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# Rethinking European democracy after its legitimacy crisis: On Hannah Arendt and the European Union

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## Abstract

Against the backdrop of the European Union's contemporary legitimacy crisis, this article reconstructs Arendt's still largely neglected writings on European post-national democracy. Arendt approached the 'European question' as a fundamental question for the future of democracy and civil rights in a globalized age, and a necessity for moving beyond the European nation-state model of political organization after the horrors of Nazi totalitarianism. Her work hereby shifts the focus from today's much-lamented crisis of post-national democracy back to reflecting on the 'chronic crisis', contradictions and legacies of the European nation-state and of national sovereignty – a crisis that partly motivated the evolution of new European democratic beginnings in the first place. Moving beyond both national sovereignty and technocratic supra-national governance, Arendt's critique lies the foundation for post-sovereign models of European politics and provides a rich resource for rethinking the conditions, justifications and legitimacy of European democracy today.

## Keywords

Hannah Arendt, European democracy, legitimacy crisis, national sovereignty, post-nationalism

The surge in authoritarian nationalist-populist actors constitutes a major challenge for liberal-constitutional democracies around the globe. In the European context, the populist rise is also often linked to scepticism towards supra-national EU governance and post-sovereign diffusions of power beyond the nation state.<sup>1</sup> It is only in a few cases that populist Euroscepticism has been expressed in an uncompromisingly 'hard' fashion, i.e. calling for a Brexit-style exit from the European Union. However, such populist Euroscepticism

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can be viewed as both a factor and a symptom of a deeper crisis affecting the legitimacy of, and public trust in, European democracies and the European Union (Pirro et al., 2018).

Alongside the perceived legitimacy crisis of European liberal democracies, the hitherto gradually progressing European integration towards an ‘ever closer union’ – which had displayed discernible contours of socio-cultural and political Europeanization in an emerging multi-level supra-national EU polity (Risse, 2010) – now appears to be a fading political-institutional model lacking in popular appeal. At best the EU is sliding, for the time being, into an ever more differentiated union (Leruth and Lord, 2015). More importantly, the current legitimacy crisis, forcefully articulated by populists and others, seems to call into question key ideational parameters of European democracy long taken for granted: the liberal, democratic, social, pluralistic and increasingly post-national, pro-European and cosmopolitan self-understandings that had come to shape European political culture(s) and immigrant societies. These parameters evolved in the aftermath of the horrors of World War II and the Holocaust. They seemed to have been reinforced by the wave of democratization that occurred after the collapse of the communist regimes in Eastern Europe at the end of the Cold War and through post-material social value change. Following a long-lingering global counter-trend towards a revival, or ‘third wave’, of autocracy in the globalized age (Lührmann and Lindberg, forthcoming), however, the rise of authoritarian-nationalist populism in Europe indicates an illiberal, anti-cosmopolitan backlash:<sup>2</sup> it points to the unexpected fragility of global liberal-constitutional democracy, and of the very idea of ‘European democracy’.<sup>3</sup>

At this moment of a perceived legitimacy crisis of European democracy and an integration crisis within the European Union – however exaggerated that crisis discourse may be<sup>4</sup> – it is worth turning to theoretical reflections on the implications of the ‘crisis of European humankind’ (Paul Valéry) in the twentieth century. One of the most influential political theorists who tackled the question of European democracy and its political organization in the face of the continent’s most profound crisis – that is, the predicament of Nazi totalitarianism and World War II, which left Europe politically, morally and physically destroyed – is Hannah Arendt.<sup>5</sup> Though partly written seven decades ago and preceding the beginnings of the European Union, Arendt’s writings provide a rich, yet still largely neglected resource for rethinking the constitutive tensions, conditions and legitimacy of democracy in the European context today. Arendt approached the ‘European question’ as a question of democracy and civil and human rights in need of moving beyond the European nation-state model. In her view, this model suffered from a ‘chronic crisis’ and was ultimately irreconcilable with ‘real democracy’ (Arendt, 2018b [1963]: 261). Against this backdrop, Arendt’s work offers a space for reflection on the origins, meaning and potential of a renewed European democracy, which is all the more pressing in times of its crisis.

By critically reconstructing Arendt’s reflections on European democracy on the contemporary horizon, this article has two goals: to further advance the evolving Arendt scholarship on the subject (Rensmann, 2006, 2010; Verovšek, 2014, 2017; Dewandre, 2018), but also to reframe the parameters of the debate about European democracy’s future and legitimacy. Today, this debate is largely dominated by a binary opposition: defenders of national sovereignty (and its original, ethnically based social welfare model), on the one hand, face a model of technocratic European governance, on the other. The latter is only thinly democratically legitimized, and it tends to predominantly

follow unquestioned demands to economize and organizational imperatives emerging from within the EU bureaucracy rather than responding to democratically articulated demands from outside. Hence, technical or management issues and their operative solutions within EU policy implementation have largely overshadowed questions about the long-term effects of policy-making on the quality of democracy and its input and output legitimacy. In the past, such technocratic European governance has all too often been cloaked in paradigms of growth and alleged economic efficiency (Dewandre, 2018) while actually serving the interests of transnational capital.

In light of Arendt's work, my contribution suggests that neither nostalgic rehabilitations of the 'bankrupt' sovereign nation-state (Arendt) and its underlying exclusive nationalism, nor dominant technocratic economic or institutionalist justifications of the EU polity can provide meaningful, robust responses to Europe's current crisis of democratic legitimacy and trust. Instead, Arendt's reflections point to the need for European 'republics of republics', grounded in strengthened democratic and 'post-sovereign' commitments, that can serve as a serious alternative to the authoritarian-nationalist populist challenge, but also to a technocratically debilitated European project. Although Arendt does not think of nationalism as a cultural force of a bygone age, her work shifts the focus from the crisis of post-national democracy back to the fundamental crisis of national sovereignty in Europe – and its constitutive problems and legacies – which motivated the new European political beginning in the first place. In turn, she suggests post-sovereign models for 'real' European democracy under the conditions of the global age.

The argument unfolds in three steps. Including long unpublished material from the Hannah Arendt Papers in the Manuscript Division of the Library of Congress, I will first reconstruct Arendt's analysis of the historical-empirical contradictions and obsolescence of the European nation-state model as a framework for democracy. This analysis is supported by her theoretical and normative critique of the principle of national sovereignty in view of both the legacies of the past and the contemporary global era. Her critical observations of the constitutive tensions in the relationship between national sovereignty and democracy point to the need to think about post-national forms of political association: new European beginnings enabling democratic inclusion, the rule of law and the protection of rights. Against this backdrop, the article then examines how Arendt argues for, more specifically, a constitutionalized, federalized Europe and the conditions of its legitimation in response to the crisis of national sovereignty. Following a post-sovereign idea of politics, Arendt envisions European democracy as depending on multiple sources of legitimation and divided power, including a robust European authority; a community of communities grounded in decentred as well as Europeanized powers and public spaces; and shared post-national European political bonds between citizens from below. A third and final section critically examines the meaning, potential and limitations of these Arendtian reflections for rethinking European democracy in the contemporary context.

