).**[vi]** 'Prophecy' realised is its own best guarantee.

Arendt's distinction between ideologies of the nineteenth century and the totalitarian ideologies of the inter-war period remains one of the most controversial aspects of her theory of totalitarianism. Critics routinely deride Arendt's alleged 'equation' of racism and communism, whereas I have argued that the distinct contents of these ideologies is both acknowledged by Arendt and irrelevant to her focus on the functions that they fulfil 'in the apparatus of totalitarian domination' (Arendt 1979: 470). The persistence of this criticism reflects the inability of her critics to break out of a deterministic frame of reference, which always already accounts for novelty as the '"product" of antecedent causes' (Kateb 1984: 56).

Bernard Crick argues that descriptions of the formation of ideologies, the disintegration of the old systems, and 'what then happens' do not establish 'inevitable connections between them' (Crick 1979: 38). Many ideologies and political sects arising in the nineteenth century go unmentioned by Arendt. And if Arendt 'gives all too few glimpses of the nonstarters and the ideologies of the salon and the gutter that got nowhere', she is nonetheless, and

... quite properly, writing history backward: she selects what is relevant to understanding the mentality of the Nazis and of the Communists under Stalin,

and she is not writing a general account of nineteenth-century extreme political sects. (Crick 2001: 99)

Eric Voegelin

In response to a comment by Eric Voegelin in his 1953 review of *Origins*, Arendt provided a clear and rare statement of her method. Voegelin had argued that the true division in the crisis of contemporary (post-war) politics is not between liberals and totalitarians but between the 'religious and philosophical transcendentalists on the one side, and the liberal and totalitarian immanentist sectarians on the other side' (Voegelin in Isaac 1992: 71). Arendt's *A Reply to Eric Voegelin* is unambiguous: 'Professor Voegelin seems to think that totalitarianism is only the other side of liberalism, positivism and pragmatism. But … liberals are clearly not totalitarians' (Arendt 1953c: 405). Arendt goes on to suggest that Voegelin's misreading is rooted in their different approaches. Where she proceeds from 'facts and events', Voegelin is guided by 'intellectual affinities and influences', a distinction perhaps blurred by Arendt's real interest in philosophical implications and shifts in spiritual self-interpretation. Nonetheless, Arendt formulates her general approach to the phenomenon of totalitarianism in quite distinct terms as follows:

But this certainly does not mean that I described 'a gradual revelation of the essence of totalitarianism from its inchoate forms in the eighteenth century to the fully developed', because this essence, in my opinion, did not exist before it had come into being. I therefore talk only of 'elements', which eventually crystallize into totalitarianism, some of which are traceable to the eighteenth century, some perhaps even farther back … Under no circumstances would I call any of them totalitarian. (Arendt 1953c: 405-06)

Arendt views totalitarianism as *sui generis*. To her mind, the totalitarian phenomenon derives its great force from the 'ridiculous supersense of its ideological superstition' (Arendt 1979: 457) and 'the *event* of totalitarian

domination itself' (Arendt 1953c: 405). It does not arise on the basis of a substantive ideological content nor is 'total domination' a variation of historical forms of tyranny and despotism.**[vii]**

The complexity of this point stems from Arendt's view of totalitarian ideologies as 'instruments of explanation' (Arendt 1979: 469) whose logical deduction of the movement of history from a single premise does away with the need for a guiding principle of behaviour. Totalitarian ideologies are not a system of belief guiding the actions of their adherents but an instrument exploited by totalitarian movements in their drive to mobilise the masses. Klemperer portrays National Socialism in this sense as a manifestation of the 'weariness of a generation. It wants to be free of the necessity of leading its own life' (Klemperer 2000: 158). By answering to this need, totalitarian movements attract a following that constitutes the nucleus of a nation-wide reorganisation of society into three sub-categories of humanity, presided over by the leader – the elite formations, party members, and rank and file sympathisers. Whereas the elite formations typically evince a fanatical adherence to ideology, the mass following is characterised by malleability and gullibility (Arendt 1979: 367, 382-4). Arendt argues that the totalitarian system of rule presupposes a mass following disabused of ideals, convictions and mere opinions, since these are obstacles to the laws of motion governing the movement of history. For this reason, totalitarian education has never sought to instil convictions in the masses, but to eliminate the capacity to form any (ibid.: 468). It is also for this reason that Arendt stresses the novel *organisational* devices binding the various strata of the movement directly to its leader, and the role of terror as the substitute for a principle of action. The party membership is not expected to put much faith in the integrity of official public statements. Knowledge within the party of Hitler's serial lies inspired trust in his leadership for the simple reason that Hitler repeatedly demonstrated his ability to manipulate his domestic audience and outwit his foreign adversaries. Without 'the organizational division of the movement into elite formations, membership, and sympathizers, the lies of the Leader would not work' (ibid.: 383).

The novel form of totalitarian organisation – it's peculiar 'shapelessness' – derives from an ingenious and rather simple device that results in an immense administrative and structural complexity. Whereas the division between the leader, elite formations and masses is suggestive of authoritarian state structures, political authority in totalitarian regimes radiates outwards unmediated from the

leader to the various levels of institutional and party structures. Thus, although Hitler delegated enormous powers to key ministers and party and state functionaries, these powers were contained within strictly defined areas of competence and were conditional upon Hitler's continued favour. Moreover, whereas authoritarian regimes typically establish discrete institutional spheres of clearly circumscribed sovereign state authority, totalitarian rule is characterised by a multiplication of overlapping and conflicting party and state institutions that inhibit the formation of a stable, hierarchical chain of command. The concentration of power in Hitler's Chancellery was therefore a function of Hitler's sole authority to decide the outcome of conflict within and between competing party and state institutions, rather than of a centralisation of hierarchically ordered political power.

Power of command

Theoretically, this means that totalitarian regimes are resistant to conventional analytical frameworks, for al of these to some extent presuppose stabilising hierarchical structures of authority typical of military dictatorships, whose 'absolute power of command from the top down and absolute obedience from the bottom up' define these regimes as *non*-totalitarian:

A hierarchically organized chain of command means that the commander's power is dependent on the whole hierarchic system in which he operates. Every hierarchy, no matter how authoritarian in its direction, and every chain of command, no matter how arbitrary or dictatorial the content of its orders, tends to stabilize and would have restricted the total power of the leader of a totalitarian movement. In the language of the Nazis, the never-resting, dynamic 'will of the Führer' – and not his orders, a phrase that might imply a fixed and circumscribed authority – becomes the 'supreme law' in a totalitarian state. (Arendt 1979: 364-5; see also Schmitt 1947: 431)

The distinction between totalitarianism and tyranny or military dictatorship tells us something of the radical novelty of the former. Arendt wishes us to see that totalitarianism is fundamentally incompatible with the modern Western state, in *any* of its different forms. For all state forms are distinguished by their hierarchical structure, which rests on a principle of authority that simultaneously stabilises institutions and informs the actions of its members. In other words, the subjects of all non-totalitarian states are guided by a 'principle of action' that in one form or the other establishes limits. Even the fear-guided actions of the

subjects of tyranny possess an element of calculability and predictability, whereas totalitarian regimes eliminate all immutable standards and predictable limits. A regime of terror that prepares its subjects equally for the role of victim and of executioner cannot permit the stabilisation of political relations, nor can it afford any element of predictability, since in either case terror would cease to be total. For this reason, the Leader's function is indispensable, since it

*… is only from the position in which the totalitarian movement, thanks to its unique organization, places the leader – only from his functional importance for the movement – that the leader principle develops its totalitarian character. (Arendt 1979: 365; see also Schmitt 1947: 435)***[viii].**

Once the movement has seized power, the 'absolute primacy of the movement' over both state and nation is complemented by the unchallenged power of the Leader over the movement who, unlike the tyrant, discards 'all limited and local interests – economic, national, human, military – in favour of a purely fictitious reality in some indefinite distant future' (Arendt 1979: 412). To sustain both the dynamism and primacy of the movement, moreover, the Leader must ensure organisational 'fluidity', which is by definition antithetical to structure and stability (ibid.: 368).

All authoritarian regimes, whether or not they are dictatorships, necessarily imply hierarchy, stability, and some limitation of absolute power, since the principle of 'law as command' establishes relations of authority that in some form or other limit the actions of the government (ibid.: 405; see also Schmitt 1947: 437). Conversely, totalitarian regimes imply fluidity, absence of a clear chain of command, and a nihilistic principle of totalitarian 'lawfulness' that inhibits the stabilisation of any law, any institution, and any way of life. The totalitarian leader, moreover, is the only member of society who is not bound by his own decrees and edicts, or by legality of any kind. For this reason, Arendt argues that totalitarian societies can have no genuine state form, since the institution of the state is by definition a reified, legally bounded and finite entity. The state, moreover, serves to establish a distance between the ruling elite and the rest of the population. Totalitarianism collapses all distance, introducing a total identity between leader and masses that is actualised in its most concentrated form in the practice of organised acclamation.

March 1921 Lenin announced NEP

Given the ideological and organisational imperatives of the regime, 'those who aspire to total domination must liquidate all spontaneity, such as mere existence of individuality will always engender, and track it down in its most private forms, regardless of how unpolitical and harmless these may seem' (Arendt 1979: 456). Conviction and even mere opinion are manifestations of the capacity for critical thought and spontaneous action. The greatest threat to totalitarian rule, and the main target of total terror, is human spontaneity or 'man's power to begin something new out of his own resources, something that cannot be explained on the basis of reactions to environment and events' (ibid.: 455). Total obedience, then, springs not from a conventional authoritarian notion of obedience but derives from the totally isolated and lonely subject's 'sense of having a place in this world only from [one's] belonging to a movement' (ibid.: 324). 'Total loyalty' – the psychological basis for total domination – can only be expected from completely isolated human beings and is 'only possible when fidelity is emptied of all concrete content, from which changes of mind might naturally arise' (ibid.). In this regard Hitler certainly enjoyed a decided advantage over Stalin who inherited the Bolshevik party program, a far more 'troublesome burden than the 25 points of an amateur [Nazi] economist' (ibid.). In this sense, Arendt regards the New Economic Policy (NEP) initiated by Lenin as an 'obvious alternative[s] to Stalin's seizure of power and transformation of the one-party dictatorship into total domination' (Arendt 1967: xv-xvi, also vii, xi, xii, xiii, xv, xix, 390f). This has broader implications for Arendt's interpretation of Marxist doctrine itself, which even in its Leninist guise is acknowledged as an obstruction to Stalin's totalitarian ambitions. In this view,

… the ideal subject of totalitarian rule is not the convinced Nazi or the convinced Communist, but people for whom the distinction between fact and fiction (i.e., the reality of experience) and the distinction between true and false (i.e., the

standards of thought) no longer exist. (Arendt,1979: 474)

Arendt's description of the reactive totalitarian subject establishes a basis for her view that both Marxism and Social Darwinism had to be subjected to 'drastic oversimplification' (Stanley 1994: 23) before they could be exploited for totalitarian purposes. Only in totalitarian regimes does ideology effect a total rupture between reality and fiction by transforming reality through the actions of the subjects, who are the carriers of the 'idea' as well as the vehicle for its realisation.

Arendt's view that twentieth century totalitarian ideologies are irreducible to their nineteenth century antecedents also goes to the heart of the controversy about her novelty thesis – her view, that is, that mid-century totalitarian regimes were both organisationally and ideologically unprecedented. This view is more aggressively contested in regard to the Stalinist regime. Andrew Arato is highly critical of Arendt's interpretation of Lenin's revolutionary one-party dictatorship, rejecting her view of it as authoritarian or 'pre-totalitarian'. While he agrees that there were options for non-totalitarian development at the point of Lenin's death, he argues that Lenin's political organisation had unmistakable totalitarian elements (Arato 2002: 474-9), a claim that Arendt does not dispute. Contrary to Arato's view, Arendt does not gloss over those tendencies and policy measures in Lenin's revolutionary dictatorship that presaged Stalin's 'Second Revolution' of 1929. Nonetheless, she views Lenin's NEP as a rational policy framework alternative to Stalin's revolution 'from above' (Arendt 1979: xxxii, 319). Arato contests this, arguing that the NEP was both a necessary *and* a temporary intervention. Still, what interests Arendt is that Lenin was willing at all to place practical considerations above ideological commitments, when these seemed justified by circumstances. Whatever the merit of Arendt's general analysis of Lenin's dictatorship, her central point is that Lenin was not averse to the utility of rational calculation within the broader context of Bolshevik ideology. Arato himself concedes that there 'were options for nontotalitarian developments at the moment of Lenin's death' (Arato,2002: 476), and he adjudges Bukharin's strategy of an indefinite extension of the NEP as the basis of a real alternative to totalitarianism.

Conversely, Arendt's contention that Lenin favoured inner-party democracy, albeit restricted to the working class, is problematic to say the least, for it was Lenin, after all, who disbanded the elected constituent assembly and combated

pluralistic tendencies within the party.

Statesmanship

Nevertheless, Arato strains the spirit of Arendt's analysis to match his reservations. Arendt, we are told, assures 'us that the relevant actions were those of the great practical statesman (that is, a "Great Dictator"?) and not the Marxist ideologue' (Arato 2002: 475). What Arendt actually argues is that 'in these purely practical political matters Lenin followed his great instincts for statesmanship rather than his Marxist convictions' (Arendt 1979: 319). Arendt does not equate statesmanship with dictatorship but points to Lenin's undeniable leadership skills, nonetheless conceding that these were constantly being challenged by his dogmatic Marxist convictions. Arendt variously overstates and oversimplifies the content of Lenin's political decisions, but she hardly endorses either Lenin's dictatorship or his dictatorial tendencies, nor is she mistaken in her view that Lenin made important concessions to practical politics. These concessions may be of questionable historical significance, but then Arendt's objective is to identify the totalitarian elements of the Leninist dictatorship; she was not engaged in writing a history of the revolution.

Arendt distinguishes between the Bolshevik movement, which in her view had definite totalitarian characteristics, and Lenin's revolutionary dictatorship, which did not constitute 'full totalitarian rule' in her sense (ibid.: 318). The distinction might seem trite taken out of context, but then it is Arato who concedes that Arendt 'is surprisingly aware of the variety of autocratic forms of rule' (Arato 2002: 473), and approvingly cites her postulation of 'a post-totalitarian dictatorship in the Soviet Union' (ibid.: 474) following Stalin's death in 1953. Arato is willing to accept Arendt's notion of 'detotalitarianisation' but unwilling to countenance the possibility of a Leninist pre-totalitarian dictatorship. His reasoning is that

… the 'conspiratorial party within the party' to which Arendt ascribes the victory of Stalin, was in fact the party that Lenin invented and institutionalised after 1917 as the all-powerful agent of dictatorship. (ibid.: 477)

Yet surely Arato cannot be suggesting that the Soviet Communist Party of 1917, 1924, 1929 and 1938 were one and the same institution? Of course it was always 'the all-powerful agent of dictatorship', but of what kind of dictatorship? If Stalin simply inherited a ready-made totalitarian regime, what then possessed him to

purge and exterminate practically the entire Bolshevik elite?**[ix]** Moreover, it is entirely wrong to suggest that Arendt apparently thought there were 'totalitarian elements in Marx, but not Lenin' (ibid.: 499n). Arendt certainly identified totalitarian 'elements' in Marx's thinking, and Lenin was nothing if not Marxist, a fact accepted as axiomatic by Arendt. What she challenges is the assumption of a direct line of affinity between Lenin's revolutionary thought and Stalin's perversion of even his *own* ideas:

The fact that the most perfect education in Marxism and Leninism was no guide whatsoever for political behaviour – that, on the contrary, one could follow the party line only if one repeated each morning what Stalin had announced the night before – naturally resulted in the same state of mind, the same concentrated obedience, undivided by any attempt to understand what one was doing, that Himmler's ingenious watchword for his SS-men expressed: 'My honour is my loyalty'. (Arendt 1979: 324)

In short, Arendt stresses Stalin's instrumentalist totalitarian logic that had as little to do with Marxism as Hitler's *Volksgemeinschaft* had to do with brotherly love.

Allusions to Social Darwinism as a precursor of Nazism can be quite as misleading as portraying Stalin as an authentic Marxist-Leninist, although in one important sense – man as the accidental product of natural development – Darwinism prefigures the Nazi penchant for irresistible natural laws. Darwin's evolutionary theory, however, is in principle a theory of chaos, of chance. It describes a natural process characterised by an overwhelming tendency to fail; a becoming that is as much a product of that failure as it is of opportunity. One could liken the totalitarian ideologies themselves to the chance 'successes' of nature, emerging from a melange of genetic variants to become fully formed entities dominating the intellectual landscape of history, as have many species dominated their natural environments. Opportunity, genetic predisposition, circumstance; together these produce a chance crystallisation of a new political reality that however forever holds within itself the potential of decline and catastrophe. The allusion to the catastrophic events of nature that brought about the extinction of the dinosaurs, throwing open the field of opportunity for other species to develop, is analogous of the historical catastrophe preceding the totalitarian movements. Indeed, it would not be stretching the bounds of credulity to portray the First World War as the historical equivalent of an asteroid striking earth, signalling the extinction of

nineteenth century Europe and casting a pall over the familiar social and intellectual currents of European culture. Out of this disaster certain ideologies rose to prominence, but not without the catalyst of human agency. Human agency is thus also central to the historical process, and the Bolshevik Revolution is only the most notable and apparent instance of such agency in the twentieth century. The Darwinist metaphor might therefore elucidate Arendt's interpretation of the constellation of ideologies vying for dominance during the late nineteenth century in historical circumstances that were as yet unfavourable to a final outcome. Bolshevism was already a fully formed contender prior to the First World War, whereas the elements of National Socialist ideology were condensed in the aftermath of Europe's orgy of violence.

Arendt does not indulge in speculation about whether or not the Bolshevik revolution was foredoomed, given the impact of war, the violence of the revolution, and the brutal civil war that followed. But she does argue that the revolution could have taken a different course (see e.g. ibid.: 319). Similarly, whilst acknowledging the odds against a successful republican experiment in Weimar Germany, Arendt argues that National Socialism need not have triumphed in 1933. Nonetheless, once these movements had emerged victorious, the ground for autonomous human agency was eliminated by 'stabilising' men 'in order to prevent any unforeseen, free, or spontaneous acts that might hinder freely racing terror' (Arendt 1954a: 342). Law, understood as positive laws stabilising and delimiting a public-political realm of spontaneous human action governed by predictable moral, ethical, and legal standards, was now viewed as an obstacle to totalitarian 'lawfulness'. The 'law of movement itself, Nature or History, singles out the foes of mankind and no free action of mere men is permitted to interfere with it. Guilt and innocence become meaningless categories; '"guilty" is he who stands in the path of terror' (ibid.). Indeed, there have been no instances of the enduring free action of men in the modern era outside of a public political realm governed by positive laws and guaranteed by the institutions of a sovereign territorial state. With all its impersonal power structures, the state was a final hurdle to be overcome en route to totalitarian rule.

Civil society

I have already drawn the reader's attention to Arendt's analysis of the novel strategy of the inter-war totalitarian movements, which by posing an extra-

constitutional and extra-legal challenge to sovereign state authority prised open the most vulnerable aspect of the bourgeoisie's formidable armour. The perceptiveness of Arendt's analysis of the inter-war period is nothing short of prescient, once she turns this insight into an explanation of the vulnerability, in turn, of post-totalitarian dictatorships to a resurgent 'civil society'. Although Arendt never uses the latter term, she clearly perceives the vulnerability of the post-Stalin dictatorships to the inverse strategy of undermining dictatorial authority by way of the popular reassertion of autonomous civic action, which constitutes the discursive basis of a reconstituted public realm. Whereas once the totalitarian movements had undermined the state by mobilising and organising mass social movements, the reified remnants of once dynamic totalitarian regimes are vulnerable to eruptions of spontaneous political action. Arendt, to be sure, regarded such political action as virtually impossible in full-blown totalitarian dictatorships. However, once a totalitarian regime undergoes a process of 'stabilisation', such as occurred in the post-Stalin era, the ground or 'space' for a reconstituted public realm re-emerges. All true totalitarian dictators guard against this development. Conversely, authoritarian dictators preside over institutionalised regimes of hierarchical power structures, which are by their very nature vulnerable to 'extra-authoritarian', popular interventions such as we witnessed in Poland in the early 1980s and throughout Eastern Europe in 1989. Post-totalitarian dictatorships, deprived of their former dynamism, can only react to concerted political challenges.

