The Decline of The Nation-state and the End of the Rights of Man

The regression from a right-based civic nationalism to ethnic nationalism began with the nationalist fervour that arose during the First World War and ended with the rise of Nazism. Its starting point was the political collapse of the great multi-national empires which dominated central and eastern Europe, coupled with the social explosion of mass unemployment which sowed untold misery. The disappearance of the central despotic bureaucracies of the old Empires (Austro-Hungarian, Ottoman, Russian and Prussian) and the common focus they provided for the anger of the oppressed nationalities led to the evaporation of the last remnants of solidarity between formerly subject nations. Now everybody was against everybody else and most of all against their closest neighbours: Slovaks against Czechs, Croats against Serbs, Ukrainians against Poles, all against Jews. From the standpoint of Western powers, these conflicts looked like petty nationalist quarrels in an old trouble spot, the Balkans, without further consequence for the political destinies of Europe. In reality they heralded a wider collapse of human rights and democracy.

In Origins of Totalitarianism (OT 1973), Hannah Arendt discusses this period in terms of what she calls ‘the decline of the nation-state’. She argued that after the First World War there was ushered in a new principle of the nation state, which tilted the balance between ‘nation’ and ‘state’ sharply toward the ‘nation’ pole. In its civic form it was the state that defined the nation – not according to criteria of ethnicity, language, culture, religion, history, destiny, etc. but by virtue of common citizenship in a shared political community. In its ethnic mode the nation defined according to common culture or language or religion or blood, defined the state.

This shift in the character of the nation state was marked both by a proliferation of wars between one nation and another and by the internal division of political communities into four distinct elements: i) state peoples: those nationalities which were granted their own states; ii) equal partners: those nationalities (like the Slovaks in Czechoslovakia or the Croats and Slovenes in Yugoslavia) who were meant to be equal in government but were not; iii) minorities: those nationalities, sometimes officially recognised by Treaties, to whom states were not conceded (like the Jews and Armenians); and finally iv) stateless peoples: those who had no governments to represent them and therefore lived outside the law.
(these 'displaced' persons were officially numbered at one million but Arendt claims that in reality there were more like 10 million in 1930).

The triumph of nation over state in the inter-war years was driven both by the internal dynamics of nationalist movements and by the modes of intervention of western powers. Everyone became convinced, as Arendt put it, that

true freedom, true emancipation, and true popular sovereignty could be attained only with full national emancipation, that people without their own national government were deprived of human rights.

The right of national self-determination became the crucial mediation in the process of democratization. Even the treaties guaranteeing the rights of minorities had the effect of declaring that only 'nationals' could be full citizens and people of different nationality needed some law of exception. Once established within the 'belt of mixed populations' of Central Europe, the nationalist principle of the state spread throughout Europe. Millions were denationalised by post-war governments, driven from their homes, turned into refugees, and confronted by a disappearing right of asylum abroad and repatriation at home. Exclusion was everywhere and it plumbed new depths in Nazi Germany. It first distinguished legally between full Reich citizens and 'nationals' without political rights, and then deprived all those of 'alien blood' of their civil as well as political rights. In 1938 the German Reich declared that all children of Jews, Jews of mixed blood or persons of otherwise alien blood' were no longer 'nationals'.

 Stateless and minority people were the visible evidence that national independence - the right of a nation to have its 'own' state - was the presupposition of human rights. The coinage of human rights discourse was diminished, as it came to refer to les misérables who had nothing better to fall back on once they lost their home, nation and state, and found themselves outside the law - any law. The efforts of international human rights organisations were frustrated in the face of the search by the subject people themselves for national solutions.