## **Arendt on the legacies and crises of the European nation-state: what justifies the European political project?**

In a span of 20 years, from 1943 to 1963, Arendt reflected on the relationship between the nation-state, democracy, and civil, human and refugee rights. She did so especially in

reflecting on the collapse of the international system in Europe in the age of totalitarianism, the new global conditions that emerged with this caesura, and in view of the lingering ‘European question’. Arendt developed various interrelated historical and theoretical arguments as to why she sees national sovereignty, or what she also calls the ‘European nation-state’,<sup>6</sup> as an outdated framework for democracy (Arendt, 2018b: 256–7). By democracy, she broadly means ‘the active participation of the people in decisions on public affairs’, in addition to ‘the protection of certain basic rights’ (Arendt, 2018b: 256).<sup>7</sup> The Nazi conquest in Europe, the enormous national expulsion of citizens, and the advent of mass-scale statelessness that occurred between the two world wars rendered the idea of the protective nation-state in Europe historically and empirically meaningless as a space for democratic freedom and the rule of law (Arendt, 1986 [1943]). But even long before the Nazis seized power, ‘the vast majority of European countries were already under one-party dictatorships’ (Arendt, 2018b: 255). Moreover, Arendt criticizes any ‘restoration of old Europe’ in the aftermath of its collapse, i.e. the restoration of an order based on the very principle of sovereign European nation-states which had failed their citizens, on normative and theoretical grounds. In Arendt’s lens, the nation-state model’s internal contradictions make it both historically and structurally incapable of addressing the aporias of rights and citizenship, freedom and democracy in the modern age.

For Arendt, the European nation-state, which she defines in particular terms modelled on France, suffered from constitutive tensions that would almost inevitably engender nationalism, authoritarian populism or totalitarianism – and thus lead to democracy’s demise. The central contradiction governing this trajectory was a European nation-state that was committed simultaneously to democracy and to national sovereignty but could not sustain both principles within a stable polity. For Arendt, the latter, national sovereignty, tends to triumph over and replace the former, often by initially democratic means – and so it did in the history of modern Europe. The marriage into which the nation-state and democracy entered

looked very promising at the start, at the end of the eighteenth century; but then, as we know, it met a very dismal end . . . The nation, that is, the people who owed their political emancipation to the nation-state, soon began to show an ill-fated tendency to yield their sovereignty to dictators and leaders of every stripe. (Arendt, 2018b: 255)

Unlike totalitarianism and imperialist administrations, Arendt views the nation-state, which came into being when ‘the nation’ took ‘possession of the state and the apparatus of government’ (Arendt, 2018b: 257), as a historically ‘legitimate form’ of state (2018b: 255). Yet, once united, Arendt suggests, a people ‘seems prepared to fall under almost any tyranny, as long as its national interests remain protected’ (2018b: 256). Democratic emancipation could thus be realized through political integration within a fully developed nation-state that admitted citizens to the public realm in which everyone had the right to be seen and heard. In Arendt’s analysis, however, the majority of national citizens then often saw this democratic emancipation as less important than the actual or alleged power of the nation-state to which they belonged or had started to belong (2018b: 256). And there are reasons for this deeply problematic prioritization of the nation over democracy and the legal-administrative state.

In her attempt to illuminate these reasons, Arendt consistently argues from a dual historical and theoretical perspective. She observes the empirical decline and ultimate collapse of the European nation-state system – i.e. the destruction of peace, the political state, and its legal-administrative apparatus by nationalism – from a historical perspective. Yet she also theoretically examines the normative aporia she views as inherent to the relationship between national sovereignty, on the one hand, and the democratic state (which, for her, presupposes basic rights), on the other. Thus for Arendt it was no historical coincidence that the initially successful model of national political integration in eighteenth- and nineteenth-century Europe experienced a fundamental crisis that could not be resolved.

First, Arendt (1994a [1945]) interprets the breakdown of the European nation-states' social and political structures in a historical landscape coloured by the trajectories and legacies of colonialism and imperialism, which eroded the nation-state from inside and out. With their systematic expropriation of rights in the service of profit and national interests, the colonizing European nation-states of the nineteenth century had systematically crossed the boundaries of their own nationally constituted legal and moral order, as well as their physical borders. Even the civil, liberal and democratically constituted European nation-states regressed, in their colonial relations, into an unprecedented territory of inhumanity. The subjugation of others, Arendt argues in *The Origins of Totalitarianism*, and the related breakdown of the rule of law and its moral substance abroad vis-à-vis marked colonized subjects or 'non-citizens', had practical and ideological impact at home.

Conceiving their laws as an outgrowth of national substance rather than public deliberation, the European nation-states denied all nationhood, legal autonomy and claims to sovereignty to the peoples they conquered. According to Arendt, they could only justify this denial, and the ruthless exploitation they pursued, through ideologies of racial superiority, which had grown out of an expansive nationalism that translated into imperial conquest. More or less every significant European nation-state participated in this experiment (Benhabib, 2004: 52). Claims to national sovereignty thereby turned into claims of national supremacy, 'where differences of history and organization were misrepresented as differences between men, residing in natural origin' (Arendt, 1966 [1951]: 234), and transformed into an essentially anti-national racial ideology. This undermined the European nation-state's own principle of national sovereignty and discredited the legitimacy of the sovereign nation-state model (Arendt, 1966: 123–221; Axtmann, 2006: 106; Beiner, 2000). Justifying the colonial and imperial subjugation of foreign territories, while denying their inhabitants national and democratic sovereignty, European nationalism and the progressive use of mystical but unquestioned notions of 'national interests' abroad thus backfired: by evolving into racialized thinking, nationalism profoundly affected the very foundations of the democratic state at home and its claims to equality and freedom, just as it eroded the circumscribed boundaries of national polities. This process paved the way for the political and moral disintegration of the nationally constituted rule of law in Europe. By systematically expropriating – that is, increasingly denying – the rights of indigenous populations in the service of profit and national interests, the colonizing European nation-states of the nineteenth century had systematically crossed the boundaries of their own nationally constituted legal and moral order, as well as their physical borders (Arendt, 1966: 158ff).<sup>8</sup>

For Arendt, such imperialism has also a ‘rational’ economic cause: while the political integration of smaller kingdoms into the nation-state model had initially enabled economic growth, it was already clear by the end of the nineteenth century ‘that the modern industrial and economic development of the European peoples had reached a capacity that pointed far beyond national borders’ (Arendt, 2018b: 259). Imperialism emerged in part from this contradiction between a strictly delineated territory and an ‘almost unlimited economic capacity’ following the capitalist growth principle of ‘expansion for expansion’s sake’ (Arendt, 2018b: 259). Imperialism thus demonstrated that the nation-state was already an economically outdated framework by the turn of the twentieth century. Imperialism resulted ‘from the nation-state’s attempt to survive as a political entity’ under the globalized conditions of the modern economy: ‘the economic interests’, Arendt argues, ‘necessitated the kind of expansion that could be reconciled neither with the traditional nationalism of this form of state (the trinity of people, state and historically granted territory), nor its specific legal character, which did not permit the oppression of the people by state organs’ (Arendt, 2018b: 259).