There was nonetheless an important difference between Nazi Germany and the Soviet Union that should be noted here. For whereas the pre-Nazi bourgeois nation-state was re-established in the wake of Hitler's defeat, pre-Soviet Russia had never made the transition to bourgeois rule; that is, 'the Russian despotism never developed into a rational state in the Western sense but remained fluid, anarchic, and unorganized' (Arendt 1979: 247). Hence, the longevity of post-totalitarian (i.e. post-Stalin) Soviet rule owed as much to the absence of any alternative tradition of state power as it did to the hegemony of the Communist Party. Germany reverted to its pre-Nazi statism with relative ease whereas

... in Russia the change was not back to anything we would call normal but a return to despotism; and here we should not forget that a change from total domination with its millions of entirely innocent victims to a tyrannical regime which persecutes only its opposition can perhaps best be understood as

something which is normal in the framework of Russian history. (Arendt 1975: 265-6)

The revolutionary upheavals of inter-war Europe were characterised by a wholly new brand of voluntarism and leadership that culminated in the formation of a range of autocratic and dictatorial regimes identified with the person of the dictator. In Hitler's case, as Joachim Fest observed in 1973, what happened is 'inconceivable without him, in every respect and in every detail. Any definition of National Socialism (or the system of government based upon it) that omits the name of Hitler misses the heart of the matter' (Fest 1973: 19). This view is echoed by Raymond Aron, who argues that what happened in Germany is incomprehensible if we 'omit the personal equation of the *Führer* and his combination of genius and paranoia' (Aron 1980: 39). No doubt the same is true of Stalin, although as we shall see, historians are profoundly divided on this question. Whether we focus on the 1930s, Hitler's glory years and Stalin's nightmare of terror, or the war years during which Hitler's mania of destruction was halted by wave upon wave of Soviet canon fodder, the personal imprint of the two dictators is unmistakable. But to say so merely elucidates a single dimension of a more complex reality. For equally important is the organisational dimension of the totalitarian system of rule that embraces a community of men who have become 'equally superfluous' (Arendt 1979: 457) and an ideological regime of terror that aims totally to eliminate the web of human relations.

The same case can be made for Stalin and in a somewhat qualified sense also for Mussolini. And indeed the case needs to be made. For to receive these historical figures as somehow preordained and hence irresistible entails surrendering to their logic, a fatalistic mind-set quite prevalent amongst exiled intellectuals of the inter-war years. Bertolt Brecht, for example, bitterly scorned Hitler's barbaric regime, yet went to extraordinary lengths to justify in his own mind what was happening in Stalin's utopia. Martin Esslin notes that in a man of Brecht's high intelligence, this exercise in rationalisation amounted to 'a kind of mental suicide, a *sacrificium intellectus*; and his letters show that he was only too well aware of it' (Esslin 1982: 13). Conversely, the personality type of Hitler 'teaches us something which, until his appearance, was unknown to history on this level: that utter individual nullity or mediocrity may be combined in one man with exceptional political virtuosity' (Fest 1973: 20). Hitler played the political field with unparalleled skill, alone deciding on the nature and duration of tactical

alliances, his thought and actions in this regard relatively free of preconceptions, at least during the pre-war period. In short, 'he was no-one's tool'. Still, Fest's view that Hitler 'coolly subordinated everything – people, ideas, forces, opponents, principles – to the goal that was the obsession of his life: the primitive accumulation of personal power' (ibid.), seriously underplays the role of ideology in Hitler's political universe. Hitler undoubtedly relished power, and certainly had no use for the trappings and amusements that preoccupied many of his satraps. Stalin, by contrast, could count on and exploit an existing system of power accumulation whilst contending with far greater forces of resistance, and far more difficult and unstable circumstances. 'Class-thinking' was nonetheless an altogether more respectable preoccupation of both the European masses and the intelligentsia than 'race-thinking' ever was. Hence, what Stalin lacked in the way of a socially cohesive and highly organised system of consensual complicity, he was able to make up for by ideological fiat and unfettered domestic terror. Yet Stalin, too, had to make a transition, transforming Marxist-Leninist doctrine into a deductive principle of action underpinning his totalitarian system of government.

The complex interplay of personal qualities and historical circumstances that determined the outcome of the revolutions-from-above carried out by Hitler and Stalin will be examined in greater detail in chapter five. In this section I have stressed the impact of World War One and revolution, which generated what Zeev Sternhell describes as a 'break-away'; cataclysmic events 'so disruptive as to take on the dimensions of a crisis in civilization itself' (Sternhell 1979: 333). Pre-war 'mob' elements or militant residues of decaying classes – 'the refuse of all classes' (Arendt 1979: 155) – deprived of political representation and scornful of a society from which they were excluded, already dominated the political landscape of many European societies prior to the Great War (ibid.: 107, 108). More controversially, Arendt distinguishes between these mob elements, borne of nineteenth century street politics and the social dislocations produced by industrialisation, and twentieth century 'masses' springing from a disintegrating class society (ibid.: 326). With both common interest and 'specific class articulateness' (ibid.: 311) rendered ineffective as a basis for party or class political action, Continental Europe's pre-war bourgeois hegemony, and its mood of generalised complacency, gave way to 'anarchic despair' (ibid.: 327), propelling rootless and 'isolated' masses into the organisational structures of totalitarian movements.

Isolation

Volksgemeinschaft

Arendt defines 'isolation' in this sense as a pre-totalitarian condition, in which the human capacities for action and power are frustrated by the destruction of political life characteristic of tyrannies (ibid.: 474). 'Loneliness', on the other hand, is a consequence of totalitarian rule, which destroys the individual's capacities for thought and experience (ibid.: 475). A state of loneliness coupled to a growing individual sense of 'uprootedness' and 'superfluousness' liberated these masses from their social attachments and class identities (ibid.: 311). In the case of Germany, Hitler was able to exploit a peculiar mix of pathos and hope engendered by the devastation of the Great War. Germany's defeat was a defeat for continuity, and Hitler spoke to a hope for a new beginning that a disastrous series of inter-war setbacks had frustrated but not quashed; a new beginning, moreover, that also entailed a yearning for the restoration of certain 'traditional' values. Hitler's genius, if that is what it was, lay in his ability to speak to this paradoxical public mood, at once promising a future devoid of class and party political divisions and their replacement by an ideal *Volksgemeinschaft* which, however, entailed the no less divisive ideal of racial purity. If the commitment to a classless and party-less society was to prove little more than a 'theatrical concession to the desires of violently discontented masses' (ibid.: 263), given the already disastrous state of parliamentary politics and the social devastation wrought by mass unemployment, the commitment to the idea of race was to prove anything but flighty.

As I have argued in this essay, Arendt's concept of totalitarian ideology as an instrument of terror rather than of persuasion gains fuller expression in conjunction with her discussion of the role of propaganda in constructing totalitarian rule. For Arendt the distinction between totalitarian ideology *qua* prosaic amalgam of borrowed elements, and totalitarian propaganda, the bearer

of its fictional narrative, is primarily functional. The utility and intensity of propaganda is largely dictated by the nature of the threat posed by the non-totalitarian world to totalitarian regimes, and therefore serves the totalitarian dictator in his dealings with the outside world, although it plays an important role in overcoming such obstacles as freedom of speech and of association under conditions of constitutional government (ibid.: 341-4). Alternately, ideological indoctrination, invariably combined with terror, is directed inwardly at the initiated and '*increases* with the strength of the movements or totalitarian governments' isolation and security from outside interference' (ibid.: 344; emphasis added; see Arendt 1953a: 297-99). For Arendt, the real horror of the totalitarian application of terror, and by implication of totalitarian ideology, is that it not only continues to reign over populations whose subjugation has become absolute, but in fact intensifies over time. Whereas Miliband has argued that Stalinist terror operated in anticipation of opposition, constantly striking 'at people who were perfectly willing to conform, on the suspicion that they might eventually cease to be willing' (Miliband 1988: 145), for Arendt totalitarian terror was the *function* of the 'idea', its rationale.

Propaganda disappears entirely whenever the rule of terror has eliminated a sense for reality and factuality, and the 'utilitarian expectations of common sense' (Arendt 1979: 457). Together, ideology and propaganda, terror and fiction, weave elements of reality, of 'verifiable experiences', into generalised suprasensible worlds 'fit to compete with the real one, whose main handicap is that it is not logical, consistent, and organized' (ibid.: 362). In practice, this entails transforming movements into embodiments of ideology, 'charged with the idea', whether of race or of class. In other words, ideology is applied as an organisational principle to produce what Hitler aptly describes as a 'living organization' (Hitler in ibid.). The counterpart of the living organisation is the 'special laboratory' (ibid.: 392, 437, 458), the arena for the totalitarian experiment in total domination. Understood in these terms, the concentration camp is the 'true central institution of totalitarian organizational power' (ibid.: 438, also 456) in which propaganda has become as superfluous as humanity itself, and the extermination camp the monument to the totalitarian regime's ideological consistency.

Towards the close of the war, mounting evidence of the existence and practices of the dedicated German extermination centres became a central preoccupation of

Arendt's writing. In 1945, she noted that 'neither in ancient nor medieval nor modern history, did destruction become a well-formulated programme or its execution a highly organized, bureaucratized, and systematized process' (Arendt 1945a: 109). Intimations of Arendt's novelty thesis are already quite apparent, as is her view that the destructiveness of the Nazi regime cannot be comprehended merely as a continuation or direct consequence of the nihilism undoubtedly unleashed by the First World War. If the extraordinary and senseless destructiveness of the First World War provided the breeding ground for totalitarian movements, their ideologies manifested themselves as an 'intoxication of destruction as an actual experience, dreaming the stupid dream of producing the void' (ibid.: 110). The regulated death rate of the extermination camps was complemented by the organised torture of the concentration camps, whose purpose was 'not so much to inflict death as to put the victim in a permanent status of dying' (Arendt 1950a: 238). The interweaving of the human experience of death and a death-like existence in the extermination and concentration camps respectively were to Arendt's mind a corollary of the totalitarian organisation of society.

Arendt's sense of the 'continuity' of experience between life in totalitarian societies and death – or a death-like existence – in the camps, has been little discussed in the relevant literature. Commentators instead generally focus on the distinct dynamics of terror in German and Soviet society, pointing to the absence of dedicated extermination facilities in the Soviet Union and to a more pervasive regime of terror during the Stalin years. Michael Halberstam, for example, takes Arendt to task for seemingly disregarding the fact that ethnic Germans were not subjected to the level of terror that the constant threat of deportation visited upon even high party officials in the Soviet Union during the 1930s (Halberstam 2001: 106). Arendt was aware of this**[x],** explicitly arguing that the pre-war Nazi regime was not properly totalitarian and that it was only with *Kristallnacht* in 1938 and the outbreak of war that Hitler's terror machine came into its own. Whereas terror reached its height in Germany with the long series of post-1941 military defeats, terror in the Soviet Union abated with the onset of war, only to resume with military victory, followed by the mass deportation of returning Soviet POWs (see e.g. Arendt 1979: xxv). It is the nature of total terror that concerns Arendt, a distinctive logic of total domination that aims to transform all of society, and

… to organize the infinite plurality and differentiation of human beings as if all of

humanity were just one individual … The problem is to fabricate something that does not exist, namely, a kind of human species resembling other animal species… Totalitarian domination attempts to achieve this goal both through ideological indoctrination of the elite formations and through absolute terror in the camps. (ibid.: 438)

Ideological indoctrination pervades all of society in an attempt to lay hold of the general population, but the experiment in indoctrination is complemented by the concentration camp regime, the existence of which is public knowledge. It is this knowledge that makes terror a palpable daily reality of the general populace.

Total domination

Despite their 'cynically admitted anti-utility', the camps are the key to sustaining totalitarian rule, for the camp system infuses society with an 'undefined fear' that is essential both to maintaining the totalitarian movement's hold over the populace and to inspiring 'its nuclear troops with fanaticism'. The camps also perform the important function of initiating the regime's elite cadres into the techniques of 'total domination', which would not be possible outside of this context, at least and until total domination had been established over all members of society. Without the camps, 'the dominating and the dominated would only too quickly sink back into the "old bourgeois routine"' (ibid.: 456). The camp phenomenon is thus central to Arendt's understanding of totalitarianism, for the camp system constitutes the arena in which the innate logic of totalitarian rule reveals itself and in which the experiment in denaturing human beings is conducted. The 'society of the dying established in the camps is the only form of society in which it is possible to dominate man entirely'. It would be a considerable understatement to describe as controversial Arendt's rejection of the notion that 'there was such a thing as one human nature established for all time' as a 'tragic fallacy' (ibid.: 456). A clue to this statement, as indeed to the integral relation between Arendt's theory of totalitarianism and her post-*Origins* theory of politics, is contained in a 1953 essay in which Arendt argues that 'the success of totalitarianism is identical with a much more radical liquidation of freedom as a political and as a human reality than anything we have ever witnessed before' (Arendt 1953c: 408). In the following section I would like to trace the contours of this 'liquidation of freedom' as it unfolds in Arendt's account of the threefold stages of the totalitarian assault on human individuality.

'To dream the stupid dream of producing the void': Denaturing the human

individual

Stalin Gulag Memorial

Man, this flexible being, who submits himself in society to the thoughts and impressions of his fellow-men, is equally capable of knowing his own nature when it is shown to him and of losing it to the point where he has no realisation that he is robbed of it. (Montesquieu)

'Terror' is not a generic term of reference in Arendt's political thought. In a 1953 address published as

Mankind and Terror

, Arendt distinguishes between the principal forms of terror in Western political history. She argues that all forms of pre-totalitarian terror associated with tyranny, despotism, dictatorship, revolutionary and counter-revolutionary movements, plebiscitary democracy and modern one-party states, have a clearly circumscribed goal, target genuine opponents and generally cease once the regime's objectives have been attained. Thus, for example, tyrannical forms of terror eliminate opposition as well as destroying the public realm of politics whereas the chief goal of revolutionary terror is to establish a new 'code of laws' (Arendt 1953a: 298). Totalitarian terror, on the other hand, commences once the regime has eliminated all its real enemies and is therefore apparently 'counter to the perpetrator's real [utilitarian] interests' (ibid.: 302-03)**[xi]**.

Thus the proposition that Stalin's terror regime was a manifestation of revolutionary violence belies the fact that by the late 1920s all active resistance to the new Soviet regime had been eliminated. Henceforth, terror no longer served 'the utilitarian motives and self-interest of the rulers' (Arendt 1979: 440). Nor does the relative scale of terror necessarily reveal its nature and purpose.

Moreover, distinctions such as that between Stalin's 'labour camps' and Hitler's concentration camps tend to be misleading insofar as the language of terror – its formal designations – typically conceals more than it reveals of the functioning of the terror apparatus. In this regard Arendt cautions against liberal rationalisations about 'fear' and 'submission' (Arendt 1953a: 300)**[xii]**, for total terror targets 'objective' categories of victim without reference to the individuation presupposed by the logic of crime and punishment. The most important characteristic of totalitarian terror, however, is that it functions independently from such positive laws as may exist, and is unleashed only once all active and genuine opponents have been eliminated.

Moreover, the totalitarian regime of ideology and terror does not presuppose a state of total compliance for the simple reason that compliance presupposes norms whereas 'totalitarian regimes establish a functioning world of no-sense' emptied of '[c]ommon sense trained in utilitarian thinking' (Arendt 1979: 458). But this can hardly be a description of the broader society in either Nazi Germany or Stalin's Russia. Arendt argues that these societies only very imperfectly resemble their most characteristic institutions, the concentration camps, whose experiment in total domination generates an 'enforced oblivion' of the social subject, a strategy that 'is preceded by the historically and politically intelligible preparation of living corpses' (ibid.: 447). The various stages in the destruction of the individuality of the totalitarian subject begin in society and are completed in the artificial environment of the camp system, which reduces the inmates to 'bundles of reactions' (ibid.: 441). Although the broader society in totalitarian regimes is infused with a distinctive totalitarian logic, there are limits to the application of totalitarianism's ideological 'supersense', for as long as society has not been totally subjected to 'global control' (ibid.: 459).

What is true of the general populace of totalitarian societies thus scarcely hints at the wholly fabricated environment of the camps, the locus of the experiment in total domination. Arendt identifies three stages marking the journey into hell of the victims of total terror. The first stage entails the organised destruction of the 'juridical person in man' by removing objective categories of people from the purview of the law and establishing the concentration camp system as an extra-judicial penal system. The objective innocence of the latter's inmates, and the extra-legal status of its institutional existence, place the concentration camp system as a whole outside the realm of rational juridical calculation, and in a

universe wholly different from a rights-based utilitarian regime (ibid.: 447-51). The death of the juridical person, 'of the person *qua* subject of rights' (Benhabib 1996: 65), is pre-figured by the nineteenth century experience of imperialism which, as we have seen, pitted the institutions of the imperialist nation-state against the fragile belief, on the part of the imperialist nations, in the universal rights of man. Arendt argues that the Rights of Man were never 'philosophically established' or 'politically secured' and hence were inherently vulnerable to historical developments (Arendt 1979: 447). The decline of the nation-state and the corruption of the supposedly inalienable Rights of Man, concomitant with nation-state imperialism, were amplified by the experience of the First World War, which exposed the fatal nexus between Europe's high revolutionary ideals and her naked political ambitions. Total war had generated refugees on an unprecedented scale and the post-war Minority Treaties merely formalised the 'denationalisation' of millions of displaced persons, effectively placing them outside of Europe's supposedly rights-based legal and political order (ibid.). The totalitarian experiment in the disenfranchisement and destruction of the juridical person marked the passage from the corruption of the Rights of Man to the systematic elimination of the juridical subject in man. This occurs when even a 'voluntarily co-ordinated' population – a population that cedes its political rights under extremes of terror – is deprived of its civil rights, becoming 'just as outlawed in their own country as the stateless and homeless' (ibid.: 451).

Totalitarian rule thus targets both 'free opposition' and 'free consent', since individual autonomy of any sort undermines the principle of total terror that arbitrarily selects objective categories of victim, destroying the stability and predictability that is incompatible with a system of rule predicated on perpetual motion. The device of 'arbitrary arrest' eliminates the capacity for free consent, 'just as torture … destroys the possibility of opposition' (ibid.). In this context Arendt makes a threefold distinction between the initial phase of totalitarian terror, the subsequent targeting of 'objective categories' of victims, and, finally, the more generalised state of terror that takes hold of all of society at the height of totalitarian rule. Whereas totalitarian rulers initially target opponents and those construed as asocial elements – the 'amalgam of politicals and criminals' (ibid.: 449) – this is followed by categories of enemy, such as homosexuals, Jews, and class enemies, whose most outstanding trait is complete innocence. Thus 'deprived of the protective distinction that comes of their having done something wrong, they are utterly exposed to the arbitrary' (ibid.)**[xiii]**. On the other hand,

the general populace is often indifferent to the fate of the victims, since the former are usually still beholden to the utilitarian notion (or alibi) that in order to be 'punished', one must necessarily have 'done something'.

Therefore, ethnic Aryans could still take some comfort from the fact that they were *Judenrein*, heterosexuals that they were not 'perverted', the proletariat that they were not 'counter-revolutionaries' – rationalisations that become quite impossible once total terror lays hold of the broader society. Arendt stresses that in the case of Germany, total terror became anything like a generalised condition only at the height of the war and Nazism's most terroristic phase, from 1942 to 1944**[xiv]**.

… [a]ny, even the most tyrannical, restriction of this arbitrary persecution to certain opinions of a religious or political nature, to certain modes of intellectual or erotic social behaviour, to certain freshly invented 'crimes', would render the camps superfluous, because in the long run no attitude and no opinion can withstand the threat of so much horror; and above all it would make for a new system of justice, which, given any stability at all, could not fail to produce a new juridical person in man, that would elude the totalitarian domination. (Arendt 1979: 451)

Thus '[w]hile the classification of inmates by categories is only a tactical, organizational measure, the arbitrary selection of victims indicates the essential principle of the institution' (ibid.: 450). 'Arbitrary' in this context, it is again stressed, does not mean that the Nazis did not target determinate or general categories of victim, but instead that these categories were constantly expanded in ways that eliminated rational calculation as the basis for the actions of the populace. Even anti-Jewish measures were initially restricted to certain categories of Jew. At the height of total terror, moreover, the regime begins to apply the organisational principles of the camp system to society as a whole, when even those people indispensable to the functioning of the regime are consumed by the terror.

Living corpses

A second phase in the preparation of 'living corpses' targets the moral person in man. This entails the 'creation of conditions under which conscience ceases to be adequate and to do good becomes utterly impossible', since 'organised complicity' is constantly extended to include the broader society and the victims themselves

(ibid.: 452). In its most extreme form, total terror coerces the participation of the concentration and death camp inmates in the extermination process itself. This is intended to destroy the capacity of the victims to form moral judgements. Thus, for example, a mother confronted by the 'choice' of which child immediately to send to the gas chamber is condemned not only to select death for the one, but also to internalise the principle of terror that always already dictates the ultimate death of the other. Her powerlessness to influence the ultimate outcome for either of her offspring means that the temporary reprieve for the surviving child is the source of an infinite torment that ceases only with the completion of the family murder. Under circumstances in which the distinction between persecutor and persecuted, killer and victim, is systematically undermined, the process of killing itself assumes the mantle of unreality corresponding to the existence of 'living corpses'**[xv]**.