Arendt underlined how far the enlightenment idea of human rights was vitiated by the emergence of the modern pariah, who not only lacked this or that right but the right to have rights in the first place. The enlightenment concept of human rights indicated universal equality, emancipation from dependency, protection from the despotism of the state, the inalienable dignity of each individual that no power could deny. But the existence of human rights was such that they became the property of nation-states, membership of which was the real precondition of the right to have rights. If the right to have rights cannot be entrusted to the nation state, it must be guaranteed by humanity itself. But how was this to be possible?
**The critique of representation**

Arendt followed a line of argument drawn from Marx when she identified the source of the defects of representative government in the modern separation of formal legal equality and substantive social inequality which leaves political community deeply vulnerable: ‘The fundamental contradiction between a political body based on equality before the law and a society based on the inequality of the class system prevented the development of functioning republics as well as the birth of a new political hierarchy’ (OT:12).

A recurrent theme of *Origins of Totalitarianism* was the legitimate disgust thinking beings can feel over the gulf between liberal conceptions of peace, freedom, justice and human rights, and the actuality of war, colonial expansion, extreme violence, social inequalities and poverty. The failure of liberalism to live up to its own ideals was for Arendt an important political phenomenon in the inter-war period. In *The Eggs Speak Up* (1951) Arendt expressed her conviction that liberalism had ‘demonstrated its inability to resist totalitarianism so often that its failure may already be counted among the historical facts of our century’ (EU, p.282). We might look back on the heyday of the liberal tradition with a certain nostalgic affection, she wrote, but not pretend that ‘the past is alive in the sense that it is in our power to return to it’ (EU, p.282). She reminded those ex-communists who wanted to return after the war to the ‘democratic way of life’ that it is ‘the same world against whose complacency, injustice and hypocrisy these same men once raised a radical protest… where the elements which eventually crystallised and have never ceased to crystallise into totalitarianism, are to be found’ (EU, p.281).

Arendt’s determination to confront the ‘burden of events’ in the twentieth century was at once a confrontation with liberalism’s claims to innocence. In representative government itself she found elements which crystallised into totalitarianism. In *Origins* she argued that behind all the conventional political parties lay ‘slumbering majorities’ who were invisible as long as focus was placed on the parties themselves but who emerged as ‘one great unorganised, structureless mass of furious individuals’, as she put it, as soon as the party system went into crisis (OT p.315). In her view, totalitarian movements were the beneficiaries of the crisis of parliamentary democracy in part because the ground was prepared for them by a representative system of government which left many people atomised, politically indifferent or brimming with resentment at the invisibility of their suffering.

When she wrote *On Revolution* over a decade later, Arendt had lost none of her old radicalism. She writes:
What we today call democracy is a form of government where the few rule, at least supposedly in the interest of the many... and public happiness and public freedom ... become the privilege of the few. (OR:269)

In a representative democracy, she wrote, only the representatives, not the people themselves, have the opportunity to engage in those activities of ‘expressing, discussing and deciding which in a positive sense are the activities of freedom’ (OR:235). The political parties are instruments through which ‘the power of the people is curtailed and controlled’. Their programmes are ‘ready-made formulas which demand not action but execution’ (OR:264). Their function is to exclude the masses from public life and their effect is to create widespread indifference to public affairs. She shared Jefferson’s foreboding that representative democracy formally gives ‘the people’ power without giving them ‘the opportunity of being republicans and of acting as citizens’ (OR, p.253).

In her analysis of the American Revolution of 1776 Arendt acknowledged the revolutionary origins of representative government and the ‘forgotten’ links forged between rights and revolution. The achievement of the American revolution was to construct a representative form of government based on the consent of the people, a constitutional framework in which power was balanced against power (in a manner first formulated by Montesquieu), and a Bill of Rights that guaranteed the private rights and property of individuals. And yet the American revolutionaries mirrored the limited monarchy they opposed and presented the revolution as a restoration of ancient liberties. The result was a combination of public atrophy and private hypertrophy. The Bill of Rights defended the private realm against public power, but in a society whose main defect derived not from the ‘colonisation’ of private interests by public power but from the colonisation of the public realm by private interests, it was the public realm which was also in need of guarantees.