Subsequently, within the nation-state, law and democracy, which declares its citizens to be both the subjects and the authors of law, were increasingly replaced by racial ideologies and claims to national superiority. While imperialism substituted and violated foreign law, it simultaneously undermined the inner constitutional order and purged it of its universalistic presuppositions. Along with the structural crisis of the representative political systems of modern European mass societies, the imperial age’s inward and outward collapse of the nationally circumscribed rule of law – substituted by aggressive nationalistic, racial and pan-nationalistic ideologies – culminated in the predictable implosion of the European nation-state model. According to Arendt, this implosion had been inscribed in its contradictory essence since its inception (Benhabib, 2003).

Secondly, the nation tends to resolve the precarious, built-in contradictions and ‘extraordinary limitations’ of the nation-state by conquering the state. This tendency put the nation-state into fully fledged crisis long before Hitler could claim, in national-populist fashion, Arendt argues, that right is ‘what is good for the German people’ (Arendt, 1966: 299). Modern nation-states have exhibited an interest in ethnic or cultural uniformity, eliminating natural differences and differentiations (Arendt, 1966: 301f). For people with different national roots who also live within the nation, national sentiment tends to demand ‘that they are either assimilated or ejected’ (Arendt, 2018b: 256). Erasing the internal contradiction between the proclaimed inalienable Rights of Man (embodied in the constitution of the state governed by law) and underlying notions of national sovereignty, ‘national interest’ tends to gain priority over any democratic and lawful constitution. Hereby the European states were transformed into instruments of the nations, i.e. the legal-administrative entities were used to discriminate against and separate out ethnic minorities. Domestically, the transformation of the modern nation-state ‘from being an instrument of law into one of lawless discretion in the service of the nation was completed when states began to practice massive denaturalizations against unwanted minorities’ (Benhabib, 2004: 54).<sup>9</sup>

The crisis of the nation-state thereby exposes internal problems – constitutive even for ‘enlightened’, democratic nation-states – which are rooted in the very concept of national sovereignty. Rooting its legitimacy in the mythical aura of a national identity, which

sharply demarcates the boundary between itself and the rights granted by one's human dignity, the modern nation-state harbours the seed of lawless irrationality and external aggression, which became the terrible signifiers of European political modernity.<sup>10</sup>

The secret conflict between state and nation came to light at the very birth of the modern nation-state, when the French revolution combined the declaration of the Rights of Man with the demand for national sovereignty. The same essential rights were at once claimed as the inalienable heritage of all human beings *and* as the specific heritage of specific nations, the same nation was at once declared to be subject to laws, which supposedly would flow from the Rights of Man, *and* sovereign, that is, bound by no universal law and acknowledging nothing superior to itself. The practical outcome of this contradiction was that from then on human rights were protected and enforced only as national rights and that the very institution of a state, whose supreme task was to protect and guarantee man his rights as man, as citizen and as national, lost its legal, rational appearance and could be interpreted by the romantics as the nebulous representation of a 'national soul' which through the very fact of its existence was supposed to be beyond or above the law. (Arendt, 1966: 230f)<sup>11</sup>

In Arendt's view, however, the mythical national model of affinity and congruence between people and soil, as radically expressed in the chauvinist Nazi slogan about 'blood and soil', is entirely unfeasible for the modern world. It was 'coined when this affinity was quite obviously crumbling', yet it still worked as a powerful 'nationalistic appeal to specific feelings about the nation and the nation-state' (Arendt, 2018b: 256). And this exclusionary, essentially pre-political nationalistic appeal, as outdated, unrealistic and normatively problematic as it may be, seems to once again be gaining popular traction today – notwithstanding its negative implications for democracy.<sup>12</sup>

Thirdly, Arendt thinks that the European nation-state is in a chronic crisis and could no longer effectively function – i.e. represent its members, guarantee the freedom of its citizens, and facilitate justice and just relations with non-members – because of an 'altered power situation'. There are 'no longer any powers but world powers, and no power politics but global politics' (Arendt, 1994b [1945]: 143f). Indeed, modern globalized power conditions 'make national sovereignty a mockery except for giant states' (Arendt, 1966: 269). A new global interdependence, which creates an unprecedented lack of distance (Arendt, 1998 [1958]: 250), means a loss of power of the nation-state to manage its affairs in any 'sovereign' fashion. This interdependence calls into question the strict territorial confines of (national) political agency because the challenges, events, and effects of political action increasingly transcend borders:

[F]or the first time in history all peoples on earth have a common present: no event of any importance in the history of one country can remain a marginal accident in the history of any other. Every country has become the almost immediate neighbour of every other country, and every man feels the shock of events which take place at the other side of the globe. (Arendt, 1968: 83)<sup>13</sup>

For Arendt, this 'new global situation' is not unambiguously welcome but simply constitutes a fact: 'whether we like it or not we have really started to live in One World. Only with a completely organized humanity could the loss of home and political status become identical with expulsion from humanity altogether' (Arendt, 1966: 297).

Consequently, in normative terms, for Arendt the concept of national sovereignty lost its legitimacy in several ways. With regard to basic rights enabling democratic participation and legal protection, national sovereignty is compromised in Arendt's view because it barely protects the rights of 'non-national' citizens but, instead, helps to erode political equality and the rule of law. According to Arendt, the crisis of the nation-state has thus brought to the surface the objective disjuncture of human and citizen, or the 'perplexities of the rights of man': the fundamental dilemma that ensued when the nation-state no longer guaranteed some of its denizens rights to political membership, from which all other rights are derived. Supposedly 'inalienable' human rights then proved to be little more than unenforceable declarations.<sup>14</sup> With regard to democracy, she argues that the nation-state model increasingly failed to represent its citizens and no longer enabled them to fully participate in public affairs, especially in view of European and global challenges, and in light of the transformed trans-national conditions of power and politics. In the end, the atmosphere of nationalistic agitation in the twentieth century demonstrates the decline of the nation-state, rather than its practical resilience or feasibility. The political order of the 'outmoded' European nation-state itself, eroding inside and outside, was deeply involved in the destruction of politics and law. For Arendt, this signifies in historical, political and normative terms, 'the bankruptcy of the nation-state and its concept of sovereignty' (Arendt, 1972 [1969]: 108).

To be sure, Arendt does not entirely dismiss the nation-state as a framework for democratic politics and rights. She concedes that, despite the

inadequacy of the nation-state and the dangers of nationalism', even 'the disastrous tendency of the nation-state to sacrifice actual political freedom for the sake of national interests, and to force the people into a unanimous, uniform public opinion in dictatorships . . . does not have to mean that in all cases basic citizen's rights are endangered – as we can see clearly in France. (Arendt, 2018b: 260)

But if we mean by democracy a 'government of the people' and the right for all people to appear in the public realm and participate in political decision making, then 'even historically, democracy in the nation-state has never been in particularly good shape' (Arendt, 2018b: 260). From the perspective of constitutional democracy and its law-governed, power-sharing 'house of freedom', as well as from the perspective of the protection of the rights of citizens and humans, the nation and the state never had a successful marriage, and the temporary 'advantages of the nation-state are things of the past' (Arendt, 2018b: 261). A centralized state primarily grounded in a national community has proved to be profoundly unstable and likely to erode its own foundations: it has an inherent tendency to become undemocratic, unfree and illiberal, and seems ill-suited as a model for the present world.