However, the organised complicity of society in the crimes of the totalitarian regime begins with the political decision to proceed with exterminations. The decision, communicated to the bureaucracy of murder and presaged by public statements of intent, implicates the general population merely by dint of the fact that opposition to the policy would itself be a grave crime. To do good is to disobey the law, but to obey the law is to be complicit in the crime. Conversely, preparations for the mass crimes prey on civilian institutions, such as the Jewish Councils of Europe, which facilitated the identification and location of the victims, often knowing their intended fate. The process of dehumanisation of the victims thus encompasses the whole of their life experience and identity whilst embracing the entirety of the living world of the societies in which this process unfolds. Within the camps, a regime of *Kapos* institutionalises the dehumanisation of the victims, and participation by camp authorities in daily atrocities is deliberately limited to functions of oversight. With the mechanisation of the killing process in the Nazi death camps – that is 'once the machine had replaced the man' – 'the executioner could avoid all contact with the victim' (Todorov 2000: 162)**[xvi]**.

Tzvetan Todorov argues that there is ample proof of the survival of the moral person even under the most extreme circumstances in the camps (ibid.). This fact is raised as an objection to Arendt's argument that the camps to a significant extent accomplished a denaturing of man. But whereas Todorov is right that the camps were not devoid of virtuous acts, Arendt's central argument is of a different order. She does not suggest, as Todorov seems to think, that the moral

person in man is superficial, but rather that there are certain limits beyond which humanity cannot endure. The experiment in total terror probes these limits, and by relentlessly undermining the integrity of ethically grounded human relations, and notably the individual human capacity for spontaneously giving friendship, seeks to transform them, revealing to the world that indeed 'everything is possible', including the destruction of the most fundamental human bonds evinced in expressions of care, concern, support and friendship.

Nevertheless, the murder of the moral person and the annihilation of the juridical person are insufficient conditions of a thoroughgoing dehumanisation of the victims, for the production of 'living corpses' presupposes not only persons stripped of rights and of conscience, but also the suppression of an innately human individuality – of 'the uniqueness shaped in equal parts by nature, will, and destiny' (Arendt 1979: 454). This third and decisive step in the preparation of living corpses cannot be effected by torture conventionally understood, since the latter is aimed at individuals and entails a rational means-ends calculation (ibid.: 453). The camp regime, on the other hand, prepares otherwise 'normal' members of the SS to become elite cadres and bearers of Nazism's principal mission. Conversely, the techniques employed to induce both perpetrators and victims to participate dispassionately in the systematic extermination of innocent people demonstrates the possibility of transforming men and women into 'specimens of the human animal' (ibid.: 454, 455). The experience of the homeland transit camps, and especially the brutality of the 'transports', delivered to the camps a mass of degraded and filthy humanity bordering on the 'inhuman'. Exposed to such conditions – and this was by no means exclusively the experience of Jews but also, for example, of three million Soviet POWs – social conditioning was subverted and to some extent reversed, exposing brutalised populations to their own uninhibited and desperate acts**[xvii]**.

To some extent, the breakdown of social values occurs wherever brutality and unpredictability characterise the individual's common experience of daily life. In conditions of systematic and bestial cruelty, mere survival displaces all other considerations as a principle of action. From the point of view of the perpetrators – the Aryan and East European camp guards and administrators –, the condition of the victims resonates with their propaganda image, reinforcing psychological rationalisations and prejudice. In short, the camps create the conditions in which it is possible, even for the less ideologically driven and more psychologically

functional perpetrator, to believe the lie – or rather the universal human truth – that unfolds before his or her very eyes: 'lying was not enough. In order to be believed, the Nazis had to fabricate reality itself and make the Jews *look* subhuman' (Arendt 1946a: 199; see Todorov 2000: 158-65).

If This is a Man –
Primo Levi

It is an incontestable and remarkable fact, as Todorov and Primo Levi have argued, that moral life was never utterly extinguished in the concentration camps and Gulag. Levi has produced perhaps the classic account of an unrelenting horror that at times could be punctuated by gestures of humanity quite as unimaginable to us as the circumstances these small acts fleetingly transcended. Yet Levi himself stresses that only the most fortunate, skilled, strong, astute, or ruthless managed to survive the camp regime. There is a tortured awareness, a horrible 'presence' lurking in these remarkable accounts of camp life by no less remarkable individuals, such as Levi, who speaks of the 'particularly pitiless, vigorous and inhuman individuals, installed (following an investiture by the SS command, which showed itself in such choices to possess satanic knowledge of human beings) in the posts of *Kapos*, *Blockältester*, etc.' (Levi 2000a: 105). A camp regime in which select victims were goaded into perpetrating sadistic acts on fellow prisoners was calculated to brutalise the moral instincts of even the strongest inmates, and produce the bestial mass portrayed in the regime's propaganda.

Once human beings have been stripped of their individuality, of their capacity for spontaneously 'beginning something new', which capacity cannot be explained as mere reactions to environment and events, their extermination need no longer entail concessions to the humanity of the executioners, whose triumph consists in the tortured victim's renouncing and abandoning himself 'to the point of ceasing to affirm his identity' (Rousset in Arendt 1979: 455). Once murder is released

from all sense of a shared humanity, the way is thrown open to the creation of the most perfect totalitarian society inhabited by the 'model "citizen"'. The death camps, whose size and manpower stood in an inverse relation to the number of their victims, had the limited function of processing superfluous human matter. Exposure of the SS to the more gruesome aspects of the very processes they commanded was relatively limited. It was the victims themselves who harvested the by-products of human matter, washing and packing hair, extracting teeth from the corpses, and so on (Müller 1999: 65-8). By contrast the concentration camp was the most nearly perfect realisation of a totalitarian society composed of the 'human specimen reduced to the most elementary reactions' (Arendt 1979: 456). This, to be sure, was a reality that could only very imperfectly be reproduced outside of the camp system as a whole. It is for this reason that Arendt views the concentration camp system as essential to totalitarian rule, and as revealing its true nature**[xviii]** .

The death camps may have been historically unique, both in terms of their mechanised routines and their concentrated destructiveness. Nonetheless, the concentration camps were the heart of a system of rule, not only inspiring an undefined fear in society but actualising the logic of total domination in concrete organisational form.

Camp system

In other words, the phenomenon of the camp system is an integral facet and logical adjunct to the totalitarian system of government, rather than an 'excess' of this or that government or party agency. The concentration camps, rather than the camps dedicated to industrial genocide, were a palpable daily reality to ordinary citizens. These were not institutions situated in forests and backward provinces, but were often enough constructed within sight of or situated directly in German towns and cities. This was true, for example, of Dachau, Sachsenhausen, Buchenwald, Theresienstadt, Landsberg and hundreds of secondary and satellite camps. Each main camp presided over many sub-camps; in the Berlin area alone, there were 1 100 satellite camps of the main camp, Sachsenhausen. As Overy notes, '[n]o one in Germany could ever pretend that the camps were hidden from view' (Overy 2004: 606)**[xix]**. The 'uselessness' or 'anti-utility' of the camps is thus in a certain sense only apparent (Arendt 1979: 456). Knowledge of the extreme is indispensable to a regime premised on an internalisation of terror and domination. For this reason, the existence of the

concentration camps was never concealed from the civilian population, as the popular journalism and literature of the day amply attests**[xx]**.

Reconciling the history and daily reality of these societies with what happened in the camps is therefore an impossible task if we proceed from the assumption that no government or political leadership could possibly have conceived the extremes of the camp regime. The historians whose functionalist interpretation of the 'Final Solution' caused such a ruckus in the 1980s seem not to have the same reservations about the intentions of the Euthanasia programme. The latter not only targeted ethnic Aryans for extermination in clinics on German soil**[xxi]**, but also indisputably did so on the explicit instructions of *Reichskanzlei* officials, acting on Hitler's direct orders**[xxii]**. This is not to suggest that incremental radicalisation of policy was not a key device of Nazi rule, since initial measures and categories of victims were expanded beyond the scope of early policy guidelines. But if the ambitions of the regime grew over time, Hitler's pathological hatred of his racial and ideological victims preceded Nazi rule and was a constant feature of his speeches and writings at least as far back as 1918.

What the functionalists describe, in part, as 'excesses' and the evidence they adduce for their thesis stems in large part, and somewhat paradoxically, from Hitler's order to suspend the Euthanasia programme. Hitler's direct hand in this programme is well documented – his signed order of September 1, 1939 extant – and he utilised the power 'radiating from the Chancellery of the Führer', via the offices of Philipp Bouhler and Viktor Brack, to induct an 'odd assortment of highly educated, and morally vacant humanity' into the programme (Burleigh 1996c: 106). The programme was indeed 'suspended' in its existing form by Hitler due to adverse public reaction once news of the murder in German and Austrian clinics became common knowledge. But it is equally true that the programme merely changed tactics, engaging a far greater number of clinics in a campaign of starvation and lethal injections that lasted until the close of the war. Moreover it is true, as the functionalists argue, that the members of the *Aktion T4***[xxiii]** staff gravitated from its activity of murdering the mentally and physically unsound to genocide in the extermination camps in Poland. This, in their view, suggests a progressive and somewhat uncontrolled, even 'chaotic' extension of the euthanasia logic rather than a logical exploitation of a ready-made and acclimatised genocidal elite.

Certainly the euthanasia programme did more than implicate Germany's medical,

academic and legal professions. It pioneered discoveries, notably that patients could be co-opted into killing fellow inmates, an innovation that was put to effective use in the death camps. Skills honed in the euthanasia programme were perfected in the extermination camps. But the latter belonged to a discrete programme infinitely more complex, expansive and inclusive than the clinical murder, *inter alia*, of ill and disabled children. T4 functioned within society and indeed enjoyed support, especially from those elders eager to be rid of their burdensome charges. Morally, there was no difference between murdering Jews and murdering disabled Aryan children**[xxiv]**. Nonetheless, the 'Final Solution' had an altogether more ambitious political and ideological dimension. Geographically, it encompassed all of occupied Europe and engaged all the resources of the societies in which it operated, most especially in Greater Germany itself. Moreover, beyond mere tactical manoeuvrings, Hitler would never have curtailed the programme in response to public opinion, nor would he permit his ministers or the military to interfere in its execution.

The camps were thus both a measure of the regime's fanaticism and the theatre of the totalitarian experiment in power:

If we take totalitarian aspirations seriously and refuse to be misled by the common-sense assertion that they are utopian and unrealizable, it develops that the society of the dying established in the camps is the only form of society in which it is possible to dominate man entirely. (Arendt 1979: 455-6)

In other words, Arendt was aware of the limitations which reality imposes on the totalitarian system of rule. Countless critics have formulated this point as a fundamental criticism of Arendt's thesis, apparently and mistakenly believing that she had assimilated Nazi Germany and/or Stalinist Russia as ideal types, which in fact nowhere existed and which Arendt certainly did not set about inventing. Conversely, it has often been suggested that since neither Nazi Germany nor Stalinist Russia was entirely consistent with the theoretical construct articulated in *Origins*, Arendt *ipso facto* erred in describing them as totalitarian. Nonetheless, where such a system had fully manifested itself in localised pockets of organised and systematic bestiality, and notably in the camp systems of both societies, Arendt's conception of totalitarianism finds in them its most nearly ideal historical examples. For it was here that totalitarianism's incomparably destructive potential was realised. Nor is much comfort to be derived from Arendt's insight that the totalitarian system of government is self-destructive by definition, for at

some point the system would have run out of victims if it were not destroyed by some external intervention (Germany's military defeat) or by some internal occurrence (such as Stalin's death and the process of 'detotalitarianisation').

Radical evil

We may be unaccustomed to thinking in these contingent terms, preferring to view history in the light of comforting grand narratives, the 'rise and fall', 'progress and reaction', 'good versus evil'. It is perhaps natural that we try to explain 'radical evil' as the manifestation of a historical epoch, a typical product of modern civilisation, of a specific culture, or as Götz Aly persistently argues, 'a possibility inherent in European civilisation itself' (Aly 1996: 153)**[xxv]**. In 1954, Raymond Aron dismissed Isaac Deutscher's 'superficial and erroneously objective book' which seeks a comprehensive explanation of totalitarianism in terms of socio-economic circumstances (Aron 1993: 371). And yet he too insists that 'the totalitarian essence did not arise mysteriously, fully armed, out of the mind of History or the mind of Stalin. Certain circumstances favoured its emergence, and others will foster its disappearance' (Aron 1993: 373). Aron thus also evokes a grand explanation of how all of this could have happened, as well as implying that what came into being will necessarily exit the stage of history forever, due to certain unspecified 'circumstances'. The disappearance of Nazi totalitarianism was not 'fostered'; it was fought and defeated in the bloodiest war in history. Although Stalin's death marked a fundamental shift away from total terror as practised in the Gulag and purge regime, Russia today still struggles to come to terms with her terror-filled past. Even after Stalin's death, there was nothing preventing a continuation of his policies. Aron chides Arendt, suggesting that she had defined 'a functioning regime by an essence [mass terror] that implies the impossibility of its functioning' (ibid.: 374). But that is not at all what Arendt suggests; she posits the impossibility of that regime's long-term em>survival (see e.g. Arendt 1979: 478). Totalitarian regimes are by definition self-destructive, but the destructive process can last for decades; it can be interrupted (the Soviet Union during the war years); and it can be channelled outwards (Germany during the war years). But just because a particular totalitarian regime has come to an end does not mean that the totalitarian phenomenon is no longer a threat. How many world wars must be fought before we learn this elementary lesson?

Arendt, then, is sensitive to the differing modalities of totalitarian rule, including the uneven intensity and virulence of that rule over time. None of this suggests

that Arendt 'presented totalitarianism as a kind of essence, invulnerable to the erosion of time' (Aron 1980: 37). Her description of the transition to a post-Stalin Soviet regime stresses that Stalin's death in 1953, rather than his total military victory eight years earlier, marked the passage to 'an authentic, though never unequivocal, process of detotalitarianization' (Arendt 1979: xxv; see xxxiv-v). In other words, unlike Germany, whose total defeat and occupation heralded a precipitous end of totalitarian rule, Stalin's death inaugurated a process of detotalitarianisation that signalled a shift away from the extremes of Stalinism, without necessarily meaning that totalitarianism had run its course either in the Soviet Union or occupied Eastern Europe. Still, a moderation of Communist rule and a reduction of mass terror coincided with the 'stabilisation' of the Soviet dictatorship.

The ease with which these regimes were established, and the fact that no exceptional human qualities were required for their evils to flourish, suggests that 'the wind had only to blow in the right direction, and the evil spread like wildfire' (Todorov 1999: 125). Todorov quotes the former Nazi governor of Austria and Holland, Arthur Seyss-Inquart, who responded in characteristic fashion to former camp commander Rudolf Hoess's testimony in Nuremberg concerning the exterminations at Auschwitz:

There is a limit to the number of people you can kill out of hatred or lust for slaughter … but there is no limit to the number you can kill in the cold, systematic manner of the military 'categorical imperative'. (Seyss-Inquart in Todorov 1999: 125)

Todorov takes up another of Arendt's controversial themes, suggesting that the exceptional nature of perpetrators of these mass crimes derives from the political regime under which they live; 'the explanation will be political and social, not primarily psychological or individual'**[xxvi]**. Moreover, Todorov shares Arendt's concern that overemphasising 'national character' deflects attention from the novel system of government that made a regime of total terror possible. Totalitarianism, in Todorov's view, borrowed the principle, common enough in the thought of nineteenth century imperialists, according to which 'he who is not with me is against me', and transforming it into the injunction 'all who are against me shall perish' (Todorov 1999: 126; see Arendt 1979: 380-1). Nor, argues Todorov, does the novelty of totalitarianism consist in this alone. For it was only once the 'other' of imperialist politics was redefined from being an external geographic

entity to that of an ‘internal enemy’ that totalitarianism established itself as a novel system of government. Theoretically, it matters little, as both Arendt and Todorov argue, whether race and ethnicity define this enemy, or whether it is coincident with a social category, such as class:

Totalitarian ideologies always divide humanity into two groups of unequal worth (which are not coincident with the categories of ‘our country’ and ‘other countries’, for here we are not dealing with simple nationalism) and maintain that the inferior beings must be punished, even annihilated. (Todorov 1999: 127)

Class enemies in one case, race enemies in the other, the totalitarian regime lays hold on the capacity of the individual to make moral judgements about his own standards of conduct. The totalitarian regime imposes itself as an intermediary between the individual and his values, displacing humanity as the standard by which to distinguish good from evil. In this way the totalitarian system aspires to control the totality of human relations. Although this aspiration is only ever realised in anything like a ‘total’ form in the camp system, for Todorov this means that totalitarianism is a point of departure for analysing these regimes. Echoing Arendt’s sense of the camp system as the concentrated essence of these regimes, Todorov describes total terror as a ‘repudiation of universality’, a rejection of the notion of a common humanity, which most emphatically sets it apart from Western political and philosophical modernity (ibid.). Hence the importance of Arendt’s historical method of discerning the ‘elements’ of social and political modernity that are present in the ideologies and ‘crystalline’ structure of the uniquely totalitarian system of government. Yet Arendt does not share Todorov’s view that the logic of ‘us’ and ‘them’ distinguishes total terror. Rather this logic is characteristic of the pre-power phase in which the totalitarian movement defines itself in relation to ‘the whole world’ (Arendt 1979: 367). Conversely, total terror posits the elimination of all distinction and the uniform subjection of all mankind to its overriding ‘idea’. The logic identified by Todorov is indicative of the initial stages of total rule (especially in Germany), but it is not coincident with a totalitarian regime in which ‘all men have become equally superfluous’.

Conclusion

They were zealots of meaning and haters of empirical truth. (George Kateb)

With the description of the concentration camps as the most consequential

institution of totalitarian rule we are returned to the question of the relation between Arendt's theory of totalitarianism and her post-*Origins* theoretical project. *Origins* has a rich array of philosophical subtexts, each of which is explored further in Arendt's later essays, lectures and major works. However, the camp phenomenon is paradigmatic for Arendt's understanding of the twentieth century. As Samir Gandesha argues, for Arendt the *Lager* constitutes the definitive experience of the twentieth century because

… as a sphere wholly fabricated by human beings, it is the space not simply where 'everything is permitted' in the moral sense but rather [where] 'everything is possible' in an ontological sense. The Lager represents the eclipse of zoon politikon by homo faber. (Gandeshi 2004: 446)

For Arendt, the sheer horror of the camps resides in the fact that they actualise the total negation of the political, both as a way of life and as an existential possibility, reducing the specifically human life to life as such.

Nonetheless, in my view Gandesha subtly misreads Arendt's interpretation of both modernity and the *Lager*. For if Arendt detects a powerful anti-political undercurrent in Western modernity, she hardly argues that the latter 'rests on the progressive eclipse of the political', nor that the *Lager* represents the 'culmination' of a historical process (Gandesha 2004: 464). Arendt does not view history in this sense as a succession of discreet periods, each imbued with a unique telos. Totalitarianism was for Arendt a paradigmatic example of the 'event', which cannot be deduced from that which came before it:

I hinted at this in two short paragraphs of the Preface [of Origins], where I warned the reader against the concepts of Progress and Doom as 'two sides of the same medal' as well as against any attempt at 'deducing the unprecedented from precedents'. These two approaches are closely interconnected (Arendt 1953c: 404).

To Arendt's mind 'phenomenal differences … as differences of factuality are all-important' (ibid.: 404-05).

To conflate totalitarianism with Western modernity is to treat a novel phenomenon as some

… minor outgrowth of some 'essential sameness' of a doctrinal nature. Numerous

affinities between totalitarianism and some other trends in Occidental political or intellectual history have been described with this result, in my opinion: they all failed to point out the distinct quality of what was actually happening. The 'phenomenal differences', far from 'obscuring' some essential sameness, are those phenomena which make totalitarianism 'totalitarian', which distinguish this form of government and movement from all others and therefore can alone help us in finding its essence. What is unprecedented in totalitarianism is not primarily its ideological content, but the event of totalitarian domination itself. (ibid.: 405)

Arendt rejects liberal notions of 'Progress' and Hegelian-Marxist dialectics as symptoms of a way of thinking that posits an end-point in history. Arendt regards this way of thinking and this understanding of history not only as misguided, but as positively dangerous. To her mind, as we have seen, the story told by history 'is a story with many beginnings but no end' (Arendt 1953b: 399). Diagnosing the ills of history in terms of 'Progress' or 'Doom', or any other meta-narrative or philosophy of history, submerges the particular in an ocean of 'sameness', distinguishable if at all merely by degree. It is to reduce totalitarianism to an essence of something else, in this case 'modernity', but also to equate it with that other. Arendt detects in this thinking the logic of ideological thinking whose search for historical essences aims to disclose the future unfolding of events. Dismissing 'psychologism' and 'sociologism' as the chief culprits in this regard, Arendt nonetheless also challenges contemporary trends in the historical and political sciences, and most especially their 'growing incapacity to make distinctions'. The tendency to employ terms like nationalism, imperialism and totalitarianism indiscriminately strips them of their meaning and extinguishes the particular and unique facets of any given historical event or context. The resultant generalisations consist of a confused agglomeration of analogies and reductionist arguments that conceal the 'new' and the 'shocking'. Precedent substitutes for explanation, and novel historical phenomena are reduced 'to a previously known chain of causes and influences' (ibid.: 407). In my view, only if we comprehend Arendt's sense of the sheer novelty of the totalitarian phenomenon are we able to appreciate the philosophical dimension and implications of her analysis, which I shall explore in the final chapter of *Hannah Arendt's Response to the Crisis of her Time*. In the present context, and by way of concluding remarks to this essay, I should like to draw out certain important aspects of Arendt's theory of totalitarianism as a major contribution to twentieth century political theory.