To remedy this lack, Arendt argued that a different solution was required: a constitutional framework designed to guarantee the rights of public life as well as private rights. This alternative was proposed particularly by Jefferson, but the eventual decision was to place all guarantees on the side of private right. The failure to consolidate institutions of popular participation meant that public life was subsumed to private interests. The political freedom the revolutionaries themselves enjoyed in the act of constitution was a freedom no longer available once the constitution became an inviolable framework to which all (except perhaps those with the money or power to buy themselves out) became subject.

The critique of the critique of representation

This critique of representation, however, reveals half the picture. Arendt’s originality lay also in combining the critique of representation with I have called the critique of the critique of representation. The
‘bourgeois’ quality of the American revolution drove successive generations of revolutionary thought to the French revolution of 1789 as a more radical model. For example, in the same year as Arendt wrote On Revolution (1964), Jürgen Habermas wrote Natural Law and Revolution in which he elevated the Rousseauian spirit of modern natural law infusing the French revolution, over the Lockeian spirit of traditional natural law on which the American revolution was based (Habermas 1974). As Habermas saw it, the American revolution was limited both in respect of its form (the restoration of an imaginary past) and its content (the protection of private wealth). The French revolution, by contrast, was premised on ‘a fundamentally new system of rights’ (Habermas, 1974:87) and a strong sense of ‘participation in ... political public life’ (Habermas, 1974:116). Habermas endorsed the principles of Rousseau’s social contract, that every individual has the right to participate in person in the making of laws, mere representation robs individuals of this right of participation in public life, and no rights are valid that are not validated by the people.

Arendt was more critical of the Rousseauian tradition. She argued that the general will does not refer to what individuals actually think, but to what they would will if they acted as rational and virtuous citizens. Indivisible and dedicated to unanimity, the general will expresses the will of the people only as a singular entity. It conceives the people as a ‘multi-headed monster, a mass that moves as one body and acts as though possessed by one will’ (OR: 94). It presents itself as always right. It not only holds that the particular interests of individuals are subordinate to the interest of the whole but that the value of individuals should be judged by the extent to which they act against their own interest and for the good of all. It tears the mask of hypocrisy off ‘society’ and celebrates ‘the unspoilt, honest face of le peuple’ (OR:106); but by pinning its faith on the natural goodness of the people it prepares the ground for abolishing all legal and institutional guarantees. It hears in the voice of the people only an echo of its own voice, and the appeal to the people becomes a mask behind which a new class of political representatives sets itself up in opposition to the people. In the general will representation is not in fact overcome, it is reconfigured in a less rational form. It becomes the enemy of all genuine public life. It inaugurates a world of universal suspicion and denunciation. And it mirrors the absolute, exclusive and indivisible sovereignty of the monarch it once opposed.

Arendt distinguished between two moments of liberation in the French revolution: the first was political and aimed at liberation from the old regime; the second was social and looked to liberation from material want. In the first, there was a natural solidarity between leaders and the people in a shared project; in the second, solidarity had to be produced artificially through an effort of solidarisation. In the first people exchanged opinions; in the second the ‘voice of the people’ was identified with the unanimous cry for bread. In the second revolution the Rousseauian general will prevailed. Arendt recognised that ‘liberation from necessity because of its urgency will always take precedence over the building of freedom’ (OR:112),
nothing deprives people more effectively of the ‘light of public happiness’ more than poverty, in America the question of poverty was not resolved but hidden from sight (particular in the case of slavery), and that in the final analysis ‘no revolution was possible... where the masses were loaded down with misery’ (OR: 222). On the other hand, she declared that ‘every attempt to solve the social question with political means leads to terror’ (OR:112), that nothing could be more ‘obsolete... futile... dangerous’ than to ‘attempt to liberate mankind from poverty by political means’ (OR:114, my emphasis). She referred to the ‘compassionate zeal’ of the revolutionary ‘spokesmen for the poor’ who attempted to transform the malheureux into the enragés by inviting ‘the rage of naked misfortune’ to pit itself against ‘the rage of unmasked corruption’. The misuse of destitution in the struggle against tyranny was destructive of human rights and conducive to terror. 8