While, therefore, nationalism is not dead as a cultural force, and might, to the contrary, be revived time and again (as epitomized by the current authoritarian-nationalist revolt), the European nation-state, as understood by Arendt, is no longer a feasible model for democratic political integration. Nor can it be sovereign. Arendt reminds us that it is first and foremost the 'sovereign nation-state' which suffers from a lasting, chronic crisis, and which should be replaced by new, post-sovereign and post-national forms of (European)

democracy historically and normatively better suited for the twentieth and twenty-first centuries. Arendt's critical analysis of the nation-state's legacies and the European predicament after the genocide against the European Jews underlines the need to think about new political – rather than culturally exclusive – forms of association in order to overcome the European crisis. Indeed, she points to a framework which is founded on shared promises across borders rather than mythical identities attached to territorial confines, which institutionally enables the diffusion of power, and which is robustly capable of protecting residents' rights, the rule of law and democratic political freedom in the face of contemporary European challenges under globalized conditions. It is to the political elements of this framework, and the reasons she provides for it, that I will now turn.

### **Constitutionalizing, institutionalizing and legitimizing the European Union: the Arendtian view of European democracy beyond national sovereignty**

In light of her critique of the European nation-state, Arendt unfolds her argument about an 'anti-sovereign republican principle of politics' (Lang, 2005: 186) in a European political space. Even before the end of World War II, she began to reflect on the contours of a politico-institutional framework and enabling conditions for a new European republicanism. Arendt thereby takes the actions and ideas of the European resistance and refugee movements as the empirical and normative starting point for developing an idea of a legitimate post-national, federal European democracy after Europe's deepest political crisis.

For the refugees – the 'victims of our time' – 'restoration of the old European national system means . . . a rightlessness compared to which the proletarians of the nineteenth century had a privileged status. They might have become the true vanguard of a European movement – and many of them, indeed were prominent in the Resistance'. They embody a window of opportunity against an 'extremely dangerous' restorative trend of the European nation-state system (Arendt, 1994b: 149). The refugees and resistance fighters did not anchor their struggles for political freedom in a (non-existent) fabricated cultural identity of Europe, but in the idea of a continental new beginning – a European republican constitution. It is surprising but also an almost 'logical consequence . . . that all of these movements at once found a positive political slogan which plainly indicated the non-national though very popular character of the new struggle. That slogan was simply EUROPE' (Arendt, 1994a: 112). For these anti-fascist, 'genuinely European movements', decentralized forms of republicanism *and* a federated structure of Europe should evolve together, based on similarly federated structures diffusing and dividing hitherto centralized power in multiple ways (1994a: 114). A good peace, grounded in freedom and a robust, power-sharing European democracy, appears to be 'inconceivable unless the States surrender parts of their economic and political sovereignty to a higher European authority: we leave open the question whether a European Council, or Federation, a United States of Europe or whatever type of unit will be formed' (1994a: 113). Endorsing Europeanized, post-national as well as supra-national political bodies after the war (1994a: 112), Arendt also insists (following a brief period of temporary disillusionment), that 'the long-wished-for European federation is a definite political possibility' (Arendt, 1994e [1948]: 222).

Arendt emphasizes the ‘political desirability’ of a federated Europe because in her view a ‘world-wide organization’, without which ‘there can be no lasting peace’, could only realistically be achieved through ‘regional organizations’ (1994c [1945–6]: 156f). Arendt hereby endorses the possibility of multiple, overlapping political memberships linking the local grassroots levels of participatory democracy to post-national constitutional republican frameworks, proposing a post-national federation of republics based on multiple institutional and public spaces enabling the robust renewal of democracy in Europe. The compromised nation-states could thereby surrender parts of their claimed ‘sovereignty’ to a higher federal European authority and new forms of political organization (Arendt, 1994a: 113). In constitutional and institutional terms, Arendt points to a supra-national body with its own parliament and with supreme authority on all European matters, while allowing constitutional divisions on multiple ‘lower’ levels in the sense of subsidiarity.<sup>15</sup> This model can be best understood against the background not just of her critique of national sovereignty, but also of the idea of sovereignty *per se*.

The critique of sovereignty is at the heart of Arendt’s political theory. For Arendt, freedom is always non-sovereign; this idea overlaps with her conception of power as a non-hierarchical relationship which always exists in, and depends on, humans in the plural. In Arendt’s understanding, ‘sovereignty’ can only lead to tyranny, as sovereignty is tied to the notion of an ‘indivisible will’ and, ultimately, violence. Just as power is the opposite of violence and corresponds to the human ability not just to act but to act in concert (Arendt, 1972: 143), freedom is the opposite of sovereignty: the latter means the dissolution of plurality in a fictional unified will. Sovereignty’s ‘uncompromising self-sufficiency’, Arendt maintains, is ‘contradictory to the very concept of plurality’ (1998: 234). Just as politics needs the space in between, Arendt strictly opposes the idea of a politics that is moulded into any unified collective sovereign will or undivided sovereign rule. Republicanism does not only refer to participation in government and political affairs. It also implies multiple divisions and diffusions of power, thereby protecting rights and enabling free publics while preventing a tyranny of the majority.<sup>16</sup> For Arendt, the greatest achievement of the American Revolution was the dissolution of its sovereignty claims in the body politic of the republic (Zum Kolk, 2009: 107) and its creation of a constitutional democracy in which power is dispersed in multiple ways. In such a context, democratic power is constitutionally divided yet accountable, but never the immediate expression of a ‘sovereign will’ or an unchecked majoritarian popular democracy.<sup>17</sup>

While her critique extends to ‘sovereign’ thinking present throughout Western political thought, Rousseau, Arendt claims, is

the most consistent representative of a theory of sovereignty, which he derived directly from the will, so that he could conceive of political power in the strict image of individual will-power. He argued against Montesquieu that power must be sovereign, that is, indivisible, because a ‘divided will would be inconceivable’. (Arendt, 1961: 163)<sup>18</sup>

If not leading to the denial of freedom altogether, such a sovereign notion of power suggests that ‘the freedom of one man, or a group, or a body politic can be purchased only at the price of the freedom, i.e. the sovereignty, of all others’ (Arendt, 1961: 164). In opposition to Rousseau’s theory of sovereignty, the republican dispersion and division of

power implies no trade-off: multiple dispersals of power by institutional and non-institutional means among the plurality of men make sure that freedom and power do not lose their distinct qualities. As Philip Pettit argues in his study of republicanism, the 'dispersion of power condition' functions against the centralization and localization of state domination (Pettit, 1998: 177–80).<sup>19</sup> The disaggregation of power by compound institutions and public spaces also preserves the original democratic *and* pluralistic constitution of power in Arendt's view. This 'anti-sovereign republican principle of politics, anchored in different dispersed and differentiated public spaces, is not limited to any single bounded public space and citizenship' (Lang, 2005: 186). For Arendt, political freedom is thereby 'not exclusively limited to a constitutional state, either' (2005: 186).<sup>20</sup>