Most importantly, and controversially, Arendt contends that totalitarianism constitutes the first novel form of government to emerge in the two and a half thousand years that separate the world of Plato from that of Kant. Her totalitarianism thesis rests on the relation between novel forms of ideology and terror on the one hand, and on the other on her distinction between law understood as the positive laws establishing a *consensus iuris* and her notion of totalitarian 'lawfulness'. A regime of positive laws delimits a stable common world in which constant human motion and change unfolds; a space of freedom erecting boundaries and establishing 'channels of communication between men whose community is continually endangered by the new men born into it' (Arendt 1979: 465). This common world regulates the destabilising potential inherent in human plurality – the uniqueness of each human individual born into this world – and is sustained by a 'people's' implicit act of consent to the regulating principle of universally valid moral and legal standards that govern all civilised societies, even in extreme circumstances such as war. The constitution of a 'people', then, is an act of *political* consent recognised as such by all its members, because they so regard themselves (ibid.: 462, 467). On this understanding, the highest good of all constitutional polities is the welfare of men.

Tyranny, by contrast, serves the interests of one man. The arbitrary lawlessness and fear coincident with tyrannical government presuppose the erasure of man-made laws, the arbiter in matters of human welfare. The arbitrary will of the dictator corresponds in practice to the elimination of individual liberties and the destruction of freedom as a living political reality, creating a 'fenceless wilderness of fear and suspicion'. Still, lawlessness does not entirely eliminate the individual capacity for purposeful actions, even if a regime of arbitrary rule means that actions are 'fear-guided' and 'suspicion-ridden' (ibid.: 466). For suspicion and fear are the principles of action in tyranny, and the use of terror in tyrannical forms of government serves the utilitarian purpose of frightening and exterminating real opponents (ibid.: 6). The very notion of tyranny would be incomprehensible were it not for the existence of an authentic opposition, whose provocation or resistance threatens the boundless will of the ruler. In these circumstances the self-interested ruler exercises terror in order to secure arbitrary power unrestricted by law and unopposed by human agency. Hence the relation between tyranny and terror is one of necessity, and it is general lawlessness rather than the instrumentality of terror that define tyranny (ibid.: 322). In all of Western history, then, the opposition between a government grounded in law and forms of

tyrannical rule has constituted a fundamental principle of our political self-understanding. And this is one reason why Arendt rejects the view, as expressed for example by Carole Adams, that totalitarian regimes may be distinguished from historical forms of tyranny only insofar as they engage modern 'technocratic methods' to establish total control over their subjects (Adams 1989: 41).

In Arendt's view, totalitarianism collapses the classical distinction between lawful and lawless government, legitimate and arbitrary power (Arendt 1979: 461). Historically the nature of government was susceptible to the distinction between lawful, constitutional or republican government on the one hand, and lawless, arbitrary, or tyrannical government on the other. Wherever totalitarian regimes come into being they obliterate social, legal and political traditions, evolving new political institutions in accordance with 'a system of values so radically different from all others, that none of our traditional legal, moral, or common sense utilitarian categories could any longer help us to come to terms with, or judge, or predict their course of action' (ibid.: 460). Total domination, as distinct from despotic or tyrannical forms of political oppression, rests on the perverse but 'seemingly unanswerable' claim that,

… far from being 'lawless', it goes to the source of authority from which positive laws received their ultimate legitimation, that far from being arbitrary it is more obedient to these suprahuman forces than any government ever was before. (ibid.: 461)

Totalitarian rule, like tyranny, is 'lawless' insofar as it defies positive law. Yet unlike tyranny, totalitarian rule is not arbitrary for it obeys 'suprahuman forces' grounded in a principle of legitimacy that transcends the utilitarian basis of positive law. An extra-historical principle of legitimation – in the case of Nazi Germany what Arendt terms the 'law of Nature', and in the parallel case of Stalinism the 'law of History' – governs everyone, including the Leader. The objective, impersonal character of totalitarian 'lawfulness' derives from the fact that these laws are applied to the 'species', rather than establishing standards of right and wrong for individual human beings (Arendt 1954a: 340). Arendt acknowledges that positive law plays a role in totalitarian societies, moreover that these regimes, too, pass new laws of this kind, as for example the Nuremberg laws (Arendt 1953a: 300). Nonetheless, these regimes defy not only those positive laws that they inherit but even those which are of their own making**[xxvii].**

Nature and History

The key to this dimension of Arendt's totalitarianism thesis is her contention that totalitarian regimes invert the customary relation between law and men. The aim of terror is to unleash the law of movement which 'races freely through mankind, unhindered by any spontaneous human action' (Arendt 1979: 465). The chief aim of the extra-legal device of total terror is to 'stabilise' men in order to release the forces of nature or history. The inversion of the relation between law and men in the totalitarian scheme of things thus targets the traditional association of law with the constitution of a stable polity, which establishes the legal boundaries of free actions and associations that are prerequisites of all civilised societies. Totalitarian 'lawfulness' targets this fundamental principle of legality that underpins the body politic understood as a *consensus iuris*. By eliminating the function of legality and recasting the concept of law in pseudo-natural terms, law is made to serve those who 'understand the dynamic processes of nature or history and go along with them' (Canovan 1996: 18).

Nature and History cease to be a source of authority and are transformed into 'movements'. But since mankind is the sole carrier or embodiment of these laws of History or Nature, Arendt must account for a principle of action in totalitarian regimes. She argues, on the one hand, that the logicality of ideological thinking generates an all-encompassing system 'of explanation of life and world', which is actualised in the indiscriminate application of terror (Arendt 1954a: 349-50):

Terror substitutes for the boundaries and channels of communication between individual men an iron band which presses them so tightly together that it is as though … they were only one man. (ibid.: 342)

Terror eliminates the space of free action by eliminating the space between men, executing the laws of Nature or History which have already decided the identity and fate of the victims, who are swept away by the stream of historical necessity (ibid.: 343). The complete elimination of spaces of political and individual freedom introduces both a new form of government and a new criterion of typological understanding. Our conventional understanding of the opposition between lawful and lawless is no more able to apprehend totalitarian 'lawfulness' than Montesquieu's 'principles of action' can explain the actions of either government or governed in totalitarian societies. Under totalitarian conditions, both the function of law in constitutional polities and the principle of action in all non-totalitarian forms of government are displaced by terror, which 'as the essence of

government is perfectly sheltered from the disturbing and irrelevant interference of human wishes and needs … [so that] no principle of action in Montesquieu's sense is necessary' (Arendt 1954a: 343). This 'essence has itself become movement – totalitarian government *is* only insofar as it is kept in constant motion' (ibid.: 344). This is the reason why Arendt argues that law, human agency and stable political institutions are all antithetical to totalitarian rule. It is also why ideology and terror are essential to totalitarian rule. To be kept in motion, totalitarian societies must be deprived of all social and psychological markers, common sense expectations, and utilitarian calculations. Power thus serves different ends in tyrannical and totalitarian regimes. The tyrant exercises terror in order to eliminate his opponents and thereby secure and consolidate his power. The totalitarian dictator, on the other hand, eliminates all opposition as a prerequisite for establishing a condition of 'total domination', which entails a great deal more than securing mere personal power, since the Leader is the agent of the laws of Nature or History. In other words, the totalitarian dictator must himself conform to 'laws higher than himself'. The Hegelian understanding of freedom as comprehension of 'necessity' is thus transcended by the totalitarian elevation of necessity to an absolute coercive principle – not of action, but of submission to the objective laws of historical movement (ibid.: 346).

The totalitarian ruler is possessed of an absolute ideological fidelity. This means that the Leader understands the objective laws of movement and the imperative of accelerating that movement towards a predetermined outcome. From this perspective, all principles and all motives, including the dictator's self-interest, are subordinated to the imperative of actualising the 'idea' (ibid.: 353). This faith, grounded in an axiomatically accepted premise from which a total explanation of history is deduced, is the 'totalitarian ideology', which collapses the customary means-end calculation into a welter of bloody terror without any apparent end (ibid.: 302). In the camp system the 'isolation' of the fear-guided subject of tyranny becomes the 'loneliness' of the totalitarian subject. In the camps 'terror enforces oblivion' (Arendt 1979: 443) whereas even 'one's own death is no longer one's own' (Villa 1999: 19). The complete absence of even a semblance of strategic rationality is most usually viewed as a manifestation of the 'irrationality' of fanaticism, or of pathological hatreds, or of the 'paranoid' personality of the dictator. Arendt acknowledges that these passions and pathologies manifested themselves in both Nazi Germany and Stalin's Russia. Nonetheless, she insists that total terror, by shattering the means-end calculation, reveals itself as the

'very essence of such a government' (Arendt 1953a: 305; see 302-03). Positive law and political authority are deprived of their *raison d'être*. In a system in which total terror is employed for the purpose of actualising an ideological interpretation of reality at any cost, politics entails relentless destruction and equally relentless reconstruction. The fabricated universe envisaged by totalitarian ideologists is set in motion by the totalitarian movement, which seizes on the 'idea' and stumbles upon the reality that world-organising fictions can be realised. The proof of this lies in the many half-forgotten Polish forests and frozen Russian wastelands.

And yet it is precisely Arendt's comparative approach to Nazi and Stalinist totalitarianism that has elicited the most vociferous and enduring of all the controversies that have accompanied *Origins* into our century. This charge revolves around the notion that *Origins* is little more than a brilliantly conceived Cold War propaganda prop.

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NOTES

[i] Arendt contends that 'it is this expectation that lies behind the claim to global rule of all totalitarian governments' (Arendt 1954a: 340). This view is a touchstone of Arendt's distinction between Fascism and Nazism. For she argues that Fascism is predicated on a doctrine of extreme nationalism whereas National Socialism envisages an extra-territorial regime constituted by a German racial *Grossraum*.

[ii] For this reason Arendt argues that totalitarianism attained its most nearly perfect form in the camp systems of the totalitarian dictatorships.

[iii] In this view, the 'law of Nature' and the 'law of History', the principles underpinning the ideologies of Nazism and Stalinist Communism respectively, although related, are irreducible to their theoretical antecedents in the thought of the social Darwinists and Marx respectively. Making this point *vis-à-vis* Marx and Marxism is clearly controversial and fraught with theoretical complexities. Arendt was aware of this, as can be gleaned from her largely unpublished reflections on Marxism. In the published manuscript *Karl Marx*, Arendt acknowledges this

question as ‘the most formidable charge ever raised against Marx [which moreover] cannot be brushed off as easily as can charges of a similar nature – against Nietzsche, Hegel, Luther, or Plato, all of whom, and many more, have at one time or another been accused of being the ancestors of Nazism’ (Arendt 2002: 274). Yet the emergence of totalitarianism in diverse circumstances, and in the guise of totally distinct ideologies, suggested to Arendt that Marx cannot be accused of bringing forth the specifically totalitarian aspects of Bolshevik domination.

[iv] Arendt notes that ‘logic’ in this sense denotes a ‘movement of thought’ rather than its more usual connotation as a necessary control of thinking (Arendt1979: 469).

[v] Arendt attributes this to the conspiratorial nature of ideological thought. In the case of Nazi Germany, the alleged Jewish threat is cast as a Jewish world conspiracy, manifesting itself historically as a multi-faceted assault by Jewish capitalists and Bolshevists, and in Nazi propaganda as the-Jew-as-parasite. Jewish support for the Allied war effort merely served to reinforce this propaganda image of the Jewish people. The fact that Hitler launched the war and planned to exterminate European Jewry could thus be portrayed by the Nazis as ‘pre-emptive’ or defensive measures. The alleged Jewish world conspiracy thus serves the purpose of concealing the fact that it was the Nazis, rather than the Jews, who were guilty of a world conspiracy.

[vi] ‘Organisation’ was not merely a technical device of the totalitarian leadership but a lived experience of the totalitarian subjects and a pervasive mode of existence even for the inmates of the camp system. The *Sonderkommando* member Filip Müller notes that the crematorium workers in Auschwitz ‘spent a great deal of energy on *organizing*’. Everything from the processing of corpses and the optimal combinations of corpses in each oven to the ‘*organizing*’ of gold teeth, diamonds and other valuables for the black market trade in alcohol and cigarettes and the elaborate measures adopted for deceiving incoming transports – this all and more was subject to ceaseless organisation. Even the undressing antechamber of the gas chambers was organised to minimise panic. Numbered clothes hooks for retrieving clothing after ‘showering’ and ‘disinfection’ and signposting that read ‘Cleanliness brings freedom’ and ‘One louse may kill you’ were part of an elaborate and ceaselessly evolving regime of terror (Müller 1999: 60-2). The point is that even the death camps were subject to the organisational devices of the regime and were the most nearly perfect realisation of the essence of totalitarian rule.

[vii] Victor Klemperer's diary entry of June 7, 1942, employs the metaphor of a 'gas boiler' to convey part of Arendt's meaning here: '*Every* idea is present in almost every age as a tiny individual flame. The racial idea, anti-Semitism, the Communist idea, the National Socialist one, faith, atheism – every idea. How does it come about that suddenly *one* of these ideas grips a whole generation and becomes dominant? – If I had read [Alfred] Rosenberg's *Myth [of the Twentieth Century]* in 1930, when it appeared, I would certainly have judged it to be a tiny flame, the crazy product of an individual, of a small unbalanced group. I would never have believed that the little flame could set anything alight – set anything alight in Germany!' (Klemperer 2000: 83). Klemperer shares Arendt's insight that totalitarian movements identify elemental prejudices and historical currents susceptible to a comprehensive reordering in terms of their 'suprasensible', ideological presuppositions.

[viii] The stereotype of Hitler presiding over a *monolithic* regime of a hierarchically structured governmental authority is as misleading as attempts to portray Hitler's system of government as all chaos and irrationality. Martin Moll's recent article, '*Steuerungsinstrument im 'Ämterchaos'?*' (2001), is a particularly balanced appraisal of this highly controversial dimension of Hitler's rule. As we shall see, Arendt describes the 'anarchy of authority' characteristic of the Third Reich in more complex terms, rejecting the notion of a mere 'duplication of offices and division of authority, the co-existence of real and ostensible power' which, although 'sufficient to create confusion', cannot adequately explain 'the "shapelessness" of the whole structure' (Arendt 1979: 398f) of the Third reich.

[ix] Arato argues that Lenin's dictatorship was the vantage point from which Stalin's second revolution was carried out. He dismisses Arendt's alleged view, in his words, that 'the conspiratorial party led by Stalin carried out a revolution against the party of Lenin', contending instead that rather than a 'conspiratorial elite, it was the official political apparatus led by Stalin's secretariat that gained control of this party even before Lenin's death in 1923' (Arato,2002: 481). If this is true, what then is the secretariat in a one-party dictatorship other than an 'elite', one that schemes from within party structures to gain 'control of this party' and eliminate 'all possible opposition in preparation for the revolution from above'? (Arato,2002: 481). Is Arato suggesting that Lenin knew of Stalin's plan, half a decade hence, to launch a second revolution? And if Lenin did not, did that development not signal a break with Lenin's revolutionary goals, however one wishes to describe these?

[x] In *Origins*, Arendt argues that 'Terror *as the counterpart of propaganda*

played a greater role in Nazism than in Communism. The Nazis did not strike at prominent figures as had been done in the earlier wave of political killings in Germany … instead, by killing small socialist functionaries or influential members of opposing parties, they attempted to prove to the population the dangers involved in mere membership' (Arendt 1979: 344; emphasis added).

[xi] 'All of our categories of thought and standards for judgement seem to explode in our hands the instant we try to apply them here… Fear cannot possibly be a reliable guide if what I am constantly afraid of can happen to me regardless of anything I do… One can of course say… that in this case the means have become the ends. But this is not really an explanation. It is a confession, disguised as a paradox, that the category of means and ends no longer works' (Arendt 1953a: 302).

[xii] As Robert Conquest argues, Stalin 'was always much concerned with forms and appearances' as when, for example, state prosecutor Andrei Vyshinsky argued for a 'restoration' of 'legal norms and forms, insisting on trials, with evidence'. Whereas Robert Thurston attributes substance to these measures, Conquest argues that Vyshinsky was hardly engaged in advancing the rule of law. He was merely regularising the application of terror (Conquest 1996: 47).

[xiii] Klemperer notes the effect of the incremental terror upon the category of 'privileged Jews' (principally those in mixed marriages and of mixed parentage who were not immediate victims of incarceration): 'The *Jews' boundless fear*. I was at Simon's … and afterwards called on Glaser. Glaser was so distracted with fear … begged me never to tell him anything about foreign reports – torture could force one to make statements … he did not want to know anything he was not allowed to know' (Klemperer 2000: 413, see 438, 477).

[xiv] It is not clear how Raymond Aron can claim that during this period 'the [Nazi] police were looking for genuine opponents (as was demonstrated by the attempt on Hitler's life on 29 July 1944)' (Aron 1980: 37). The operation to rout the principal coup members constituted one of the rare instances in which the Nazi police targeted *real* enemies, rather than biological non-conformists such as Jews, Sinti and Roma, physically and mentally disabled, the aged, homosexuals and Slavs. This hardly amounts to proving Aron's rule. The period 1942-44 marked the height of the genocide in occupied Europe. It is unclear how Villa can argue that this fact places in question 'any strong insistence upon the uniqueness of the Holocaust. Like it or not, Arendt's theoretical concern with the "essence of totalitarianism" leads her to frame the attempted extermination of the Jews as but one step in a broader process aimed at total domination' (Villa 1999: 25). Arendt's

theoretical concerns are, indeed, much broader than the historical uniqueness of the attempted annihilation of an entire people. But that fact in no way rests upon a judgement about the uniqueness of the German genocide of the Jews. For the genocide of the Jews was a unique facet of a broader programme that envisaged the extermination of substantial swaths of Eastern Europe's Slavs (Arendt 1946a: 200; Arendt 1950a: 244n; Arendt 1951: 290; see Burleigh 2001: 598; Kershaw 2000: 353, 355-60, 400-07, 461-95). The planned Slav extermination would in all probability have exceeded in numbers even a completed Jewish programme (10 million) with the difference that the genocide of the Jews was envisaged as *total*. Arendt insists that 'the monstrosities of the Nazi regime should have warned us that we are dealing here with something inexplicable even by reference to the worst period in history' (Arendt 1945a: 109). For Arendt, it was not the shock of the year 1933 that was decisive but, instead, 'the day we learned about Auschwitz' (Arendt 1964a: 13), a policy '*beyond the capacities of human comprehension* … and beyond the reach of human justice … Human history has known no story more difficult to tell' (Arendt 1946a: 198, 199). The fact that Arendt cites the planned extermination of Slavs hardly amounts to explaining away the posited uniqueness of the genocide of the Jews. Moreover, why should we 'like it or not' that Arendt does not restrict her vision to the fate of European Jewry?

[xv] Todorov argues that life in totalitarian societies typically entails everyone's becoming 'an accomplice; everyone is both inmate and guard, victim and executioner' (Todorov 2000: 247).

[xvi] In the Soviet Union, where the arrest of a spouse had immediate implications for the security of the family unit as a whole, divorce was often the only means of insulating the family from guilt by association. Thus even the most cherished of personal bonds could be made into instruments of terror, and the integrity of human relations and solidarity could be transformed into an existential threat (see e.g. Khlevniuk 2004: 168-9). The role of denunciation in German society, on the other hand, is wholly underreported and under-theorised in the historical and theoretical literature, as Detlef Schmiechen-Ackermann argues in his important essay, '*Der'Blockwart*' (2000; see Arendt's analysis of this aspect of the Soviet Terror (1979: 452)). The essay explores the interrelation between the intention of the regime and the structure of the system of 'block' and 'cell' leaders of local party organisations.

[xvii] Filip Müller, a former inmate and member of the Auschwitz I and Auschwitz-Birkenau *Sonderkommandos* (inmate units assigned to the gas

chambers and crematoria to 'process' human remains) notes that a '*Kapo*', or inmate supervisor, who had previously treated his fellow inmates with particular brutality, upon noticing 'that the other *Kapos* abhorred ill-treating prisoners', immediately ceased his brutality (Müller 1999: 59). In other words, separated from his fellow *Kapos* this individual was bereft of social markers, 'over-fulfilling' his task by maximising the exercise of brutality.

[xviii] Richard Overy describes the camps as 'cruel mirrors in which dictatorship confronted its own hideously magnified and distorted image' (Overy 2004: 595).