The limits of the third road

The third road to which Arendt looked was neither the American nor the French revolutions but what she calls ‘the lost treasure of the revolutionary heritage’ (OR:215ff). In America she finds it in the town-hall meetings which Emerson dubbed the ‘units of the Republic’ and ‘schools of the people’ and which she saw as embodying the true spirit of modern revolution: ‘the constitution of a public space where freedom could be realised’ (OR:255). In France she finds it in the sociétés révolutionnaires and the sections of the Paris Commune which originated in the election of representatives to the National Assembly and then turned to the formation of an autonomous Commune. In the revolutions of the twentieth century, right up to Hungary 1956, she finds it in the councils, communes and soviets of modern working class history: ‘spaces of freedom’ based on ‘the direct participation of every citizen in the public affairs of the country’ (OR:264). She sees the councils not as temporary institutions of struggle but as foundations, created from below, for an entirely new form of government. The fact that they are always suppressed either by the forces of the old order or by new revolutionary governments testifies only to the freedom they embody.

For a moment Arendt places her hopes and expectations here, in a revolutionary tradition which has no convergence with the inner tendencies of totalitarianism. Even as Arendt made this claim, she acknowledges that this ‘lost heritage’ of the revolutionary tradition is also beset by contradictions. The councils may be ideally suited to their political function of ‘satisfying the human appetite for participation in public life’, but not to their social functions of administration and management which require more bureaucratic and hierarchical structures. Drawn into the social domain, the council system is destroyed by its own excesses. Arendt argued that the councils are an ‘aristocratic’ form of government, in the sense that they are run by those who are politically ‘the best’ and who show ‘a taste and capacity for speaking and being heard’ (OR:279). As for the rest, they can find consolation only in the notion that they are exercising the most important negative liberty which the modern world adds to the classical heritage: that
of freedom from politics. The councils may change the way in which political elites are selected, but not
the fact of selection itself.

**Spiritless radicalism**

In Nietzsche’s *Will to Power* the philosopher wrote:

> What does nihilism mean? That the highest values devaluate themselves. The aim is lacking;
> "why?" finds no answer.

Nietzsche sought to capture the mood of irredeemable decline when the values and beliefs that had been
taken as the highest manifestation of the spirit of the West (like human rights) lost their efficacy and
validity. He maintained that this loss of values bred a spiritless radicalism full of ‘hostility to culture’ The
ominous sense of a ‘coming barbarism’ which Nietzsche anticipated at the turn of the century, was looked
back on by Arendt with the experience of totalitarianism in her mind.

Arendt shared the sense of revulsion felt by those who confronted the gulf between liberal values such as
human rights and the experience of the world.

> Simply to brand as outbursts of nihilism this violent dissatisfaction with the pre-war age ... is to
> overlook how justified disgust can be in a society wholly permeated with the ideological outlook
> and moral standards of the bourgeoisie. (OT p. 328)

Nihilism was the spectre haunting Europe because it was well grounded. It excited the ‘anti-humanist,
anti-liberal, anti-individualist and anti-cultural instincts’ of an elite that elevated violence, power and
cruelty as the supreme capacities of humankind. Arendt described representatives of the ‘front
generation’ who survived the First World War as

> absorbed by their desire to see the ruin of this whole world of fake security, fake culture and fake
> life.... Destruction without mitigation, chaos and ruin as such assumed the dignity of supreme
> values. (OT p.328).

For this ‘front generation’, Arendt argued, war was a means of ‘chastisement’ and ‘purification’ in a
corrupt age (Thomas Mann), a ‘great equaliser’ in a class-ridden society (Lenin), an arena of ‘selflessness’
which obliterated bourgeois egoism (Bakunin), a site of the ‘doomed man' with ‘no personal interest, no
affairs, no sentiments, attachments, property, not even a name of his own' (Nechaev), a means of escape

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from society into the world of doing something, heroic or criminal, which was undetermined (OT, pp.326-331).