One of Arendt's models for European democracy is thus the founding of the American Republic, the 'greatest adventure of European mankind, which . . . at the height of the European nation-state system, embarked upon a common enterprise whose spirit proved to be stronger than all national differences' (Arendt, 1994g [1954]: 412). The power of constitution-making that Arendt finds reflected in the beginnings of the American republic points to a system with new centres of power, not just to 'limited' or lawful government. While, for Arendt, republican power is effectively exercised only in relatively small contexts, a 'confederacy of republics' could solve problems of larger political entities 'under the condition that the constituted bodies – small republics – were capable of constituting a new body politic . . . instead of resigning themselves to a mere alliance' (Arendt, 2006 [1963]: 153–4).<sup>21</sup> This act, however, does not limit the power of the small republics, but supplements it. In Arendt's view, it creates more power, not less, and thus makes both the states or small republics and the federation more powerful. Rather than restricting the democratic voice, a European system of horizontal and vertical checks could enable such a compound democracy (Fabbrini, 2005), being 'deliberately designed to keep the power potential of the republic intact and prevent any of the multiple power sources from drying up in the event of further expansion' (Arendt, 2006: 154).

Arendt's post-sovereign federal and republican principle, understood as constitutionally guaranteed diffusions of power, is thereby expanded into larger regional formations. Here she sees the opportunity to renew democratic cooperation and revive political freedom after the crisis of the nation-state. For Arendt, such renewal will have to be based on shared promises and purposes that are enabled by a constitutionally protected free public realm and secured by republican institutions. Both free public spaces and divided institutions were destroyed in the name of the homogenized identities of the 'peoples' of European nation-states. While citizens' powerlessness, produced by a 'centrally organized state apparatus . . . stands in basic opposition to democracy in all its forms', there 'can only be real democracy', Arendt suggests, 'where the centralization of power in the nation-state has been broken, and replaced with a diffusion of power into the many power centres of a federal system' (Arendt, 2018b: 261).

In the case of Europe, this 'federated' understanding of a compound democracy translates into a system of multiple, linked elementary republics and public spaces in a differentiated and constitutionalized union. In those 'elementary republics' people may find 'places of freedom' and experience political action (Arendt, 2006: 255). However, in her conception a European government, grounded in a democratically elected parliament and other institutions, would not deprive the various plural entities of their power, but

expand the common world of agreed purposes in which people can act together non-hierarchically while preventing unchecked national sovereignty or supra-nationalism without democracy. The ‘new territorial entities’ of which Arendt speaks ‘would appear to be federations of federations which, in turn, would be constituted by “elementary republics” to whose public space everyone would have access who makes the business of the republic his or her business which they tend publicly and collectively’ (Axtmann, 2006: 111f). Arendt’s ‘theoretically grounded justification for federalism’ thus serves as an alternative to the nation-state (2006: 107).<sup>22</sup>

The constitutive, power-sharing units of this federalism are not only opposed to the hitherto dominant nation-state model, but also to the conception of a dominant ‘sovereign’ supra-national body. It is the very concept of national (or pan-national) sovereignty, presupposing a unified will rather than agreed purposes, that endangers the logic of a post-national, free and democratic European federation in Arendt’s framing (Rensmann, 2006). This is why Arendt is critical of any ‘Europeanism’ as a source of legitimation. A European order rooted in fabricated, imagined pan-nationalistic conceptions of cultural identity would simply replicate the pre-political foundations and essentialist, apolitical friend/enemy distinctions that constituted the logic of nationalism which served as the problematic basis of the nation-state.<sup>23</sup> ‘The trouble with many European intellectuals’, Arendt claims, ‘is that now that the . . . European federation is a definite possibility, new constellations of world powers make it only too easy to apply their former nationalism to a larger structure and become as narrowly and chauvinistically European as they were formerly German, Italian, or French’ (Arendt, 1994e: 222).

The Arendtian conception of European democracy therefore also has implications for a changed understanding of individual and collective membership. It cannot be based on outdated, pre-political national or ethnic constructions of identity. As Bonnie Honig points out, Arendt theorizes ‘a democratic politics built not on existing identities but on contingent sites of principled coalescence and shared practices of citizenship’ (Honig, 2007: 3). Such politics is not confined to existing territorial boundaries or pre-defined groups and exclusivity. Arendt’s post-sovereign approach to European democracy points to politically grounded, inclusive forms of membership open to all those willing to share its agreed purposes (Arendt, 1998). A modern rational legal order and political community ‘is open to all who happen to live on its territory’ (Arendt, 1994d [1946]: 208). Arendt would consequently oppose a European Union that is symbolically ‘transformed into a nation-state’ amidst a rigid ‘confrontation between inside and outside, between inclusion and exclusion’ (Heuer, 2007: 1169). Moreover, Arendt advances a difference-sensitive cosmopolitanism (Rensmann, 2012: 153) that recognizes the responsibility of post-Holocaust Europe to grant cosmopolitan rights to Jews, persecuted refugees, and stateless people – the groups which the European nation-state had failed.<sup>24</sup>

In Europe and beyond, in Arendt’s lens the initial public act of getting together legitimates a democratic constitution (Arendt, 1972: 151). The act of democratic constitution-making and its renewal are realized beyond pre-existing (cultural) confines, in the space in between diverse humans and by ‘virtue of the making and keeping of promises, which, in the realm of politics, may well be the highest human faculty’ (Arendt, 2006: 175). The miracle of human action, Arendt argues in *The Human Condition*, ‘always establishes relationships and therefore has an inherent tendency to force open all limitations and cut

across all boundaries' (Arendt, 1998: 190f). Boundaries do exist in human affairs, yet in principle they can be transformed by new generations, political demands and actions, pushing beyond the existing physical confines of a polis and creating new institutions and spaces (Lang, 2005: 183):

The *polis*, properly speaking, is . . . the organization of the people as it arises out of acting and speaking together, and its true space lies between people living together for this purpose, no matter where they happen to be. 'Where you go, you will be a *polis*': these famous words . . . expressed the conviction that action and speech create a space between the participants which can find its proper location *almost any time and anywhere*. (Arendt, 1998: 198f; emphasis added)

However, while Arendt views national identity as an outdated and unsuitable basis for citizenship, in her view in principle such citizenship does need limitations to be meaningful, 'not only by those of his fellow citizens, but also by the boundaries of a territory' (Arendt, 1968: 81). Membership, in her view, needs to be circumscribed to be comprehensively meaningful and provide a stable framework for political action. Democratic citizenship relies on political communities in which one's voice and actions matter. How far such relevance in the public realm today still depends on territorially circumscribed communities, as Arendt at times suggests, can surely be debated. For Arendt, however, 'thick' ethnic notions, as well as 'thin' notions that reduce citizens to individual rights bearers of first-order rights to food, shelter and physical integrity, are insufficient to enable and realize their holders' full humanity – even though, it should not be forgotten, these basic social rights are also essential conditions for democracy to work in Arendt's understanding.