[xix] An important distinction needs to be drawn between the camp system under the jurisdiction of the SS camp inspectorate (which included all of the larger and better known camps and was itself sub-divided into many departments) and the great number of smaller camps administered, *inter alia*, by the police, Gestapo, industrial concerns, and military.

[xx] It is also an important distinguishing characteristic of the extermination facilities which, with the notable exception of Auschwitz, were situated in 'secret' locations. Yet as Ian Kershaw argues, the nature of the rumours doing the rounds in Germany during the war left little to the imagination. Surviving SD records detail the nature of these 'rumours', and it is a well-researched fact that soldiers returning from the front conveyed accurate information to family members and friends (Kershaw 1988: 145-58; Westerman 2005: 237-9). Much personal correspondence has survived. In many instances soldiers describe mass executions of civilians in which regular army units of the *Wehrmacht* were directly involved (see e.g. Westerman 2005: 188-91). Victor Klemperer throughout the war notes discussion among German civilians of the atrocities carried out, *inter alia*, by the regular military (see e.g. Klemperer 2000: 50, 424, 454, 462, 479). Ernst Klee, Willi Dressen, and Volker Riess extensively document military involvement in massacres and the activities of the extermination camps (Klee, Dressen and Riess 1991).

[xxi] There were six extermination facilities: Grafeneck, Brandenburg, Bernburg, Hartheim, Sonnenstein, and Hadamer. After suspension of the programme in August 1941 *T4* switched tactics to enlisting regular staff members at a great many mental institutions across the Reich (approximately 50 to 60) to murder individual victims by way of lethal injection, starvation, or a combination of these methods, in what became known as the 'Luminal schedule'. The killing lasted until the close of war. In one instance, in Kaufbeuren in Bavaria, killing continued two months *after* the German surrender; that is, two months *after* American troops had occupied the town, and was stopped by a chance discovery of the

activities (De Mildt 1996: 65, 66, 67; see von Cranach, Greene and Bar-On 2003).

[xxii] The victims of the Euthanasia programme were not restricted to 'medical' categories determined by departmental selection criteria. As De Mildt shows, the attendant 'experts' hardly ever examined the patients, sentencing them to death on the basis of registration certificates received from medical practitioners across greater Germany. These forms were perused with extraordinary speed (reviews lasting two minutes were customary) and much of the information contained in them was inaccurate. Many doctors, fearing the loss of capable workers in their institutions, exaggerated the mental or physical disabilities of their charges for fear of losing them to Brack's team, which was ostensibly seeking qualified workers for the armaments industry. This constituted a death sentence (De Mildt 1996: 57-9).

[xxiii] An abbreviation of its Berlin address, Tiergartenstrasse 4. T4 was the headquarters of the Euthanasia programme, which was known as the *Reichsausschuss zur wissenschaftlichen Erfassung von erb- und anlagebedingten schweren Leiden*. It was headed by Viktor Brack under the supervision of Hitler's personal physician, Karl Brandt and *Rechsleiter* Philipp Bouhler, who headed Hitler's *Führer* Chancellery. The latter, *Kanzlei des Führers (KdF)*, was independent of the Party Chancellery (*Partei Kanzlei*) and the *Reichs* Chancellery *(Reichskanzlei*). Initially conceived of to attend to Hitler's private affairs, it soon grew into a large bureaucratic organisation with five main departments. Department II, under Brack, supervised the Euthanasia programme. To conceal Hitler's personal involvement the *T4* premises, occupied in 1940, served as the base for the activities of Department II of the *KdF*, and in turn created four additional front organisations managing the four main dimensions of the Euthanasia programme: mental institutions, finance, transport, and nursing fees and health insurance. Dr Albert Widmann describes the early experiment in killing methods as follows: 'For the experiment 30 mentally ill patients had been selected and divided into two groups. One group was led into the gas chamber of the institution, in which CO-gas was poured in. Meanwhile the other group was given injections with Scopolamine and other poisons. Whereas with the [former] unconsciousness set in after a very short time, and death followed shortly afterwards, the results of the injections were … so questionable that these patients had also to be taken to the gas chambers and killed with CO-gas' (Widmann in De Mildt 1996: 56-7).

[xxiv] Victor Brack's claim during the Nuremberg Trials that Jews were not included in the Euthanasia programme since the 'government did not want to

grant this philanthropic act to the Jews', has been disproved (De Mildt 1996: 71). In their case, however, the killings were not registered.

[xxv] Aly argues that the German genocide was not a 'break with civilisation' but instead part of German and European history. Although it occurred in Europe, it was authored by a particular German regime that had broken entirely with Europe's Enlightenment tradition. Aly's thesis dilutes German responsibility for Nazism whilst impugning all of European civilisation. Speer employed a similar logic. During the Nuremberg trials Speer accepted global responsibility for all the criminal deeds of the regime, rather than for those for which he was personally responsible. This constituted a clever evasion of actual responsibility and was generally perceived by the victors as a courageous and unprecedented moral stand by a leading Nazi. This approach deflects, or at least dilutes, responsibility by embedding it in a broader context. This is guilt by association on a grand historical scale. Who are we to blame for Stalin's mass crimes? Are these the 'Asiatic deeds' or 'reversion to barbarism' that Aly rejects as an explanation for Hitler's crimes? Or were the purges and Gulag regime 'a possibility inherent in European civilisation itself'? (Aly 1996: 153). If so we would have considerably to expand the definition of Europe. This is not to deny the complicity of other European nations. Nor am I suggesting that the genocide be viewed in some essential sense as 'German'. Nonetheless, it is important to distinguish between an erroneous metaphysics of European guilt and the historical fact that the 'Final Solution' was conceived and implemented by Germans and Austrians.

[xxvi] Arendt similarly argues that the reputed 'magic spell' cast by Hitler over his subordinates was owing to the fact that '[f]ascination is a social phenomenon, and the fascination Hitler exercised over his environment must be understood in terms of the particular company that he kept. Society is always prone to accept a person offhand for what he pretends to be, so that a crackpot posing as a genius always has a certain chance to be believed. In modern society, with its characteristic lack of discerning judgement, this tendency is strengthened, so that someone who not only holds opinions but also presents them in a tone of unshakeable conviction will not so easily forfeit his prestige, no matter how many times he has been demonstrably wrong … The hair-raising arbitrariness of such fanaticism holds great fascination for society because for the duration of the social gathering it is freed from the chaos of opinions that it constantly generates' (Arendt 1979: 305f).

[xxvii] J. Arch Getty argues that during the 1930s Stalin 'was working to consolidate a modern legal order with reliable courts, respect for laws, and

predictable punishments all in the interests of a strong centralised state', only to be limited by the 'interference of local politicians … and his own resort to military-style campaigns to carry out specific policies: industrialisation, collectivisation, and mass operations being examples' (Getty 2002: 114). The ubiquitous 'mass operations' were the terror campaigns against 'categories rather than individuals' discussed above. What is quite remarkable is the claim that all the while Stalin was launching mass terror campaigns for no apparent reason (industrialisation and collectivisation arguably did not presuppose mass killings) his real aim was the rule of law, judicial transparency, and orderly and good governance; moreover, that Stalin was prevented *by his own military-style campaigns* from attaining these noble goals. As we shall see in chapter five, the implicit assumption of a future perfect flowing from present 'troubles' is typical of several generations of revisionist historians, whose attempts to rationalise Stalin's terror are often allied to attempts to debunk Arendt's theory of totalitarianism.

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In September 2011, *Professor Anthony Court* of the College of Graduate Studies was awarded the UNISA Press, *Hidding Currie* prize for 2010. The Hidding Currie prize is awarded annually for academic or artistic work of the highest quality which contributes to the understanding or development of the discipline. Professor Court's book, entitled "Hannah Arendt's Response to the Crisis of Her Times", was published in 2008 by Rozenberg Publishers, Amsterdam, and republished by UNISA Press in 2009. The book appeared in the bi-national SAVUSA Series, which aims to publish scientific, yet broadly accessible texts on historical and contemporary issues.

Professor Court's interest in Hannah Arendt's political thought grew out of his

undergraduate studies in political philosophy and international relations at Munich University's Geschwister Scholl Institute in the 1980s. During this period, there was a resurgent interest in Arendt's political thought generally and her theory of totalitarianism more particularly. The author notes that Arendt's novel contributions to twentieth century political thought resist easy categorisation. Nevertheless, in his view there are few thinkers in Western history who share Arendt's unwavering sense for the political. A central argument of the book is that Arendt's theory of totalitarianism and her theory of politics can be traced back to her personal experience of the twentieth century phenomenon of "total domination". Although much of Arendt's early writings consist of reflections upon the harrowing phenomena of Nazi and Stalinist totalitarianism, "total war" and genocide, Arendt's later works articulate a pluralistic theory of politics that is grounded in her concept of "natality". In Arendt's own words, new "beginnings" are without end, and each new beginning "is guaranteed by each new birth; it is indeed every man".

The Kingdom Of The Netherlands In The Caribbean. The Politics Of Autochthony And Economic Globalization: Seamy Sides Of The Same Coin

Koningin Juliana tekent het Statuut voor het Koninkrijk der Nederlanden, waarin een nieuwe rechtsorde wordt vastgelegd voor de relatie van Nederland met Suriname en de Nederlandse Antillen

True human progress is achieved not so much by the application of ideas thatare original as by ideas whose application brings more human beings together toshare a richer and fuller life.
John Blacking (1969: 60)

What this essay is about
After 50 years of the Kingdom Charter, the people of Sint Maarten want change. They want their country to gain a separate status within the Dutch Kingdom. A status that will be similar to the one Aruba currently enjoys; one that grants them direct access to the Netherlands, circumventing the bureaucracy of Curaçao. In this essay I argue that the success or failure of their representatives to achieve this goal will depend on how these engage the politics of autochthony, one of the dominant modes of thought of our times.

This mode of thought finds expression in the columns of mainstream public intellectuals in the Netherlands and on Sint Maarten who talk about the loss of 'authentic culture' and the cultural alienation of the autochthons. The loss is blamed on the onslaught of globalization, both from within and from without. The intellectuals on the right blame the working class newcomers (Third World globalization agents from within), while those on the left favor presenting us with a secret complot of North American capitalists pulling the strings of the Bush regime (the First World globalization agents from without). It is an odd combination, surreal, but it is one that is effective in a time of anti-Americanism

and anti-multiculturalism.

Mainstream public intellectuals in the Netherlands enjoy the respect of the masses as well as the elite. Think of Paul Scheffer, Bas Heijne, Jan Mulder, and Theo van Gogh.**[i]** Many Dutch people eagerly read their columns, which are increasingly spiced with autochthony. Their success has to do with the fact that those who write well are highly regarded, the vast majority of the Netherlanders can claim to be autochthon, and the idea that Holland is the most tolerant of all Western countries is well ingrained in the minds of most. Many autochthons have imbibed the idea that the US could learn a thing or two from the Dutch, and not the other way around. Unable or unwilling to see the strong economic links between the US and the Netherlands, sentiments of anti-Americanism can proliferate without a sense of hypocrisy. It can be found in the left and in the right of the political spectrum. To strengthen their cause of anti-Americanism, which they equate with anti-capitalism, leftist intellectuals appeal unwillingly to the idea of Dutch exceptionality. Conservative intellectuals appeal to this same idea to warrant their appraisal of working class newcomers. Newcomers should thank God that they have the privilege of living among the tolerant Dutch. They should shed their cultural expressions as soon as possible and become like the Dutch. Newcomer intellectuals such as Ayaan Hirsi Ali who sing praise to this supposed beacon of enlightenment strengthen their sense of Dutch exceptionality.**[ii]** It is almost a caricature when one observes leftists intellectuals countering those on the right by claiming that it is an aberration of the *spirit* of Dutch culture to be so intolerant towards newcomers.

The same division between conservative and leftist intellectuals is discernible on Sint Maarten. Leftists cry ‘shame on America,’ adding that the representatives in The Hague and Brussels are also puppets of global capitalists. Sint Maarten will not be healthy until it severs its ties with the Netherlands, joins the bandwagon of Third World states resisting capitalism, and salvages its true ‘autochthon soul’. Those on the right care little about global dynamics, blaming the working class and upper class newcomers for corrupting society. The autochthons are undergoing a process of cultural alienation, becoming strangers in their own country, and therefore they need to assert their right before all his lost. As is the case in the Netherlands, mainstream intellectuals on the left as well as on the right appeal to autochthony.

Truth be said, however, those who appeal to the politics of autochthony on Sint

Maarten are a small group with little support among the working classes and the elites. Intellectuals that write columns or books can't make a living from their craft; it is something they do on the side. Moreover, they have to compete with radio disc jockeys who capture the people's attention in ways they cannot. By interspersing their messages with the latest Calypso and Bachata hits, these disc jockeys cater to the universals of life, rather than to conventional politics: infidelity, broken homes, domestic abuse, friendship, and the need to love and be loved, things that all human beings experience. Anti-Americanism and autochthony rarely figure in their programs. Many told me that it made little sense to engage in such discussions in a country where 70 % was newcomer, and everyone's livelihood depends on North American tourism. The lettered champions of autochthony are upper middle class 'locals', surrounded by a sea of newcomers whose routes and roots transcend the island. Some popular disc jockeys such as DJ Shadow were quite explicit denouncing the idea of being a separate nation, the ground of autochthony, an affront to humanity

Now when you sit down and look you can't say who is from SXM [St. Maarten] and who is not, who is 'local' and who is not. Furthermore I and I don't cater for that. That nation business is just hate business, Devil works. Whenever you have a nation, you have an enemy, you have war. Is like that because you going to believe you better than the other man. I mean Bob Marley spoke about this. Listen to 'War', there the man is basically telling you that that is nonsense. Madness B [B is a shortened version of brother]. Jah create us all, that nation business is just tribalism.

More weight can be lent to the appeal of disc jockeys, such as DJ Shadow, over and above those of the lettered intellectuals, when one realizes that Sint Maarteners have bred two 'indigenous ideologies' that transcend the politics of autochthony. These ideologies are the money tie system and Christianity understood as a meta language. The money tie system is the term used to denote the common sense that the ultimate ground of most relationships on the island is a quest for more money or power. Since one is first and foremost an individual, one is licensed to maximize one's gains while interacting with others. It matters little whether or not they belong to the same ethnic group as oneself. This is how Trevor, a carpenter originally from Jamaica explained the issue.

… all Man is sinners and this here is Babylon land too [Babylon is the Rasta term for Western dominated Capitalism]. A thing that all over. The money tie system all over. The only thing that a different between SXM and Africa is that here is John

Pope land [part of Western Europe], so things better for the hand to mouth people here [Hand to mouth refer to the working classes who earn just enough to feed themselves and not fulfil other desires; the salaries of hand to mouth people go from their hand to their mouths/bellies]…. Yes Babylon make it [selfish behaviour] worse cause Babylon is pure wickedness, but Man will always be selfish. That is the way Man plan. Everybody is checking for himself.

On the other hand, Christianity understood as a meta-language refers to the manner in which Sint Maarteners are encouraged to live up to the Christian derived principles of solidarity and equality. For most Sint Maarteners, 'Christian' is a category applicable to anyone who seeks to behave civil in a country where the money tie system is an acceptable fact of life. This is how Violet, a nurse born and raised on Aruba, phrased the matter:
But you ain't know that Francio, Christian is a passport on this island. Once you is a cool Christian nobody ain't bothering you; nobody ain't asking you if you have any papers [ID card, residence or work permit]. Where you come from. On this island we like cool Christians, those who will play they lil number [lotto], curse they lil bad word [swear], but still try to live right. That is the Christian we like and the Christian the tourists like to meet. Not those disgusting ones who constantly reminding you of death [the question of if you die do you know where you are going].

The money tie system and Christianity understood as a meta-language represent the necessity, SXMers would say, of being both a self-interested individual and a non-egoistic member of society. They claim that this irresolvable existential dialectic is operative in all societies. This, they would argue, was the commonality upon which their politicians should seek a dialogue with their counterparts in the Netherlands. They were convinced that this starting point would lead to Sint Maarteners achieving a separate status within the Dutch Kingdom.

Their solution, unlike that of the lettered intellectuals on the island, is thus predicated upon a universal understanding of the human condition. It is an example of what I term a subaltern Globalization of the people against the economic Globalization of the global elite, and the autochthony craze of the lettered classes of the world.

This essay should be read as a note to those representatives of Sint Maarten who seek to truly represent the views of the majority of the islanders. I have divided

this paper into three sections. The first section seeks to undo the common sense with which lettered intellectuals in the Netherlands and Sint Maarten talk about Globalization. What I demonstrate is that Globalization has to be understood in the plural; that there are global flows orchestrated by the capitalist elite, and there are counter streams which are based on the experiences of the downtrodden. The latter forms have liberating potential, once they go beyond exclusive ethnicity. I will present the cases of Pan-Africanism and Zionism to demonstrate that within these subaltern forms of Globalization one finds tendencies forwarding a closed ethnic identity as well as open humanity embracing ones. The former ones resemble more localized based autochthony politics. Based upon this exposition I will demonstrate, in the second section, the flaws in the argumentation of mainstream public intellectuals in the Netherlands and Sint Maarten. Examples from both countries will be discussed. The Third section goes on to expound on the money tie system and Christianity understood as a meta-language, the 'indigenous' bred ideologies that go beyond a politics of autochthony.

Globalization

Let me begin by tackling the juggernaut we call Globalization, for it is this specter that mainstream public intellectuals in the Netherlands and Sint Maarten summon to stake their claim of autochthony. Within and without academia Globalization is often understood as the increase of the circulation of goods, ideas, cultural expressions, peoples, and finances, which have rendered national borders porous. The counterpart of Globalization is the paradise lost presented to us in the columns of books of vanguard intellectuals. Never mind that an earnest academic can show them that this paradise never existed. The myth is what counts. The problem with such forms of mythology making is that they inhibit serious debate, and they frame Globalization as if it is a one-way process. As if it is one thing. As if the only solution is to assert one's autochthony, to seek to recreate the paradise lost.

Globalization, however, has to be understood in the plural. It is not solely a process whereby rich American capitalists are promoting commodity fetishism, and in the process disrupt older society-specific ways of relating. The concept of Globalization is not contained by this very real threat alone. For the Pan-Africanism of Marcus Garvey and C.L.R. James, or the Zionism of Theodor Herzl and Martin Buber, to name but a few global movements, are also forms of

Globalization. Economic Globalization, symbolized by the New Empire, North America, as Hardt and Negri (2000) assert, is given too much credit when one neglects these subaltern forms of Globalization.

If I might try my hand at definitions, I would state that Globalization is actually a rapid acceleration of what we human beings have been doing all along—and that is exchanging ideas, products, and cultural expressions across boundaries. For as long as human beings have walked on the face of this earth we have been exchanging. And for as long as we have been exchanging we have reacted against the negativities produced through these exchanges. Some of these reactions have been local, but many have also been global. It is the latter reactions that we need to unveil in a period where economic Globalization's circumference is everywhere, and its center more elusive.

The real question is thus how one can distinguish between positive and negative forms of Globalization. The positive being those exchanges which lead to true human camaraderie. The negative ones being those forms of exchange that create the illusion of irreconcilable differences, those which bring to mind Hobbes' dictum that Man is a wolf to Man. To be able to discern what is right and what is wrong we need to first understand that no ethnic group has a monopoly over death, destruction, and human carnage. Evil behavior does not belong to people with a specific skin tone, creed, or class background. We also need to realize what Wilson Harris means when he writes that 'Wound' and 'Renascence' go hand in hand.**[iii]** 'Wound' being a hurt, a pain, inflicted due to human exchanges. 'Renascence', being the actions taken towards vindication and regaining of one's sense of human dignity. A 'Renascence' that produces hatred is not a 'Renascence', in the Harrisian sense of the term, but a de-humanization of Self and Other.

Subaltern globalization

With this knowledge at hand let us analyze the thinkers of Pan-Africanism and Zionism, two subaltern Globalizations if you wish. Without a doubt Marcus Garvey was one of the great thinkers of his time. He was a product of the 'Wound' that Europeans inflicted upon the people of African descent in the New World. He also embodied the 'Renascence' of Blacks in the Diaspora, as he was one of the earliest protagonists of Black pride. Garvey encouraged black men and women in the Caribbean, and the wider Americas, to take pride in the land of their ancestors and the color of their skin. Long before the sixties slogan of 'Black is

Beautiful', Garvey told his followers that the darkest of browns is the color of Man too.

But we also need to understand the fundamental flaw in Garvey's politics, which was his idea that there existed human races and not one human race. Garvey was a man of his times. And in his times most people believed that there was a distinct African, Asian, and European Race. South African Apartheid, Jim Crow Laws, and the Nation of Islam, are but extreme examples of what may come of the lies that learned men and women have told to themselves and others. The fact of the matter is that there is one human race and we humans have always been mixing. It is a known anthropological fact that the first human beings came out of Africa and thereafter spread across the rest of the world. Differences in phenotype are but superficial adaptations to the environment. Europeans, Asians, Australians, and Americans are disguised Africans. This is what Garvey failed to acknowledge in his public denunciations of white supremacy.