The source of the problem, as Arendt saw it, lay in the double standards of the bourgeoisie:

Since the bourgeoisie claimed to be the guardian of Western traditions and confounded all moral issues by parading publicly virtues which it not only did not possess in private and business life, but actually held in contempt, it seemed revolutionary to admit cruelty, disregard of human values, and general amorality, because this at least destroyed the duplicity upon which the existing society seemed to rest. (OT p.334)

In the twilight of double moral standards, it seemed radical to flaunt extreme attitudes: ‘to wear publicly the mask of cruelty if everybody ... pretended to be gentle’. She cited the case of Celine’s _Bagatelles pour un Massacre_ in which he proposed the massacre of all Jews, and the welcome which Andre Gide gave to it, ‘not of course because he wanted to kill the Jews... but because he rejoiced in the blunt admission of such a desire and in the fascinating contradiction between Celine’s bluntness and the hypocritical politeness which surrounded the Jewish question in all respectable quarters’ (OT p.335). The desire to unmask hypocrisy is appealing, and it was welcome to those bourgeois tired of the tension between words and deeds and ready to remove their masks in favour of a more naked brutality.

Arendt’s did not think that Nietzsche had submitted to the nihilistic trends of his time or was in any sense to blame for the rise of Nazism (EU, p.431). The breeding ground of naked brutality, where the devaluation of all values flourished, was not the philosophical doctrine of nihilism but the scorched earth of imperialism. Here, in the political rule of the bourgeoisie power was freed from all restraint and expansion for expansion's sake became the credo of the age. The unlimited accumulation of power was the political corollary of an economic principle, the unlimited accumulation of capital:

Expansion as a permanent and supreme aim of politics is the central political idea of imperialism... it is an entirely new concept in the long history of political thought and action. The reason for this surprising originality ... is simply that this concept is not really political at all, but has its origin in the realm of business speculation... (OT, p.125)

It was in the experience of imperialism that Arendt discerned the ‘will to power’ emancipated from all moral or political constraint. Here she discovered a power which ‘left to itself can achieve nothing but more power’; a violence ‘that will not stop until there is nothing left to violate’ (OT p.137).
Arendt was not indifferent to different forms of representation. For example, Arendt distinguished between the relative stability of the ‘British’ two-party system in contrast to the relative instability of the multi-party systems operating on the Continent. The difference between them is that in multi-party systems there is a separation of state and party, such that the state stands above the parties and claims to represent the nation as a whole; in the two-party system state and party are unified in the sense that the ruling party is both representative and governmental. Since multi-party government is formed through party alliances, no one party can take responsibility for government. The parties, therefore, never transcend the particular interests which they represent to become parties of government managing the public affairs of the people as a whole.

Arendt writes: ‘The direction of the American Revolution remained committed to the foundation of freedom and the establishment of lasting institutions, and to those who acted in this direction nothing was permitted that would have been outside the range of civil law. The direction of the French Revolution was deflected almost from its beginning from this course of foundation through the immediacy of suffering; it was determined by the exigencies of liberation not from tyranny but from necessity, and it was actuated by the limitless immensity of both the people’s misery and the pity this misery inspired. The lawlessness of the “all is permitted” sprang here still from the sentiments of the heart whose very boundlessness helped in the unleashing of a stream of boundless violence.’ (OR:92).

In The Human Condition Arendt writes of what she calls ‘the space of appearance’ which ‘comes into being wherever men are together in the manner of speech and action, and therefore predates and precedes all formal constitution of the public realm and forms of government’ (HC:199). The peculiarity of this public space is that it does not survive the actuality of the movement which brought it into being but ‘disappears not only with the dispersal of men… but with the arrest of the activities themselves’ (HC:199). Arendt explores the potentiality of beginning something genuinely new that lies in the simple fact of being, acting and speaking together.