Arendt fully recognized that her vision for a post-national European democracy, understood as a new beginning emerging out of the ashes of Nazi totalitarianism and from what she saw as the collapsed European nation-state order, could not succeed or be legitimized without the public support of European citizens. Their mutual promises and commitments, as epitomized by the European resistance fighters she refers to, cannot be deduced from political theory. In order to develop and legitimate the equalizing power of constitutionalized European political bonds, which she views as different from the boundlessness of private emotion or universal morality, Arendt argues that some level of transnational political solidarity is required. Out of solidarity, the European multitudes need to deliberately establish a 'community of interests with the oppressed and exploited', which could henceforth be reinforced by European democratic institutions.<sup>25</sup> Arendt detects a 'new feeling of European solidarity' (Arendt, 1994a: 117) and attaches her political hopes to it. The need for such solidarity, but also the partial lack of it, becomes apparent in times of Europe's current politico-economic crisis.

## **After Arendt: rethinking European democracy in an age of legitimacy crises and authoritarian-nationalist revolts**

Facing the politically and morally destroyed Europe at the end of World War II, in 1945 Hannah Arendt diagnosed a 'chronic crisis' of the European nation-state and its underlying politico-cultural or ethnic substrates. For Arendt, the success of totalitarian

movements in Europe corresponded with, and indeed were a powerful indicator of, the fact that behind all past and present ‘nationalistic phraseology’,

national sovereignty is no longer a working concept of politics, for there is no longer a political organization which can represent or defend a sovereign people, within national boundaries. Thus the ‘national state’, having lost its very foundations, leads the life of a walking corpse, whose spurious existence is artificially prolonged by repeated injections of imperialistic expansion. (Arendt, 1994b: 143)

Indeed nationalism, ‘with its egocentric narrow-mindedness’, and the nation-state, ‘with its fundamental inability to transcend its own borders, may well provide the worst imaginable conditions’ for the renewal of democracy in the modern world (Arendt, 2018b: 261). Yet today there is a resurgent nationalism and turn to national sovereignty in Europe, and the devolution or full-blown disintegration of the EU as a political project – unthinkable just a decade ago – is no longer a far-fetched scenario when we think about the future of European democracy.

Against the backdrop of this tension, this article has reconstructed Arendt’s multi-layered critique of the European nation-state model and national sovereignty, which unfolded in various writings over the course of 20 years, as well as her case for a constitutionalized post-national, post-sovereign and federalized European democracy as a new framework for political freedom and rights. Arendt’s insightful analysis of the legacies of nationalism, genocidal mass violence and the collapse of political order on the continent serves as a powerful reminder of the legitimacy crisis of the European nation-state system that engendered the Europeanization of democracy in the first place. Nationalism constituted a key cause of Europe’s biggest crisis. Today the historical memory of this crisis is fading. It is often overshadowed by laments about the EU’s and democracy’s legitimacy crisis, and by resurgent calls for national sovereignty. Arguing for a far-reaching, inclusive political renewal in response to the war-torn continent’s most profound crisis, Arendt was among the first political theorists to reflect on the transformed conditions of the possibility of democracy in Europe in what she, early on, also perceived as an increasingly globalized world. In so doing, she provides convincing theoretical arguments and alternatives to what she understood as outdated forms of national political organization – in stark opposition to ‘realist’ theories of international relations and indebted to what Patrick Hayden (2009: 8) has called her ‘cosmopolitan realism’.<sup>26</sup> For European democracy to consolidate, in Arendt’s view, post-sovereign republican diffusions of power – based on multiple, divided sources of democratic legitimation and accountability, or ‘republics of republics’ – need to break with the centralization of power typical of the European nation-state and guarantee civil and human rights. Such post-sovereign democracy also requires decentred and Europeanized publics, debating and deliberating as political ‘communities of interest’ about policies and the future of Europe.

Revisiting Arendt’s work, I have argued here, offers an important theoretical space for reflection, and fruitfully opens up the debate about European integration and democracy in times of crisis. While her work helps theoretically ground and justify new forms of post-national European democracy, Arendt makes only a few specific institutional proposals (such as insisting on a powerful European parliament), and even fewer particular

policy prescriptions. Rather, she provides critical conceptual resources to rethink the conditions and legitimacy of post-national, post-sovereign European democracy, making a persuasive case for its benefits, especially in view of its present crisis. Moreover, her reflections inspire non-hierarchical or relational EU policy-making, recognizing the plurality of agents beyond equally undemocratic forms of nationalism and supra-national technocratic governance (Dewandre, 2018).

To be sure, if we were to actualize Arendt's models in the present context of twenty-first-century European societies, some of her ideas would need to be revised or expanded (Fraser, 2004). First, Arendt recognizes that any project of European democracy, while feasible and desirable, depends on European citizens: their contingent, actual political solidarity and mutual promises in the aftermath of the destruction of Europe in the twentieth century. She also grasps that nationalism will likely remain a strong cultural force with potentially recurring political relevance and increasing wickedness as long as nation-states exist: 'The nation-state's unsuitability for life in the modern world has long been demonstrated, and the longer people cleave to it, the more wickedly and recklessly will the ways in which the nation-state and nationalism have been perverted assert themselves' (Arendt, 2018b: 261). Yet, she arguably still underestimates, or perhaps could not have foreseen, how difficult it is to overcome nationalist sentiments, and how strong the appeal of exclusive nationalism, nurturing the idea of a phantasmagorical 'unified sovereign will' superseding political and class alliances, could still be for some groups under the increasingly globalized (and Europeanized) societal conditions she so presciently anticipated. The fading memory of war, totalitarian rule, genocide and the evils of nationalism feeds into the contemporary authoritarian-nationalist revolt against liberal constitutional democracy and a post-national European polity (Eatwell and Goodwin, 2018; Rensmann, 2017). Arendt's fully justified eagerness to call for political and organizational consequences from the Shoah in Europe, the voices of resistance fighters viewing a continent in ruins, and her profound critique of the nation-state seem to have induced a hopeful, and strangely optimistic, trust in Europeans' turn to reason: their human capacity for post-national solidarity, democratic renewal and new beginnings. But her well-grounded and well-reasoned arguments for an inclusive, cosmopolitan European democracy confront the resilient power of an allegedly outmoded nationalism (Arendt, 1994b: 143) and the 'outdated' model of the nation-state that is once again celebrated by authoritarian-populists today. They successfully exploit claims to cultural identity and fictions of national sovereignty while attacking the legitimacy of the EU and constitutional democracy. Nevertheless, it should also be recognized that Arendt's proposals for a European democracy have partly become a politico-institutional reality in the European Union, and this reality is matched with overall robust pro-European, pro-EU and pro-democratic values across the continent of a scale Arendt could only have wished for in the post-war period (Rovira Kaltwasser et al., 2019).