Some pan-African intellectuals did however think beyond the paradigms of their times, and C.L.R. James was one of these. Like Garvey he too was the embodiment of the 'Wound' inflicted by European colonialism, and the 'Renascence' that came out of that. But unlike Garvey, James advocated black pride divorced of the idea of the distinctness of the 'Negro Race'.

The novelty of James' thought was that he believed that Europe or the US could not understand itself unless it truly understood the contribution of the Caribbean to world history. The Caribbean was not solely an effect of Europe, but actually effected Europe. In his seminal work, the 'Black Jacobins', he showed that the French Revolution and the Haitian revolution inflected upon each other. Through this work we were led to understand that the famous battle of Waterloo would have been lost if a huge contingent of Napoleon's troops were not caught up fighting Haitian slaves.

In later works he showed that even the Romantic period was not divorced from the *presence* of New World slaves. What would the European Romantic age be without Alexander Dumas' *The Three Musketeers, The Man with the Iron Mask,* and *The Count of Monte Cristo?* James made millions of black and white children aware that Alexander Dumas was the Martiniquian son of slave woman. He was the embodiment of the encounter between the colonizers and the colonized. But James went further as he constantly averred that Dumas was no exception, as we

all are the offspring of the slave masters and the slaves of history. Therefore revenge, that evil based upon the complete othering of the Other, should have no place in emancipating movements predicated on creating a classless world. This is what C.L.R. James taught us.

In Zionism we see a similar dialectic. It is not a gesture of political correctness or good form to state that Jews have been a people that have sustained indescribable persecution throughout the ages. If there is one constant scapegoat throughout European history, it is the Jewish people. Nazism was only exceptional in so far as its scope; it was not in so far as its stigmatization of Jews. Like the New World Blacks, they too have produced men and women who have embodied both a 'Wound' and a spirit of 'Renascence'. Theodor Herzl, credited with being the mastermind behind the founding of the Jewish state, longed for respect and an end to the persecution of his fellow men. To protect Jews from persecution Herzl proposed the founding of a Jewish state. Where he went wrong was that he saw the Arabs that lived in Palestine as being intruders. For him they were fundamentally different. Herzl, mirroring Garvey, was a man of his times who dared not accept that terms such as Jew and Arab were but nouns that hid the common humanity of these two peoples.

But the 'Wound' inflicted upon Jews also bred Martin Buber, a man with a vision paralleling that of James.**[iv]** Buber's classic statement was 'no human being can give more than making life possible for the other; if only for a moment.' Another statement was, '[w] hen I meet a man I am not concerned about his opinions. I am concerned about that man.' Buber averred that true Zionism could encompass Jews and Arabs, as well as the rest of humanity.

He also made us aware as few others have of the importance of dialogue. He distinguished three forms of dialogue, namely, genuine dialogue, technical dialogue, and monologues disguised as dialogues. Let me start with the latter. A monologue disguised as dialogues is when the people being spoken to are not recognized as being persons. We spit out words at them and treat them as though they were things. A technical dialogue characterizes itself as being about finding objective parameters of truth. Here again the other person is but a means to an end, and we scold him or her for not living up to expectations or grasping 'the truth'. The third type of dialogue, that which Buber coined genuine dialogue is one between equals. We treat the Other as a person, as we would like to be treated. While we may have opposing views, we heed, listen, and seek to build

common worlds. We recognize that the Other is also seeking a way in this world.

Autochthony movements in the Netherlands and Sint Maarten
The exposition the thoughts of the four thinkers just discussed lays bare the problematic of the politics of autochthony forwarded by mainstream public intellectuals in the Netherlands and on Sint Maarten. They are hardly interested in genuine dialogue, a dialogue where the people they talk about are recognized as being equals. They are specialists in monologues disguised as dialogues. In their columns and books, they rabble-rouse, accuse, and feed on people's anxieties. The Other with whom they are in conversation, or better phrased those whom they are talking about, are depicted as rats, lice, and cockroaches corrupting the moral fabric of Dutch and Sint Maarten society.

In the Netherlands this is explicitly manifested in the blaming of immigrants of Moroccan, Turkish, and Curaçaolean descent. Increase in crime, domestic abuse, and religious fundamentalism are made to be synonymous with these groups. What their reading public is offered is nonsense posing as sense. Take for instance the issue of crime. It is a fact that many Morroccan, Turkish, and Curaçaoan youngsters are involved in crime, but so are many 'autochthon' Dutch youths. Moreover the '*Bouw Fraude*', the '*Betuwelijn*', and the '*Albert Hein affaire*' are but the tips of the ice berg that demonstrate that men and women in three piece suits are not exempt from the lure of crime.**[v]** It has always been the case that the offences committed by the working classes are highlighted while the white collar crime that cost the tax payer millions is muffled over.

While residing on SXM I heard mainstream public intellectuals engage in similar blame the victim tactics. It was the Colombians that were spreading immorality, the Indians that were preventing SXMers from getting a job, and the Haitians that were overpopulating the island. If anyone were to believe them, all would be well and swell once the immigrants left the country or stopped with their uncivil ways. Let me grab a concrete example to show the faultiness in their reasoning. In newspaper columns these intellectuals write that East Indians only care about East Indians. They only employ their own. The writers claim that they are not badmouthing anyone. They are just 'stating the facts'.
This form of 'merely stating the facts' however, blinds their readers to a fundamental understanding. First, if East Indians merchants truly cared about East Indians workers, they would not have these working 11 to twelve hours a day for meager salaries. That is not a case of caring, but one of plain and simple

exploitation. If we take a class perspective on the matter, we realize that upper classes the world over like their workers docile and cheap. East Indian workers, dependent on their employers for a work permit, are as docile and as cheap as they come. Exploitation and racist thought—the latter is also part of the equation—is not an East Indian trait, but one we often find among members of the upper classes.

What the 'vanguards' in the Netherlands and on Sint Maarten are espousing is a 'Renascence' which excludes and dehumanizes. It is a 'Renascence' that is of little utility in Dutch-SXM talks with regards to the latter's quest in obtaining a separate status within the Dutch Kingdom.

SXM and Dutch dialogues

While Sint Maarten politicians are less susceptible to the ideas of the island's public intellectuals, they are nevertheless influenced by their discourse. The recent talks between the representatives of Sint Maarten and the Dutch government can be described using Buber's term as technical dialogues and monologues disguised as dialogues. Beneath the veneer of pleasantries, the Dutch politicians shot off salvos of derogatory remarks at one another. Employing the moral science of statistics, the Dutch camp brings in all kinds of technical arguments to demonstrate that the Sint Maarten civil service is not equipped to be a separate partner within the Dutch Kingdom. Between the lines SXM administrators are accused of being corrupt and reminded that they are peripheral to the Dutch Kingdom. The Sint Maarten camp usually retorts by employing the Law. They interpret the Kingdom Charter in such a way that on a legal and moral basis the Netherlands has to respect their people's quest to obtain a separate status within the Kingdom. Implicitly the Dutch are accused of being neo-colonialists, and sometimes puppets of international capitalists. Miscommunication is the net result of these kinds of encounters.

The major losers are the Sint Maarten people. This is so since SXM politicians who are contaminated by the politics of autochthony are inadvertently preaching to the Dutch media machine and the ideas forwarded by conservative vanguard intellectuals. They are corroborating the dominant premise of irreconcilable differences between the Dutch and the Antillean 'identity'. The latter is synonymous with the so-called crime spree of Curaçaoans. Because the general public in the Netherlands cannot distinguish the islands, they usually accept that Sint Maarten is a carbon copy of the mediatized image of Curaçao.

This unfortunate state of affairs can be averted if the conversation SXM politicians have with their Dutch counterparts is one based on a genuine dialogue as Buber would put it. This dialogue would start out by recognizing the analyses of the vanguard for what they are: products of a 'Wound' inflicted by economic Globalization. Both the Netherlands and Sint Maarten are experiencing the negative effects of a world where multi-nationals are becoming less bound to nation-states. Dutch multi-nationals, for instance, display little loyalty to the Netherlands. Phillips, Unilever, and Shell, the pride of the Netherlands, have transplanted much of their labor-intensive production processes to Third World countries. That thousands of autochthon Dutch men and women are jobless, and that the newcomers are blamed for the economic malaise is of little consequence to the executive board of Dutch multi-nationals. So too, are the headaches of Dutch politicians who amidst widespread unemployment have to secure amenities for a graying Dutch population. Thus behind their façade of technical prowess, Dutch politicians are just as vulnerable to Global forces as Sint Maarten politicians are. This is what SXM politicians have to realize, instead of being caught up in the outdated jargon such as 'neo-colonialism'.

A genuine dialogue can only take place when Dutch and SXM politicians begin from the understanding that both are seeking to secure the livelihood of their people, in the midst of a fierce and competitive world market. Sint Maarten's quest for a separate status can then be seen in the same light as the further integration of the Netherlands within the European Union, namely, a means to better one's competitive edge.
Implicitly both then may arrive at the understanding that, as the Martiniqueian writer Patrick Chamoiseau phrased it, no country can be truly independent within our global age. Alone, the Netherlands cannot survive. The same is the case for Sint Maarten. We are heading for a world of supra regional blocs: the European Union (EU), the Association of Southeast Asian Nations (ASEAN), Common Market for Eastern and Southern Africa (COMESA), and the Free Trade Area of the Americas (FTAA). There are even initiatives underway to create transoceanic trading groups such as the APEC and the TAFTA. In short, we had the age of colonialism, followed by post-colonialism, and we seem to be heading to a postpost-colonial world.

The politics of autochthony in the Netherlands and on Sint Maarten are politics of retrograde. Sint Maarten politicians need thus to have a future and past oriented

outlook, even as they operate in the present. This should be the basis for redesigning Kingdom relations in the 21st century. In other words, while it is necessary to remember that Dutch and Sint Maarten politicians had different social locations in the past, it is equally important to understand that Sint Maarten and Dutch politicians are in a different world than their predecessors were. This is just another way of saying that political economy without a genuine appraisal that the world is forever changing runs the risk of letting in identity politics through the backdoor. Within these changes, the working classes on the island have constructed fundamental humanity as changeless. This was their existentialism.

The money tie system and Christianity as a meta-language

C.L.R. James' famous dictum was that politics should start at where the people are, and distill the radical possibilities hidden in their way of doing life. While conducting fieldwork on SXM I realized that the conditions of life on SXM had produced two ideologies that offer alternatives to politics based on autochthony. These are Christianity employed as a meta-language and the money tie system. When most Sint Maarteners claim that their society is Christian, what they are actually saying is that they understand that Christian oriented values are and have been historically important. They do not wish to implement a theocracy, or even to exclude other religious practitioners in their society. Let me give an illustration of the many I collected during my fieldwork. In words worthy of Henry David Thoreau (1942), who argued that philosophy's main task is about bringing men and women to an understanding of their inner-divinity, one middle aged housekeeper I met at a bar told me every one born is a descendent of Adam and therefore they are worthy of being called a Christian. In her words, '*once you are born you are a Christian. We are all children of God since we all belong to the Adamic race*.' This woman who had enjoyed very little schooling made it clear to me that she understood that every human being is an Adam, a being thrown into the world; a being who must carve out a path in life for him- or herself. That she could see a Christian in every person she met, and those she would never meet, meant that she understood that Christianity was about having an ethical relationship to the Other. And these others are inevitably part of oneself, as all stems from what theologians term God and metaphysicians such as Berkley called the Universal Mind.**[vi]** This understanding calls for a non-egoistic insertion in the human community.

We should not downplay this example, for what it actually alerts us to is that most SXMers understand what the ideologues among the Dutch Christian Democrats (CDA) are seeking to get across to their constituency. They understand that a healthy society should have a religion in the Durkheimian sense of the term, meaning a transcendental sense of its Self.**[vii]** But where CDA politicians like many Christian leaders sit in on an ideal plane and criticize the worldly, Sint Maarteners embrace the fallibility of the human condition. During a session at Father Charles, I witnessed the nods of approval when this popular priest reminded his flock of the age-old wisdom that the man who forgets that he is human and tries to behave like an Angel turns out being a beast. We may aim for the stars as long as we do not forsake the earth is what Sint Maarten politicians, basing themselves on their people's knowledge, can teach their CDA counterparts.

Most Sint Maarteners translated their awareness of the constitutive fallibility of the human condition into an understanding that besides Christianity, their society was held together by an overall recognition of the money tie system. The money tie system conveys their understanding that all relationships are ultimately grounded in a quest for more money and power. In other words they understand that there are no pure disinterested relationships between human beings. Hard economics and status acquisitions are always the non-transparent last instances in all societies. Being a Christian cannot be divorced from this lived reality. This is how Clem, a petty entrepreneur from Dominica reasoned.

…the kind of Christians you looking for, well we don't have that kind over here so. This here is money tie system land. Come to think of it, I don't think that kind of Christian Christian [true pious Christians] exists except in the Bible or somewhere where people cut off. Sint Maarten is not a place that is cut off. You hear about the Big Apple, well this here is the Little Apple. That is what the people from the neighboring islands does call Sint Maarten. Anybody on the island who receiving a paycheck can't say that he born again. If he say that he is, he's a hypocrite, a stinking dirty liar. Every month that he collect that paycheck knowing that a lot of drugs money does pass through this place he sinning. Every time he say thanks for that tip knowing that it is from people who exploiting they own people in the States, he sinning. We are all sinners, we trying to be Christian, Christian yes, but we can't be it as long as this island remains being the Little Apple.

Since the Netherlands is also a place that is not cut-off to use Clem's words, there can be no glorification of the nobility of the autochthon Dutch. This is the reality of both countries, and beneath this social reality Sint Maarteners would argue there is the reality of the simultaneous fallibility and divinity of all humans. According to the plebeians of SXM society, a genuine dialogue between the SXM delegation and its Dutch counterparts begins with this understanding. Who needs the politics of autochthony when by doing life most working class Sint Maarteners have intuitively come to understand that Wilson Harris' theory of the 'Wound' and 'Renascence' are fundamentally universal.

NOTES

i. Theo van Gogh was murdered a few months ago by a Muslim extremist for his anti-Islamic views.

ii. Ayaan Hirsi Ali is a Dutch politician who was born and raised in Somalia.

iii. See Kutzinski (1995).

iv. For a detailed exposition of Buber's thoughts see 'The life of dialogue 4th edition' (2002).

v. The Bouw Fraude' involved fraud and unlicensed cartel activities by major building contractors. The 'Albert Hein affaire' was the Dutch version of the Enron accounting scandal. The 'Betuwelijn' is a major railway project of the Dutch government which cost much more than the taxpayer was told it would.

vi. For a thorough explanation of major metaphysical thinkers see Vesey (1992).

vii. See Durkheim (1965).

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ISSA Proceedings 2014 – Toward Polylogical Analysis Of Argumentation: Disagreement Space In The Public Controversy About Fracking

Abstract: This paper offers a new way to make sense of disagreement expansion from a polylogical perspective by incorporating various places (venues), players (parties), and positions (standpoints) into the analysis. The concepts build on prior implicit ideas about disagreement space by suggesting how to more fully account for argumentative context, and its construction, in large-scale complex controversies.
Keywords: argumentation, controversy, deliberation, disagreement space, fracking, polylogue.

1. *Introduction*

Deliberation in the contemporary globalized, mediated environment presents an opportunity for reflecting on method in argument analysis. As we have argued before (Lewiński & Aakhus, 2014), one key conceptual issue is this: while multi-party and multi-position argumentation (*polylogue*) is prevalent, the analytic apparatus in argumentation studies tends toward dialectical analysis of dyadic disagreements. Such an analysis is posited on a set of often tacit assumptions about argumentation: it typically takes place in a fixed and definable setting

where two parties (proponent vs. opponent) exchange reasons and criticisms in order to justify (or refute) some standpoint over which they disagree. Argumentation is thus presumed to be a communicative activity which expands along the lines of a disagreement space co-constructed by the two parties through their argument-relevant speech acts (see Jackson, 1992; van Eemeren et al., 1993, pp. 95ff.).**[i]**

In this paper, we propose how to make sense of disagreement expansion from a polylogical perspective by incorporating various *places* (venues), *players* (parties), and *positions* (standpoints) into the analysis. We use a case about transporting oil by train drawn from the broader controversy about extraction of shale gas and oil resources using hydraulic fracturing ("fracking"), to which various players (e.g., companies, federal regulators, local communities, environmentalists, professional associations) contribute their conflicting views and arguments. In this way, the controversy develops as a polylogue, which is discourse (*logos*) among many (*poly*), that is, a dia-logue more complex than simple dialogue (discourse between two) typically used to model and analyze argumentation (Lewiński, 2014). The paper contributes to argumentation theory by developing polylogical analysis, which is important for advancing understanding of large-scale, multi-party argumentation (Aakhus & Lewiński, 2011).

2. *Argumentation analysis of public controversies over energy production*

To see how the dyadic assumptions about argumentation hide the polylogical character of disagreement expansion in public controversies, we consider some analyses of argumentation over energy production, as it is a constant source of contemporary public controversy. The economic, social, political, and environmental impacts of various technologies (coal, natural gas, oil, nuclear power, hydropower, wind and solar energy, etc.) are hotly debated between all the parties involved: from producers, distributors, state regulators, environmental groups, consumers, to local communities affected by energy production.

A good example of such a controversy extensively analyzed with the tools of argumentation theory is Royal Dutch Shell's involvement in the oil production in Nigeria in the 1990's (van Eemeren, 2010, Ch. 6; van Eemeren & Houtlosser, 1999, 2002; Johnson, 2002; Leff, 2006; Tindale, 1999, Ch. 5). Among the key issues of this public debate was Shell's cozy relationship with the Nigerian military regime, its lack of concern for the environment and local communities and, in particular, its alleged complicity in the death of Ken Saro-Wiwa, a

prominent Nigerian dissident and environmental activist. Shell decided to manage these issues by publishing an advertorial "Clear thinking in troubled times" in major world newspapers in November 1995 – which served as the basis for analyses mentioned above.

In their pragma-dialectical analysis, van Eemeren & Houtlosser clearly identify the complexities of the argumentative situation in this case. Shell addresses "the general public" with an attempt to refute the accusations leveled against the company by campaigners such as Greenpeace. Therefore: "Dialectically speaking we have here two opposing parties – Shell and the campaigners – and a third party – the public – that is supposedly neutral" (2002, p. 148). Later, using an updated terminology, van Eemeren argues that the skeptical "general public" is Shell's *primary audience* accessed via an ostensible argument with the oppositional *secondary audience,* the campaigners. Indeed, careful management of disagreement with the two is "a crucial element in Shell's strategic maneuvering at the confrontation stage" (van Eemeren, 2010, p. 169). This is achieved by "dissociating the general public […] from the campaigners who reacted against Shell's involvement in Nigeria. […] This strategic separation between the public and the campaigners has the advantage to Shell that the company can treat the public as a possible ally" (pp. 169-170).

The pragma-dialectical study meticulously analyzes the textual and contextual elements in Shell's advertorial, and precisely reconstructs the structure of its arguments. Yet, despite openly conceding there are (at least) three parties to the controversy, and that this fact is one of the main vehicles for Shell's strategic maneuvering, pragma-dialectics still relies on a dyadic model of communication. For instance, in the *dialectical profiles* of the reconstructed discussion between Shell and its opponents, the primary audience – "the general public" – merges with the secondary audience – "the campaigners" – into a single category of "opponents", presumably to clear room for a dyadic dialectical analysis (van Eemeren, 2010, pp. 171-173). We see this as a blind spot, which significantly weakens the purported goal of the entire analysis: the "determining of the strategic function of argumentative moves" in this controversy (van Eemeren, 2010, Ch. 6; see Lewiński & Aakhus, 2014).

What is evident in Shell's advertorial is argumentative dynamics that goes beyond a simple dyadic clash between a proponent and an opponent. There are, instead, numerous distinct groups which might oppose, doubt, or be concerned with

Shell's position. Tindale makes this clear in his analysis of the case: Shell "can expect a wide audience ranging from the hostile to the sympathetic to the indifferent" (1999, p. 127). While "the indifferent" largely correspond to the neutral general public in van Eemeren's analysis and "the hostile" are "the campaigners", Tindale discusses yet another "subgroup of principal interest" for Shell's argument: the "sympathetic, but concerned" "members of the business community, particularly investors in the company, who have an economic interest in the issue" (1999, p. 127). Interestingly, for Tindale, Shell's argumentation is heavily driven by the appeal to "the business component of its audience", entirely left out from van Eemeren's study: "A bottom-line position that permeates the discourse is that Shell has no expectation of pulling out from Nigeria. The company's future economic success in the region rests in part on convincing investors of this." (1999, p. 128).**[ii]**

With this rhetorically-based analysis, we arrive at an understanding of a disagreement where at least four parties play a part: Shell, anti-Shell campaigners, Shell's concerned investors, and the general international public. This, arguably, is still a simplification. One can easily see Shell's competitors in the region, the Nigerian government, potential litigants (Saro-Wiwa's family), affected communities in Nigeria, and legal authorities in Nigeria and Holland (Shell's headquarters) as other possible stakeholders/players/parties in this very controversy.**[iii]** If Shell's text indeed "has been constructed with care and deliberation" (Tindale, 1999, p. 127), then we can reasonably expect that such (actual or potential) sources of doubt and disagreement have been carefully and deliberately managed in this one-page message.

The analyses of energy production controversies based on dyadic assumptions thus hide important complexities of argumentation as it happens in public controversies. Most notably, there are many players claiming a stake in the production process and its consequences, which leads to many positions being advanced and refuted in many places where energy production is carried out and discussed. If we want to analyze and evaluate such a controversy for what it is – a multi-party dispute, that is, multi-party argumentative interaction – we need a model of such an interaction. We call this model a *polylogue*. If the aim of argument analysis is only to assess the rationality of a single argument or evaluate the maneuvers of a particular arguer, then dyadic assumptions might suffice. However, public controversies are dynamic, multi-party activities that

unfold over time in a variety of places. Such controversies often take on a particular form of life that is in turn constitutive of the content, direction, and outcomes of the very matters and activity that gave rise to the controversy in the first place (e.g. Schön & Rein, 1994). Understanding the logic of an argument or the reasonableness of a particular move by an actor is necessary but wholly insufficient for establishing an argumentative analysis of the controversy. What is needed is an argumentative understanding of the logic of the controversy, which can be developed through analysis of the polylogical expansion of disagreement.

3. *Reconstructing argumentation as polylogical expansion of disagreement*

3.1 *Public controversies as polylogues*

Some basic assumptions of argumentation theory are still greatly shaped by the way legal proceedings are conducted – a lasting influence that began with Aristotle and was perpetuated in the work of Toulmin (1958) and Perelman & Olbrechts-Tyteca (1969). Argumentation happens in a fixed venue (court of law), has pre-defined rules and a cast of characters, and amounts to a dyadic clash of two contradictory positions (guilty vs. innocent in a criminal trial) sustained by two confronting parties (accuser vs. accused). The analysis of Shell's advertorial using the pragma-dialectical model is a good example of this approach.

We argue that public controversies such as oil production and transportation quite clearly break these assumptions. The venues are constantly shifting and are strategically selected, designed, and argued about; players are numerous and fluctuating; and positions do not amount to a dyadic contradiction but rather involve a set of multiple contrary standpoints. In this way they become polylogues, that is, dialogues other than simple dialogues, or dyadic interactions. This, in itself, is unremarkable, given that most public interactions are in fact multilateral. What is remarkable, though, is that argumentation theory applies its dyadic, legally-inspired models to capture the strategic shape and rational quality of such polylogues.

Our main argument is that such complex situations – quite typical for public controversies – cannot be easily "fit into" the simple dialectical framework consisting of an opponent facing a proponent. As we argued before (Lewiński & Aakhus, 2014), it is possible for some localized episodes of argumentative exchanges, but it does not add up to an adequate account of the entire multi-party dispute. Similarly, the somewhat static and asymmetric rhetorical account of an *arguer qua speaker* facing (possibly multiple) *audience*(s) does not do full justice to the interactive discursive dynamics of an ongoing public dispute of this sort

(Lewiński & Aakhus, 2014).

3.2 *Activity breakdown and the emergence of argumentation*

A breach or breakdown in human activity provides an important point of entry for argumentation analysis as suggested in the pragmatic theory of argument advanced by Jackson and Jacobs (e.g. Jacobs, 1989). Argumentation from their perspective is not a standalone activity or practice but is woven into the very tapestry of communication. Central to their theory is that argument functions as repair in human activities – that is, argument arises because it functions as a method for repairing the content or process of some ongoing activity. The activity in which people engage offers the natural grounds for raising doubts, objections, and disagreement as well as for proof and justification (e.g. Jackson & Jacobs, 1981). Moreover, the substance and direction of any human activity is subject to the capacity of participants, and any third-parties or systems, to jointly manage the shape of the disagreement space through the relevant or digressive design of their argumentative moves (Jacobs & Jackson, 2006). While Jackson and Jacobs develop their account within settings of interpersonal argumentation, we find that the insight is remarkably scalable to any human activity (e.g. Aakhus, 2013).

Our point of entry into our current reflection on method for polylogical analysis is a news story published in the *New York Times* on January 25, 2014 entitled "Accidents surge as oil industry takes the train" (Krauss & Mouawad, 2014). Unlike Shell's advertorial, this is not a dramatic and carefully crafted piece of rhetoric but instead a news story reporting on a turning point event. By selecting this text, we move away from focusing on an exceptional speech or a speaker towards a text that openly reflects on the social, political, and technical infrastructure that enables large-scale coordinated human activity. This is important for polylogical analysis, which seeks to articulate not only the arguments made but the argumentative activity and the function of arguments and argumentation in human activities. Since the text used here reports a breach or breakdown in human activity, it provides the analyst a form of "infrastructural inversion" where what is otherwise taken-for-granted in human activity as normal and unnoticed is exposed and made temporarily strange and ready for examination (see Bowker & Star, 1999). Among other important methodological concerns for analyzing argument, infrastructural inversion is a method for a pragmatic analysis such as advocated by Jackson and Jacobs. In particular, it draws analytic attention to making visible how argumentative activity is

embedded within broad human activities and how argumentation shapes and is shaped by the conduct of human activity.

3.3 *Exploding trains*

Fracking (or: hydraulic fracturing) is a method of extracting natural gas and oil (the so called 'shale' gas and oil) from deep layers of 'shale' rock. It consists of an older technology and a new technology. The older technology involves fracturing rock by injecting high-pressurized liquids (water with added chemicals and sand) and thereby releasing the gas and oil trapped there. The newer technology involves drilling that can maneuver in nearly any direction rather than simple vertical drilling of prior eras. This method has been recently used on a massive scale in the USA, increasing its oil production by 50% (from 2008 to 2013). This has turned the USA into one of the biggest gas and oil producers in the world and changed the availability of petroleum resources for consumption around the world. Because of this, the fracking business has been hailed as the chief agent of the USA's energy security, a job creator, and provider of cheap energy to American industry and consumers. Yet concerns remain. There are environmental hazards (documented cases of water pollution, methane emissions, micro-earthquakes, etc.), questions about the actual economic impact on local communities, and shifts in energy policy and investment away from non-carbon based energy sources. Consequently, there is an ongoing public controversy over fracking's economic, environmental, social, and political impact that stretches from local communities around extraction sites to USA's oil-driven global politics.

An important but overlooked aspect of shale oil and gas production is its transportation. Fracking takes place in new areas otherwise disconnected from traditional oil and gas production pipeline infrastructure. Hence a massive surge in the amount of oil shipped by rail: from 9,500 carloads in 2008 to 400,000 in 2013 (4,200% more). Not unexpectedly, rail supplies can hardly keep up with the increasing demand for efficient and safe large-scale transportation. Tragic accidents occur, such as the explosion of a train in Quebec, Canada, in July 2013 which killed 47 people. In 2013 alone, there were more spills than in the entire 1975-2012 period (Krauss & Mouawad, 2014). One of such major spills occurred in the town of Casselton, North Dakota, on December 30, 2013 where a train carrying crude oil crashed into a derailed grain train causing a major fire and oil spill. This has been a widely reported accident that further fueled the public debate about the safety of shale oil production and transportation.

Shale gas and oil production is a massive human undertaking made up of an interconnected web of activities coordinated through communication across time and space through many kinds of venues. The text of the news story thus opens up the landscape of the controversy and makes visible many parties and their beliefs and opinions about how the transportation of shale oil should be conducted. It is these beliefs and opinions that get drawn out and into the explicit discourse about transporting oil. The argumentative activities through which disagreement space around human activity is expanded and contracted can be understood by examining its possible venues, parties to the disagreement, and contended positions.

4. *Analysis*

4.1 *Places*

The news account reveals many places, or venues, where disagreement about the transportation of shale oil is managed. The news story provides some insight into and appreciation of a labyrinth of venues that are connected in more-or-less relevant ways around the matter of transporting shale oil.

There are five venues that stand out in the account. First, there is reference to informal public encounters, such as Kerry's Kitchen "where residents gather for gossip and comfort food especially the caramel rolls baked fresh every morning."**[iv]** Second, there is reference to formal closed 'disciplinary' meeting between principal actors in shale oil transportation: "Railroad executives, meeting with the transportation secretary and federal regulators recently, pledged to look for ways to make oil convoys safer – including slowing down the trains or rerouting them from heavily populated areas." Third, there is reference to formal private meeting where 'negotiations' between the industry representatives and regulators take place: "After the recent meeting with regulators, the American Petroleum Institute pledged it would share its own test data about the oil, which they have said is proprietary." Fourth, there is reference to private, informal deliberation: "Adrian Kieffer, the assistant fire chief, rushed to the accident and spent nearly 12 hours there, finishing at 3 a.m. 'When I got home that night, my wife said let's sell our home and move,' he said." And, finally, there is the news story itself which points to a privately structured public media space for communication about the incident.

While it is not possible to offer an extensive analysis of these venues referred to in the news story, it is important to note that the juxtaposition of these venues in the

account suggests that there is no one institution, field, sphere, or conversation that defines and contains the disagreement. Instead we begin to see a complex infrastructure of venues where those with a stake in the shale oil production and transportation engage each other. Each venue is a means for argumentation to repair the breakdown in the shale oil production and transportation caused by the explosion. Each venue suggests argumentative conduct aimed at the various doubts, differences, and disagreements brought to life by the derailment and explosion.

While conventional pragmatic analysis of argumentation has begun to take into account the rules of the settings where argumentation happens by considering the formal argumentative activity types characteristic of various institutions (e.g. legislative assemblies in political argumentation), conventional pragmatic analysis treats these as stable social structures to better understand the arguments and maneuvers of particular actors within the setting. By contrast, the news account offers an infrastructural inversion that draws into light the dynamic relationship of venues that is otherwise tacit, taken for granted, and even hidden from plain sight. From this vantage point, an analyst begins to see the varying ways disagreement expands through the creative struggle among the parties to pursue and place argumentation. There are concerns by industry and government over where best to handle the issues, whether through formal judicial proceedings or, as in the present case, a private disciplinary meeting among regulators and industry. This may illustrate a form of *venue shopping* where parties seek the most favorable place to handle a difference (e.g., Pralle, 2003). There are concerns by industry over the information available about oil and gas production and, in the present case, there may be a form of *venue entrepreneurship* where some participants seek to strategically alter some rules of engagement, such as when an industry representative worked with government to create a site where industry controls the dissemination of official industry information to stakeholders. Closer analysis of additional background may also reveal efforts at *venue creation* where parties seek to create an entirely new place to engage in argumentation. Thus, venues become part of the argumentation as parties seek to shape and discipline the pursuit and expansion of disagreement by selecting, altering, or creating venues for argumentation.

4.2 *Players*

The initial framing of the controversy in the *New York Times* news report is

noticeably dyadic. The journalist is clearly trying to put in motion some simple adversary dialectics between oil "producers" and their "critics": "In the race for profits and energy independence, critics say producers took shortcuts to get the oil to market as quickly as possible without weighing the hazards of train shipments." Such two-sidedness has become a landmark of modern journalistic writing as a vehicle for impartiality and comprehensiveness (Cramer, 2011).

In its entirety, however, the news story reveals a complex network of distinct players and their multilateral, rather than bilateral, relations: local residents (coffee shop owner, firefighters), North Dakota state authorities (state governor), federal "safety officials" (National Transportation Safety Board, NTSB chair) and "regulators" (Federal Railroad Administration, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, DoT Secretary), third-parties (former administrator of the PHMSA, rail transport consultant), and industry groups (Association of American Railroads, The Railway Supply Institute, American Petroleum Institute). At a certain level of abstraction, one can of course extract some basic disagreement between the pro-side (producers) and the contra-side (critics). This, however, is not a level interesting to an argument analyst who wants to understand the "logic" behind taking up particular lines of disagreement, design of arguments and criticisms, as well as constraints and affordances a given social or institutional role carries. Since these differ, so do different players' positions and arguments. Take for example the difference between federal "safety officials" and "regulators". The former are tasked with investigating the causes of accidents and suggesting adequate recommendations. The latter are to develop and implement concrete and binding regulations, something they do in negotiation with all the parties involved, including the industry. Regulators might be, then, "critics" of the "producers" but likely in a way different than safety officials are. Similarly, local residents, who care for the safety and well-being of their communities, cannot be taken to constitute one argumentative party with the state authorities concerned with having a sustainable, revenue-generating business at home. The former argue that "we should slow the production, and the trains, down", the latter's "first priority was improving tank cars" so that, supposedly, they can better serve the burgeoning oil business. Both, then, take up some disagreement with "producers" regarding the way oil is produced and transported, but take it into a markedly different direction.

To conclude, there appears to be no *Public* or *Opponent* in the classic rhetorical

or dialectical sense – instead, the controversy involves a variety of stakeholders, as determined by those who call-out and make claims on actions of others.

4.3 *Positions*

The multilateral network of relations among the players makes it hard to reconstruct this controversy in dyadic terms also at the level of positions various players defend. Again, the dyadic tendency of argumentation theory would guide us into seeing it as, basically, a two-sided disagreement. The main bone of contention would be the activity of shale oil and gas production. One the one hand, we would get those who claim, "Yes, let's frack as much as we can!", on the other those who would want to ban fracking altogether (clearly, there are actual players who claim just that – arguments of some oil industry actors vs. radical environmentalists). Then, however, we quickly notice a variety of mediating "yes, but" positions: from "YES, let's frack, but improve slightly the drilling technology so that less spills occur" to "yes, let's conditionally frack BUT ONLY IF other sources of energy are unavailable." The disagreement space becomes populated with all kinds of incompatible positions and arguments that do not easily fit the simple pro-con divisions.

The *New York Times* report indeed reveals a complex, polylogical network of disagreements on the issue of transporting oil by train. The Railway Supply Institute, an industry group representing freight car owners, defends their current practices by maintaining that "existing cars 'already provide substantial protection in the event of a derailment'." This position is challenged by another industry group, Association of American Railroads (companies that manage the railroads). According to them, tank cars should be "retrofitted with better safety features or 'aggressively phased out'." Their arguments for this position seem purely prudential – without safer transportation, oil business will not grow as expected; in the words of a former administrator of the Pipeline and Hazardous Materials Safety Administration: "Producers need to understand that rail-car safety can become an impediment to production." Additionally, as other third-party consultants claim, "railroads and car owners can no longer ignore the liabilities associated with oil trains, which could reach $1 billion in the Quebec accident."

Now, these disagreements *within* the oil transportation business are just a side dish in the broader controversy. The main courses are made of opposition from government, local communities, as well as environmentalists (not referred to in

this very report). Federal “safety officials” “have warned for more than two decades that these cars were unsuited to carry flammable cargo”, and their arguments are based in concerns over citizens’ and environmental safety, rather than prosperous business. Finally, local communities have a distinct position of their own: because they need now to restore “shattered calm and confidence”, “[m]ost people [in Casselton] think we should slow the production, and the trains, down.” They thus question not just the technical details of production and transportation, but rather the very rationale for these activities. This puts their position in opposition to all the above-mentioned, including the federal officials who might not be doing enough to protect the common people.

In this way, disagreement is not limited to contradiction. Accordingly, the expansion of disagreement space is not limited to a dyadic dynamics between two contradictions; instead, it involves a polylogical network of multilateral relations.

5. *Conclusion*

In this paper, we highlight how to make sense of disagreement expansion from a polylogical perspective by incorporating various *places* (venues), *players* (parties), and *positions* (standpoints) into the analysis. By articulating positions, disagreement expansion can be seen as something generated by players attempting to manage an interconnected web of commitments relative to their multilateral relations to others. Disagreement is not limited to contradiction. By articulating players, disagreement expansion can be seen as co-constructed through the calling-out actions of multiple players and the anticipation of being called-out. Disagreement is not limited to contending with one other party and thus argumentative strategy is not limited to message design but is opened to communication design as it is found in the variety of instruments for communication which parties develop to manage their role in a complex web of relationships. By articulating venues, disagreement expansion can be seen as something that happens through a network of communicative activities that develops in the course of managing broader human activities. The content, strategies, and parties to argumentation are not necessarily limited to the demands of one kind of communicative activity but are often relevant to and implicated in other communicative activities in the network. Disagreement is not limited to one given, fixed place but finds its way into a variety of places and often motivates the reconfiguring or invention of places for argumentation. Thus, by articulating the polylogical expansion of disagreement space, argumentation

analysis can engage the logic of controversies rather than taking context to be given or treating it as static for other analytic aims.

While disagreement space has been treated as a dialectical product from a dyadic perspective, the original conceptualization affords a polylogical analysis. It is not an inherently dyadic concept and the concept needs to be developed to address complex, contemporary argumentation. By introducing particular analytic concepts (positions, players, and places) for reconstructing disagreement expansion, we are suggesting that the reconstruction of argumentation can more fully take into account the infrastructure for communication, which makes argumentation possible, at a variety of scales. Moreover, we are articulating a means to account for how argumentative contexts are constructed and become a conscious target for strategic construction in order to shape human sense-making about broad human activities. For those interested in moving argumentation analysis beyond the assessment of a single argument or the evaluation of the maneuvers of a particular arguer, such conceptual and methodological considerations are needed (see Aakhus, 2013; Aakhus & Lewiński, 2011; Lewiński & Aakhus, 2014).

NOTES

i. There is nothing inherent in the disagreement space concept that limits it to the dyadic presumption. Indeed, a close look at the examples and analysis in van Eemeren et al. (1993), especially chapters 5-7, suggests that disagreement space is a discourse-centric phenomenon that can incorporate many parties and positions (see Aakhus & Vasilyeva, 2008). We develop this intuition in our present paper.

ii. Johnson (2002, p. 41) and Leff (2006, p. 203, n. 2) both make a similar argument in their analysis of this case. Indeed, looking from the perspective of the strategic objectives of a modern corporation, the entire argumentation in Shell's advertorial is eventually subordinate to its claim of "future economic success". Shell is addressing various stakeholders with complex argumentation, stating that they are a growing and socially responsible company which, therefore, is worth dealing with, whether as an investor, government, business partner, community member, activist, or customer.

iii. In an endnote, Tindale himself recognizes that "we can imagine other interested subgroups", and mentions Shell's competitors and Nigerian expatriates opposing the government (1999, p. 215, n. 1).

iv. All quotations in the analysis are from New York Times report "Accidents surge as oil industry takes the train" (Krauss & Mouawad, 2014).

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ISSA Proceedings 2014 –

Conductive Argumentation, Degrees Of Confidence, And The Communication Of Uncertainty

Abstract: The paper argues that there is an epistemic obligation to communicate the appropriate degree of confidence when asserting conclusions in conductive argumentation. Contrary to the position of some theorists, we argue that such conclusions frequently are, and should be expressed with appropriate qualifications. As an illustration, we discuss the case of the Italian scientists tried for failing to convey to the public appropriate warnings of the risks of the earthquake in L'Aquila.

Keywords: conductive argumentation, judgment confidence, expression of uncertainty

1. *Prologue*

On April 6, 2009, a magnitude 6.3 earthquake struck L'Aquila, Abruzzo, resulting in considerable devastation and the death of 300 people. Seven Italian officials and scientists were subsequently put on trial for manslaughter. The accusation was that scientists presented incomplete, inconsistent information which falsely assured the public and caused the deaths of 30 residents. The usual practice when an earthquake was likely was for residents to sleep outside, but it was alleged that because of the assurance, these individuals remained in their houses and were killed in the quake (Ashcroft 2012). The prosecution argued that the assessment of risk communicated to the public was unjustifiably optimistic and that lives could have been saved had people not been persuaded by the assurances to remain in their houses (Hooper 2012). In 2012, the scientists were found guilty of manslaughter and sentenced to six years in prison.

We will return to this case later. We have no intention to try to evaluate its merits, but we shall examine the issues it raises regarding the obligation to communicate an appropriate degree of certainty or uncertainty in one's judgments.

2. *Introduction*

This paper begins by making the argument that a degree of uncertainty is an unavoidable aspect of conductive argumentation. The arguments which comprise

instances of conductive argumentation vary in terms of the degree of support that they provide for their conclusions; for this reason the strength of the judgments warranted by particular instances of conductive argumentation will vary as well. We argue, further, that this variability imposes an epistemic requirement on arguers to apportion the confidence of their judgment to the strength of the reasons. Moreover, because of the dialectical nature of argumentation, there is the additional requirement for arguers to communicate the appropriate degree of certainty or uncertainty when making judgments in the context of an argumentative exchange.