Second, Arendt could not have anticipated the digital transformation of the public sphere and the profound impact this has for contemporary European democracy. On the one hand, the digital public sphere with its deterritorialized interactions has further accelerated the globalization of events and society that Arendt had observed as a changing condition of politics. On the other hand, this transformation of our public environment has facilitated a new logic of communication through search engines and social media in

a ‘platform society’ (Van Dijck et al., 2018). It is operated by largely unregulated corporate for-profit monopolies such as Google and Facebook, in which the quality of factual reporting and discussion no longer matters, but instead the number of ‘likes’ and shares reigns supreme. The more extreme the content, the more ‘likes’ and shares can be gained, and content is controlled by corporate algorithms opaquely organizing information in ways highly susceptible to spreading ‘fake news’ and unfiltered, post-factual propaganda. To be sure, Arendt was concerned that factual truth might be disputed out of existence. She was acutely aware of the dangers of propaganda that erodes the distinction between factual truth and opinion.<sup>27</sup> In fact, Arendt suggested that this confusion, which she viewed early on as a powerful trend in modern society, facilitates the demise of democracy. She saw it as a severe threat to democracy if citizens treat facts, she writes, ‘as if they are opinions’, and if a ‘nihilistic relativity about facts’ takes hold that is mistakenly understood as the ‘essence of democracy’ (Arendt, 1994f [1950]: 252). She understood that such relativistic nihilism, immune to factual correction, and the destabilization of factual references through ‘alternative facts’, are not part of democratic pluralism. Rather, they threaten its very condition of being; they make democratic debate and policy-making impossible. However, the inversion of facts and opinion has been taken to a new level in the digital age, in which the public sphere is increasingly dominated by deliberate campaigns of disinformation, fake news, conspiracy myths and hate speech. Reminiscent of totalitarian propaganda of the twentieth century, these campaigns feed into the politics of fear, nationalism and xenophobia (Kershaw, 2019) and dramatically undermine the ‘free formation of opinion, a sensible exchange of opinions’ that enables individuals to take ‘active responsibility for public affairs’ (Arendt, 2018b: 261). Consequently, the idea of European democracy is also embattled through the spread of post-factual, self-referential social media publics, constantly inventing European misdeeds and spreading conspiracy myths about ‘the elite’. The failure to institute European or global policies regulating social media corporations or requiring codes of compliance vis-à-vis flourishing hate speech, fake news and autocratic propaganda has helped foster the legitimacy crisis of democracy in Europe and poses a serious challenge to post-national allegiances.

Third, Arendt’s analysis has to be actualized in light of rising social inequality and mass poverty in Europe. These put any democratic republic at risk, and also profoundly affect the legitimacy of the present and future European Union. Contrary to common misperceptions about Arendt’s approach to the ‘social question’, her work acknowledges that democracies, and European democracy at that, require both the ‘liberation from necessity so that men may walk in dignity and the constitution of a body politic that may permit them to act in freedom’ (Arendt, 2018a [1962]: 254). As Steven Klein has shown, Arendt attributes vital importance to economic matters and welfare institutions for public life (Klein, 2014). However, the return of extreme inequality and widespread material insecurity in contemporary post-liberal capitalism fuels new discontent with existing democratic conditions and European democracy, and thus needs to become a more central focus than in Arendt’s reflections on Europe. Across Europe, the economic precariousness of citizens and denizens has been accelerated by policies of welfare state regress and the privatization of public goods and services. These policies have favoured a new economic aristocracy based on inherited wealth and largely unrestricted global capital accumulation

(Sassen, 2015; Piketty, 2013). They have undermined the social (and also the ecological) fabric of European societies, as well as the conditions of political solidarity within smaller communities and among Europeans. Welfare state regress, to be sure, is not the product of EU policy, but the result of domestic policy choices – as the case of EU member state Austria, which has kept its welfare state fully intact, demonstrates. Yet the EU's considerable technocratic policy regime has either been side-lined, or supportive of supply-side-oriented corporate growth agendas, privatizations and domestically deregulated labour conditions that have deepened social inequality. A successful post-national European democracy overcoming its legitimacy crisis, however, can only be envisioned as a more social Europe – one which enables its citizens and denizens to participate in public affairs by helping liberate them from poverty and necessity.

The 'real democracy' Arendt envisions remains an attractive prospect and a theoretically grounded response to the current legitimacy crises of constitutional democracies in Europe and the EU. Her post-sovereign model of European democracy, reconstructed here, persuasively challenges two profoundly problematic alternatives: nostalgic nationalist fantasies to restore 'total sovereignty' and technocratically debilitated European policy regimes anchored in bureaucratized, top-down supranational authority. If European democracy is to be saved as a realistic vision in the present and for the future, however, it will first and foremost depend on Europe's citizens to actualize a community of interests and solidarity, through their voices, actions and shared purposes.

## Notes

1. This is epitomized by the Brexit referendum of 2016, in which the anti-EU populist party UKIP took a lead role in campaigning for the exit from the EU, but also by the shared anti-EU sentiments articulated by successful populist parties such as the Lega in Italy, the AfD in Germany, or Fidesz in Hungary.
2. For an initial prediction of the return of tribalism in the age of globalization, see Barber (1995).
3. In Europe, the model of constitutional democratic government backed by a welfare state became increasingly intertwined with 'Europeanized' forms of democratic governance and cooperation in the seven decades following WWII. The term 'European democracy' refers to this double movement: the shared features of European democratic constitutional welfare states and the fraying of national decision-making authority in the process of European integration.
4. Until now, it should be noted, a clear majority of European citizens (60 per cent) see EU membership as a 'good thing', while two-thirds of European citizens think that their country has benefitted from EU membership – the highest percentage since 1983, according to a 2018 Eurobarometer survey. These stable pro-European and pro-EU majorities call into doubt some exaggerated perceptions about growing discontent and the crisis of the EU. See: [www.europarl.europa.eu/news/en/headlines/eu-affairs/20180522STO04020/eurobarometer-survey-highest-support-for-the-eu-in-35-years](http://www.europarl.europa.eu/news/en/headlines/eu-affairs/20180522STO04020/eurobarometer-survey-highest-support-for-the-eu-in-35-years).
5. While Arendt has been a point of reference in some International Relations scholarship for more than a decade (see Axtmann, 2006; Hayden, 2009; Lang, 2005; Owens, 2007; Parekh, 2008; Rensmann, 2012), she has only recently been (re)discovered as a thinker dealing with the 'European question'.
6. It is noteworthy that Arendt employs a quite particular notion of the (European) nation-state, which she most clearly defines in her until recently unpublished manuscript on 'Nation-state and democracy', written in 1963. Arendt (2018b: 256–8) argues that the 'European

nation-state . . . has received the inheritance of absolutism' and 'rests on the trinity of people, territory and state'. Its by no means self-evident first requirement is the constructed association of an existing territory with a particular people, and thus the attachment of a 'people' to 'native soil'. The second requirement for a nation-state 'in the French mould', says Arendt, is 'that only members of the same people live on the national territory, and that ideally all members of this nation live on this territory'. The 'criteria for who belongs to one's own people can vary tremendously': the more 'cultured' the people in question, the more 'linguistic', and the more 'barbaric the life of the nation' the more ethnic considerations will dominate. But the 'principle that one can only be a citizen if one belongs to the same people, or has completely assimilated to that people, is the same in all nation-states'. In this sense, for Arendt neither America nor the United Kingdom is a nation-state. The US was 'founded in the American Revolution as a federal system . . . consciously designed . . . in contrast to the principle of centralized power that had evolved in Europe in the course of absolutism. And closely connected to this development is the fact that the people of the United States are in fact a mix of peoples, and that nationality is in no way, neither theoretically nor practically, a requirement for citizenship'. For Arendt, in America nationality plays a significant role in the social sphere and in social discrimination but not as a political institution or principle.