3. *Argumentation and uncertainty*

The traditional focus for the philosophical study of argumentation has been individual arguments, in terms of both their structure and their evaluation. The model of argument which has been dominant has been deductive argument, i.e., an argument whose premises entail the conclusion. Provided that the premises are true, the conclusion follows with certainty. Uncertainty may, of course, still arise with respect to the truth of the premises.

This requirement of inference certainty does not, however, fit a great deal of actual argumentation, as has been pointed out by theorists since the inception of the Informal Logic movement. In probable reasoning, for example, the conclusion does not follow necessarily but only with some degree of probability (Blair & Johnson 1987, p. 42). The situation is similar for inductive reasoning: "Inductive inferences vary from weak to strong; there is no all-or-nothing critique such as 'valid-or invalid' available" (Blair & Johnson 1987, p. 42).

Theorists have, however, been increasingly broadening their focus from exclusively individual arguments to the entire enterprise of argumentation. Argumentation can be conceptualized as a socio-cultural activity (Hitchcock 2002, p. 291) which is dialectical in the sense that it involves an interaction between the arguers and between the arguments (Blair & Johnson 1987). This focus is much broader than the making of individual arguments. Rather, arguments are put forward, criticisms and objections offered, responses proposed, and, frequently, revisions made to initial positions (Bailin & Battersby 2009). It is this practice of argumentation that is our focus here, and in particular the practice of conductive argumentation (or conductive reasoning). By conductive reasoning we are referring to the process of comparative evaluation of a variety of contending positions and arguments with the goal of reaching a reasoned judgment on an

issue (Battersby & Bailin 2011). Such judgments are generally based on the weighing of both pro and con considerations.

The focus of many theorists working in the area is, however, on individual conductive arguments rather than on conductive reasoning. Conductive arguments are, as Govier puts it, "arguments in which premises are put forward as separately and non-conclusively relevant to support a conclusion, against which negatively relevant considerations may also be acknowledged" (Govier 2011, p. 262). In our view, however, viewing conductive reasoning in terms of individual arguments fails to due justice to the dialectical nature of argumentation (Battersby & Bailin 2011). In addition, attempting to make conductive reasoning fit into the traditional model of argument structure has resulted in unnecessary conundrums, for example how to analyze counter-considerations (are they premises? counter-premises?) or how to diagram these anomalous types of arguments. Our focus, in contrast, is on conductive reasoning more broadly. According to this perspective, the structure of conductive argumentation is viewed in terms of a balancing of competing arguments and claims rather than as a single argument.

4. *Uncertainty in conductive argumentation*

There are a number of reasons why conductive argumentation does not lead to conclusions which can be asserted with epistemic certainty. These include inferential uncertainty, the inherent uncertainty of particular claims and judgments, the open-endedness of the reason-giving process, and variability in the weighing of pro and con considerations. Because of these factors, the degree of certainty with which conclusions of conductive argumentation can justifiably be held will vary.

Inferential uncertainty is a feature of conductive reasoning just as it is with inductive reasoning. Given that particular claims are true, there is still the question of how much support they give to the conclusion.

The uncertainty has also to do with the inherent uncertainty of particular claims and judgments which go into the reasoning process. The likelihood of factual claims is an important factor in evaluating their weight as the greater the likelihood of the claim, the more weight it can add to the conclusion. Likelihood is, however, often difficult to determine. To compound the difficulty, any argument leading to a judgment about what to do must also take into account

future states of affairs which are usually even less certain than judgments about current states of affairs. What one can do in both these cases is to use the available information, history, contextual factors, and statistical tools to make reasoned judgments. And in the area of moral issues, while there are some widely accepted general moral principles, their application in particular cases inevitably creates some degree of uncertainty, the degree depending on the strength of the supporting arguments (Battersby & Bailin 2011).

The uncertainty arises also from the nature of conductive reasoning itself. One important factor is the open-endedness of the reason-giving process. Competent conductive reasoning requires laying out the dialectic – the arguments on various sides of the debate, as well as objections to the arguments and responses to the objections. No survey of arguments will be exhaustive, however. The possibility always exists that additional reasons and arguments will be put forward which might affect the outcome of the reasoning (Battersby & Bailin 2011). This being said, the more extensive the review of the available evidence and argumentation, the stronger the support for the resultant judgment.

Uncertainty also comes in due to the process of weighing the various reasons pro and con. There is sometimes variability amongst arguers in the evaluation of the comparative strength of evidence and arguments on different sides of an issue and disagreement about the appropriate weight to be apportioned to various considerations. This is not to say that weightings are (primarily) subjective. Weightings can be justified (or criticized) by appeal to objective factors and considerations (e.g., the likelihood of claims, appeal to widely shared values and principles,). Nonetheless, there may not be consensus on how some considerations should be weighted and there may be more than one judgment which is defensible given the context (Battersby & Bailin 2011).

Because of the uncertainty of particular claims, the variability in the evaluation of the comparative strength of evidence and arguments, the different weightings given to various considerations, and the open-endedness of the reason-giving process, an instance of conductive reasoning can, at best, offer good reasons and strong support for a conclusion but not certainty.

This does not mean, however, that it is not possible to make warranted judgments in instances of conductive reasoning. Guidelines exist for making reasoned judgments and criteria exist for their evaluation (Battersby & Bailin 2011). What

it does mean is that there will always be some uncertainty with respect to the judgments emerging from the process of conductive argumentation and that the strength of the judgments warranted by particular instances of conductive argumentation will vary.

5. *Confidence in judgment*

The strength of the evidence and argumentation in support of conclusions in conductive argumentation will vary from case to case (Battersby & Bailin 2011). In some cases the evidence for a particular judgment may be overwhelming. There are, for example, very strong reasons to believe that smoking causes cancer or that the enslavement of human beings is morally unjustifiable. In other cases the weight of reasons may favour a particular judgment but not without significant opposing reasons or counter considerations. Claims about the causes of climate change might fall into this category. In still other cases, the reasons may be insufficient for reaching a judgment, for example in debates about life on other planets. Thus, in robust argumentation, warrant is usually a matter of degree.

Engaging in the process of argumentation imposes certain epistemic requirements on arguers: that they present arguments justified by the available evidence, address appropriate objections and provide reasonable responses, and revise their initial position when warranted. But the variability in the degree of support for different judgments also imposes an additional requirement on arguers: that they apportion the confidence of their judgment to the strength of the reasons. Not all judgments warrant an equal level of confidence. It is important to be clear that we are not referring to subjective confidence – how confident an individual may happen to feel about a judgment, but rather rational or warranted confidence – the level of confidence that is justified by the reasons and evidence.

The following is a schema which we have developed to represent the level of confidence warranted by different weights of reasons:

• A *very confident judgment* is warranted when the weight of reasons clearly supports the judgment.
• A *reasonably confident judgment* is warranted when the weight of reasons strongly supports the judgment but there are still strong countervailing considerations.

• A *tentative judgment* is warranted when the weight of reasons is not overwhelming but is supportive of one position, and we can make a judgment *on balance.*
• A *suspended judgment* is warranted when the reasons for different positions are closely balanced or when there is insufficient evidence to make a judgment.
This schema has similarities to the categorization used for classifying the strength of causal inferences in science (US Department of Health, 2006).

These four levels of judgment confidence are not discrete but can be seen as marking positions along a continuum. The categorization allows for a range of possibilities in between.

Apportioning one's confidence in a judgment to the strength of the reasons is always epistemologically significant. It is when there is a need to act on the basis of our judgments, however, that the issue of how justified our confidence is in our judgments becomes crucial. The greater the consequences of action (or inaction), the greater the need for a level of argumentative support that warrants a confident judgment. A useful comparison can be made to legal judgments. In criminal cases, where there is a great deal at stake (freedom versus imprisonment, or even life versus death), the standard of proof is beyond a reasonable doubt, which requires a level of evidence sufficient to warrant a very confident judgment. In civil matters, where there is usually less at stake, the standard of proof is usually balance of probabilities, which clearly requires only an on balance judgment.

6. *Degrees of certainty or uncertainty*
The fact that argumentation is dialectical imposes yet a further requirement on arguers. It is not just a matter of apportioning one's confidence in a judgment to the strength of the reasons. There is also a requirement to communicate the appropriate degree of certainty or uncertainty when making judgments in the context of an argumentative exchange.

There are many ways in which one's confidence in a judgment and hence the degree of certainty or uncertainty may be expressed:

• A very confident judgment implies a high level of certainty and would be marked linguistically by such phrases as "I am very confident that," "it is clear that," "there's little doubt that," "the evidence strongly indicates that."

• A reasonably confident judgment implies a moderately high level of certainty and might be indicated by such phrases as “I am reasonably sure that,” “it seems very likely that,” “the evidence by and large indicates that.”
• A tentative judgment implies some degree of uncertainty, although not enough to preclude making a judgment. A tentative judgment may be indicated by such phrases as “it appears on balance that,” “the weight of evidence tips somewhat in favour of,” “my tentative conclusion is that.”
• A suspended judgment implies a high level of uncertainty and would be indicated by such phrases as “there is not enough evidence to make a judgment,” “the reasons on both sides seem equally balanced,” “the judgment will have to be deferred until more evidence is available,” “the jury’s still out on this.”

7. *An objection*
Curiously some theorists have denied that conductive arguments can have a conclusion that expresses uncertainty. In a recent posthumous publication, Adler argues against the claim that countervailing considerations detract from the support for the conclusion in a conductive argument:

The claim that I dispute is that once the conclusion is drawn, the counter-considerations continue to diminish its support (Adler 2013, p. 4).

As a consequence:

… the conclusion of a Conductive Argument is characteristically detached and accepted without (epistemic) qualification (Adler 2013, p. 6).

And further:

Let me summarize my reasons for taking Conductive Argument to characteristically lead to unqualified conclusions that are accepted and asserted (Adler 2013, p. 6).

If we understand him correctly, he is arguing that if we are asking an interlocutor to accept our conclusion, then we are always asking him to accept the conclusion without the modifiers of “all things considered,” “on balance,” “it is very likely that” etc.

It is significant that Adler’s objection is framed in terms of conductive arguments while we frame the issue in terms of conductive argumentation. The difference in

framing is important in terms of the consideration of his objection, a point to which we shall return.

We would maintain that qualified conclusions are common in conductive argumentation. In arguments for factual claims, expressing uncertainty is not unusual, e.g., “The forecast notwithstanding, it looks like it might rain.” “Even though he doesn’t like parties, Tom is a good friend so he’ll likely come to my birthday party.” “There are many fine contemporary authors, but she is probably the best of her generation.” The communication of the degree of certainty of findings is also a common practice in the kind of argument to the best explanation exhibited in scientific reasoning and scientific reports. The following excerpt from an IPCC assessment report on climate change explains the confidence levels used in the report:

The degree of certainty in key findings in this assessment is based on the author teams’ evaluations of underlying scientific understanding and is expressed as a qualitative level of confidence (from very low to very high) and, when possible, probabilistically with a quantified likelihood (from exceptionally unlikely to virtually certain). Confidence in the validity of a finding is based on the type, amount, quality, and consistency of evidence (e.g., data, mechanistic understanding, theory, models, expert judgment) and the degree of agreement. SPM-2

The following examples from the report illustrate the use of these confidence levels:

(1) It is *virtually certain* that globally the troposphere has warmed since the mid-20th century. More complete observations allow greater confidence in estimates of tropospheric temperature changes in the extratropical Northern Hemisphere than elsewhere. There is *medium confidence* in the rate of warming and its vertical structure in the Northern Hemisphere extra-tropical troposphere and *low confidence* elsewhere. {2.4} PSM-4

(2) It is *likely* that anthropogenic influences have affected the global water cycle since 1960. Anthropogenic influences have contributed to observed increases in atmospheric moisture content in the atmosphere (*medium confidence*), to global-scale changes in precipitation patterns over land (*medium confidence*), to intensification of heavy precipitation over land regions where data are sufficient

(*medium confidence*), and to changes in surface and sub- surface ocean salinity (*very likely*). {2.5, 2.6, 3.3, 7.6, 10.3, 10.4} SPM-13

Although Adler's argument seems to be directed toward conductive arguments in general ("the conclusion of a Conductive Argument is *characteristically* detached …"), many of his examples involve practical reasoning, where the conclusion is a decision or recommendation about whether to act. Apparently, he would reject a conclusion that "we should probably do X." Yet, in practice, we do often qualify a recommendation by "we should probably," "on balance the best thing to do seems to be," "there are good reasons to" etc.

Given the frequency of qualified conclusions in conductive argumentation, one might wonder what Adler's reasons are for denying their possibility. The basis of his argument is a logical one – that in order for a conductive argument to be cogent, i.e., in order for its conclusion to be correctly accepted as true, the conclusion must stand on its own.**[i]** His focus is on cogent arguments, that is arguments that end inquiry. The alternative for Adler is not qualified conclusions but rather suspended judgment.

It is here that the problem of viewing conductive argumentation in terms of individual arguments becomes manifest. Adler's analysis has some plausibility when applied to examples such as the classic argument offered by Wellman: Although your lawn needs cutting, you ought to take your son to the movies because the picture is ideal for children and will be gone by tomorrow (Wellman 1971, p. 67). Most of the examples offered by Adler, however, (e.g., mandated health care insurance, stricter rules to restrict immigration, building nuclear power plants) are instances of complex, dialectical argumentation. (Indeed, the distinction between conductive arguments and conductive argumentation is one that Adler himself appears, in places, to acknowledge: Adler, p. 2, footnote 1). In such cases, it is inappropriate to expect certainty (for all the reasons outlined above). It is inappropriate to expect conclusions that are "true". What we can expect, instead, are judgments that have varying degrees of support.

Adler's argument does have some prima facie plausibility in that for practical arguments, either we should act, we should not act, or we simply do not know what to do. Indeed, it does seem that when we decide to do something, we have "detached" the decision from the reasoning through our commitment to action. But the detachment is in effect a pragmatic detachment which does not

necessarily indicate unqualified confidence, nor will it necessarily end inquiry. On fairly straightforward practical issues, for example which camera to buy, making a decision will likely mark the end of the inquiry. But this may simply be because the action is *a fait accompli* and does not necessarily indicate a high level of confidence that we have made the right choice. With more complex issues, however, even once an action has been taken, inquiry does not necessarily end, e.g., the U.S. government has made a decision with respect to mandated health care insurance, but the debate has certainly not ended.

It seems to be Adler's view that it is only detached, unqualified conclusions that "discern or advance and settle new or interesting or important truths, that are worth believing for ourselves or for our audience. They increase our information and expand our corpus of beliefs" (Adler 2013, p. 6). We would argue, on the contrary, that it is appropriately qualified conclusions that really add to our justified beliefs. We are justified in holding our beliefs on such issues with varying degree of confidence commensurate with the strength of the support. Jane's belief that there should be government mandated health care insurance is one she may hold with considerable confidence given the strength of the reasons in favor and the weakness of the reasons against. She may hold the belief that we should not build nuclear power plants with considerably less confidence given the force of the reasons for as well as against. Adler seems to hold that only unqualified conclusions put "arguers and inquirers in a position that is appropriate to guide further judgments and action" (Adler 2013, p. 6). We would argue, on the contrary, that appropriately qualified conclusions are, in fact, more reasonable guides to action. The conclusions of conductive argumentation are judgments and it is a requirement of reasonableness that such judgments should reflect the degree of support provided by our reasons.

8. *Communicating confidence and certainty*

We have been arguing, then, that there is a requirement to apportion one's confidence in a judgment to the strength of the reasons in support of the judgment. We would argue, further, there is also an epistemic and moral responsibility to communicate the appropriate degree of certainty or uncertainty when making judgments in the context of an argumentative exchange. This responsibility arises from the dialectical and interactive nature of conductive argumentation. According to Johnson, that an exchange is dialectical means that "as a result of the intervention of the Other, one's own logos (discourse,

reasoning, or thinking) has the potential of being affected in some way" (Johnson 2000, p. 161). In other words, the reasoning and judgments made by others can and often should affect my reasoning and judgments and form part of the basis for my actions. Just as offering well justified judgments in the context of an argumentative exchange can contribute to others holding better justified beliefs and undertaking better justified actions, so also can communicating one's judgments at the appropriate level of confidence. Acknowledging uncertainty or confidence as part of one's judgment or decision to act can inform others of how much confidence you or they should have in the judgment. Communicating a judgment at an inappropriate level of confidence, for example with more confidence than is warranted by the evidence, may contribute to other interlocutors holding beliefs or acting in ways that are poorly grounded.

This responsibility is especially significant when one is in a position of epistemic authority. Experts have an obligation to provide reasons for their judgments, however in contexts requiring expertise, recipients of the judgment are often not in a position to assess the reasoning in any detail. These judgments are generally accepted largely on the basis of trust in the expertise and reliability of the authority. Thus the level of confidence that is expressed in the judgment is an important aspect of the information communicated in the judgment. Returning to the IPCC report, it would be have been misleading if the report had omitted the confidence levels in their various finding. This is especially important as such judgments often form the basis for decisions regarding action, or may themselves be recommendations for action. Compare the following judgments by a physician: (1.) "I have carefully evaluated all the evidence and would not recommend surgery. It is my judgment that it would not help." (2.) "I have carefully evaluated all the evidence and would not recommend surgery. It is my judgment that surgery is very unlikely to help and the surgical procedure is very risky. But I cannot be 100% confident because there have been a few similar cases where it appears that a surgical invention may have helped to prolong life." To offer the same conclusion without an indication of the confidence level would be a misleading way of putting forth one's conclusion. In cases where the argument leads to a somewhat uncertain conclusion based on a balancing of conflicting considerations, failure to indicate the presence of these considerations is an epistemic failure. Given that the purpose of conductive argumentation is to consider countervailing considerations and yet come to a reasonable conclusion, failure to communicate the degree of justification or certainty that the arguments

provide also violates basic norms of communication.

9. *The l'Aquila case*

The trial of the Italian scientists and officials in the L'Aquila earthquake case is a pertinent one to examine with respect to the issue of the communication of certainty or uncertainty. The earthquake had been preceded by a swarm of small quakes, and the charge against the defendants was that they did not do their duty in communicating the likelihood of a major earthquake to the citizens of L'Aquila.

One of the scientists tried, Enzo Boschi, the then-president of Italy's National Institute of Geophysics and Volcanology, is said to have compared the situation to a large quake that struck L'Aquila in 1703. Boschi is alleged to have said at a meeting in L'Aquila on March 31, 2009, "It is unlikely that an earthquake like the one in 1703 could occur in the short term, but the possibility cannot be totally excluded." In a press conference after the meeting, Department of Civil Protection official Bernardo De Bernardinis, also a defendant, is quoted (and on video record) as saying that the situation was normal given the context, posing "no danger," and urging residents to relax (Pappas 2012).

The details of the case are complex and include allegations of political pressure, and of misrepresentation of material. We have no intention to try to evaluate the merits of the case, nor are we in a position to do so. Nonetheless some of the issues raised are pertinent to our discussion. The statements of both Boschi and De Bernardinis would have been grounded in the knowledge that earthquake swarms are very common in seismically active regions such as Abruzzo but only a very small percentage are precursors to major quakes. In fact, seismologists claim that it is virtually impossible to predict major earthquakes. Yet we can note a difference in the level of certainty communicated in the two judgments. Boschi's judgment that a major earthquake was unlikely could be characterized as a reasonably confident judgment, but in alluding to the possibility of such a quake, it communicated a degree of uncertainty in the judgment. De Bernardinis, in contrast, seemed to be making a very confident judgment that there was no danger of a major quake. His judgment made no reference to the possibility, slight though it may have been. The risk was indeed very low, but not non-existent. Thus his pronouncement, communicated to the public, that there was "no danger" was epistemically overly confident, expressing an unreasonable degree of certainty.

The scientists and officials in question were considered epistemic authorities and the level of certainty communicated by them to members of the public appears to have affected the public's actions. A local investigator, Inspector Lorenzo Cavallo, is quoted as saying: "The Commission calmed the local population down following a number of earth tremors. After the quake, we heard people's accounts and they told us they changed their behaviour following the advice of the commission" (Watt, S. 2011). This account is corroborated repeatedly by witnesses testifying at the trial (Billi 2013).

The specifics of this particular case are complex and contested, and it would be inappropriate and imprudent to attempt to pass any judgments. One thing that we do think that the case demonstrates, however, is a strong recognition of the responsibility to communicate the epistemically appropriate degree of certainty or uncertainty in our judgments. It is unreasonable, (epistemically inappropriate) to make or hold a judgment without the appropriate degree of uncertainty given the evidence. It is, in addition, a communicative and perhaps a moral failure to communicate a judgment without the appropriate expression of epistemic uncertainty.

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NOTE

i. Surprisingly given his thesis, Adler does acknowledge that "there are loads of arguments that end with qualified conclusions, including, 'plausible' or, more equivocally, 'the best explanation is'" (p. 7). But the rest of his argumentation leads us to believe that he would reconcile this apparent contradiction by asserting that such arguments are not cogent, i.e., they are not arguments which can be put forward for acceptance.

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