7. Of course, Arendt's democratic theory ultimately points to a more ambitious and sophisticated definition of democracy than the one she employs here. It is tied to republican institutional arrangements and post-sovereign diffusions of power, a flourishing public realm in which one can be seen and heard, and a 'non-hierarchical understanding of democratic rule' (Markell, 2006: 2) through which the 'active participation' of equal citizens in public affairs and decision-making becomes meaningful (Arendt, 2018b: 256). I will return to Arendt's post-sovereign conceptualization of democracy in the subsequent section of this article.
8. European colonialism and imperialism did not only supersede the administrative state order and laws, principles of democratic participation in public affairs, and national borders in the name of 'national interests': imperialism also partly destroyed the plurality of at least formally equal nation-states. Furthermore, European imperialism disclosed the fragility of any rights granted by virtue of being human – in Arendt's words, the 'abstract nakedness' and potential loss of the 'right to have rights' of those with nothing in common but their humanity (Arendt, 1966: 299).
9. According to Arendt, stateless refugees 'shook the very principle of the nation-state', as they 'stood outside all laws . . . [and] became the prey of the native police apparatus wherever they went'. The 'extraordinary limitations of the nation-state principle became apparent, insofar as the constitutionally guaranteed legal protection of the state, and the laws governing the country, quite obviously did not apply to all residents of the territory, but only to those who belonged to the nation-organization itself. The influx of stateless people and the utter lawlessness inflicted on them endangered the nation-state's existence as a state under the rule of law and a constitutional state, thereby threatening its very foundations' (Arendt, 2018b: 258–9).
10. Inextricably tied to the pre-political concept of national sovereignty granting citizenship by virtue of nationality, the nationally circumscribed idea of political freedom of 'the people' is surrounded by an aura of 'lawless arbitrariness' (Arendt, 1966: 291).
11. Jürgen Habermas also addresses this contradiction: 'The tension between the universalism of an egalitarian legal community and the particularism of a community united by historical destiny is built in the very concept of the national state' (Habermas, 1998: 115).
12. For Arendt, claims to popular sovereignty in the form of 'national identity' are not only fundamentally different from constitutional political freedom and individual (human) rights claims, but normatively undermine the latter (freedom and rights) as long as they are identified with the former (national sovereignty). On non-European ambitions to create European nation-states as part of the anti-colonial struggle, Arendt writes: 'The fact that the peoples of Africa

- and Asia can only imagine political freedom in the mould of the already failed nation-state is one of the most minor of the dangers that the legacy of the imperialist age has left to us' (Arendt, 2018b: 260).
13. It is noteworthy that Arendt wrote this highly perceptive observation more than 50 years ago, when the world was much less globalized, and the public sphere less interconnected, than it is today.
  14. This lack of enforced protection shows that the nation-state's solution to the contradiction of the universal (inalienable rights) and the particular (the rights of a particular national community), namely the transformation of human rights into national rights, does not work and was illusionary in the first place (Axtmann, 2006: 106).
  15. Arendt never further elaborated on this institutional model after the initiation of European integration. But there is little reason to think that she would have opposed forms of multi-level governance and dual citizenship, as embodied in the European Union, or other forms of regionally based federated post-national organizations guaranteeing the diffusion of power. Still, the myth partly persists that Arendt is a 'state-centric' thinker.
  16. Arendt notes: 'A legally unrestricted majority rule, that is, a democracy without a constitution, can be very formidable in the suppression of the rights of minorities and very effective in the suffocation of dissent without any use of violence' (1969: 141).
  17. Arendt consistently stresses the right to dissent. Political agreement relies not on majority decisions but especially on the horizontal dimensions of the social contract, i.e. divisions that safeguard dissenting minorities (Arendt, 1972).
  18. Arendt states: 'That the faculty of will and will-power . . . is an essentially non-political or even anti-political capacity is perhaps nowhere else so manifest as in the absurdities to which Rousseau was driven and in the curious cheerfulness with which he accepted them' (Arendt, 1961: 164). For Arendt, it is completely 'wrong to think that an individual or a group is free only if it is sovereign'. In fact, the wrong 'identification of freedom and sovereignty' is the most pernicious consequence of 'the philosophical equation of freedom and free will' (Arendt, 1961: 164).
  19. James Bohman (2007: 127ff) adds that republican principles disaggregate power in a variety of institutional and non-institutional forms; in fact, multiple spaces of action and polyarchic, compound and divided political and juridical institutions achieve the dispersal of power.
  20. 'The idea of a large-scale, federated, yet by no means exclusively state-centric concept of republicanism is later on modelled in Arendt's *On Revolution*. To be sure, for Arendt political action needs ideally and primarily a "constructed space of the *polis* to be meaningful"' (Lang, 2005: 186).
  21. In Arendt's conception, a federation and confederacy are not construed in opposition to each other. Both point to a robust, constitutionalized federation rather than an alliance, yet avoid any centralized, over-arching power typical of the European nation-state.
  22. Federalism, here, can be understood as a framework in which the power to make decisions is divided between multiple levels of government, and in which all supra-national, national and sub-national entities have certain arenas of independent political authority, deriving their authority from a constitution (Sbragia, 2003: 112).
  23. While, for Schmitt, the friend/enemy distinction is the essence of the political, in Arendt's understanding such ideology – in which violence is the precondition of the political – points to the very abolition of politics. For Arendt, of course, violence is not the precondition of the political but its opposite. Politics and violence are seen as antithetical; the latter is the negation of the former (Arendt, 1972: 121ff).
  24. For Arendt citizenship should be granted, as Peg Birmingham emphasizes, 'to all who live in and want to participate in the political space of a state or a federation' (Birmingham, 2006:

- 140). In her early post-war reflections, Arendt also suggests that a future European community may institute special provisions for victims of the Nazi genocide against the European Jews; Europe, Arendt argues, owes the Jewish people this. Against the backdrop of this legacy, she prepares provisions for stateless non-members to gain membership rights and European democratic representation (Arendt, 1994b).
25. Arendt generally conceives 'solidarity' as distinct from pity, which she sees as the 'perversion of compassion'. Solidarity is, in Arendt's view, rational and public. It serves as the motivating driving force to found and sustain a political community: 'It is out of pity that men are "attracted toward *les hommes faibles* [weak men]", but it is out of solidarity that they establish deliberately and, as it were, dispassionately a community of interest with the oppressed and exploited. The common interest would then be . . . the dignity of man. For solidarity, because it partakes of reason, and hence of generality, is able to comprehend a multitude conceptually, not only of a class or a nation or a people, but eventually all mankind' (Arendt, 2006: 88–9).
  26. Douglas Klusmeyer goes so far as to argue that Arendt's approach poses a 'fundamental challenge to the realist dismissal of world federalism' (Klusmeyer, 2010: 31).
  27. Arendt insists that factual truth, unlike opinion, is 'beyond agreement, dispute, opinion or consent' (Arendt, 1968: 239–40).

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