Sovereignty in Ruins

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I would like to consider Hannah Arendt’s reflection on thinking and responsibility, but I want to suggest that one place to start is not her essays on these topics—although I refer to them later—but her controversial publication in 1963 of *Eichmann in Jerusalem*, originally a series that she wrote for the *New Yorker* magazine. Although an accomplished philosopher, she decided to go to Jerusalem to report on the trial of the recently captured Adolph Eichmann, who was responsible for formulating and implementing the final solution in Nazi Germany. So Arendt is writing as a reporter, one who interviewed several people involved with the trial. Her report was controversial since she was not pleased with the proceedings of the Israeli court, calling it a public spectacle rather than the exercise of the rule of law. At the same time, in this text, Arendt begins to formulate many of the most important philosophical questions that preoccupied her in the subsequent years: what is thinking, what is judgment, and even what is action? But even more fundamentally, perhaps, who am I, and who are we?

Although Arendt agreed with the final verdict of the trial, namely, that Eichmann should be condemned to death for his crimes, she quarreled with the reasoning put forward at the trial. She thought the trial needed to focus on the acts that he committed, acts that included the making of a genocidal policy. She did not think that the history of anti-Semitism or even the specificity of anti-Semitism in Germany could be tried. She objected to Eichmann’s treatment as a scapegoat; she criticized some of the ways that Israel used the trial to establish and legitimate its own legal authority and national aspirations. She thought the trials failed to understand the man and his deeds. The man was either made to stand for all of Nazism and for every Nazi, or he was considered the ultimately pathological individual. It seemed
not to matter to the prosecutors that these two interpretations were basically in conflict. She thought that the trial necessitated a critique of the idea of collective guilt, but also a broader reflection on the historically specific challenges of moral responsibility under dictatorship. Indeed, that for which she faulted Eichmann was his failure to be critical of positive law, that is, a failure to take distance from the requirements that Nazi law and policy imposed upon him; in other words, she faults him for his obedience, his lack of critical distance, or his failure to think. But more than this, she faults him for failing to realize that thinking implicates the subject in a sociality or plurality that cannot be divided or destroyed through genocidal aims. In her view, no thinking being can plot or commit genocide. Of course, they can have such thoughts, and formulate and implement genocidal policy, as Eichmann clearly did, but such calculations cannot rightly be called thinking, in her view. How, we might ask, does thinking implicate each thinking \textit{I} as part of a 	extit{we} such that to destroy some part of the plurality of human life is to destroy not only one's self, understood as linked essentially to that plurality, but to destroy the very conditions of thinking itself? Many questions abound: is thinking to be understood as a psychological process or, indeed, something that can be properly described, or is thinking in Arendt's sense always an exercise of judgment of some kind, and so implicated in a normative practice? If the \textit{I} who thinks is part of a 	extit{we} and if the \textit{I} who thinks is committed to sustaining that 	extit{we}, how do we understand the relation between \textit{I} and 	extit{we} and what specific implications does thinking imply for the norms that govern politics and, especially, the critical relation to positive law?

It is a book of uneven tone, and sometimes she seems to break out into quarrel with the man himself. For the most part, she reports on the trial and the man in the third person, but there are moments in which she addresses him directly, or engages in irate free indirect discourse. One such moment occurred when Eichmann claimed that in implementing the final solution, he was acting from obedience, and that he had derived this particular moral precept from his reading of Kant.

We can imagine how doubly scandalous such a moment was for Arendt. It was surely bad enough that he formulated and executed orders for the final solution, but to say, as he did, that his whole life was lived according to Kantian precepts, including his obedience to Nazi authority, was too much. He invoked duty in an effort to explain his own version of Kantianism. Arendt writes, "This was outrageous, on the face of it, and also incomprehensible, since Kant's moral philosophy is so closely bound up with man's faculty of
judgment, which rules out blind obedience.” Eichmann contradicts himself as he explains his Kantian commitments. On the one hand, he clarifies, “I meant by my remark about Kant that the principle of my will must always be such that it can become the principle of general laws” (121). And yet he also acknowledges that once he was charged with the task of carrying out the final solution, he ceased to live by Kantian principles. Arendt relays his self-description: “He no longer ‘was master of his own deeds,’ and . . . he ‘was unable to change anything’” (136). When in the midst of his muddled explanation, Eichmann reformulates the categorical imperative such that one ought to act in such a way that the Führer would approve, or would himself so act, Arendt offers a swift rejoinder, as if she were delivering a direct vocal challenge to him: “Kant, to be sure, had never intended to say anything of the sort; on the contrary, to him every man was a legislator the moment he started to act; by using his ‘practical reason’ man found the principles that could and should be the principles of law” (121).

Arendt made this distinction between practical reason and obedience in *Eichmann in Jerusalem* in 1963 and seven years later she began her influential set of lectures on Kant’s political philosophy at the New School for Social Research in New York City. In a way, we can understand much of Arendt’s later work, including her work on willing, judgment, and responsibility, as an extended debate with Eichmann on the proper reading of Kant, an avid effort to reclaim Kant from his Nazi interpretation and to mobilize the resources of his text precisely against the conceptions of obedience that uncritically supported a criminal legal code and fascist regime.

In the end, she has three main complaints against the decision: “the problem of impaired justice in the court of the victors; a valid definition of a crime against humanity; and a clear recognition of the new criminal who commits this crime” (274). I’d like to suggest that it is interesting, maybe even odd, that Arendt thinks that the court failed to understand the person, the criminal, since she is everywhere reminding us that deeds are criminals, not persons, and not peoples. But this last becomes important when she considers the legal convention that the doer of the misdeed must have a clear intention to conduct the misdeed. Can it be said that Eichmann had intentions? If he had no conception of a misdeed, can he be said to have intentionally committed one? It seems one cannot seek recourse to his intention or, indeed, to any psychological feature of this person, not only because the intentional fallacy is right, but because now there are persons who implement mass death without explicit intentions. In other words, it is now possible
that some persons have become, historically, instruments of implementation and that they have lost the capacity for what she calls thinking. In a way, the problem is for her both historical and philosophical: how did it come to be that persons are now formed in such a way that thinking, understood as the normative exercise of judgment, is no longer possible for or by them? She rejects the psychological explanation: he is neither perverted nor sadistic, in her view, but simply acted according to a brutal law that had become normal and normalized. What was his crime, finally, according to Arendt? He failed to think; he failed to judge; indeed, he failed to make use of practical reason in the precise sense that Kant described and prescribed. In effect, Eichmann failed to be Kantian, even as he claimed he was.

Toward the end of this highly charged text, there is a curious set of passages in which Arendt addresses Eichmann in the second person and gives voice to a final verdict that the judges in Jerusalem would have done, had they agreed to make visible or manifest “the justice done in Jerusalem.” She writes, “You . . . said your role in the Final Solution was an accident and that almost anybody could have taken your place, so that potentially almost all Germans are equally guilty. What you meant to say was that where all, or almost all, are guilty, nobody is.” Then she makes her rejoinder, making use of the plural we to wage the counterargument: “This is indeed a common conclusion, but one we are not willing to grant you.” Later, she adds, “Even if eighty million Germans had done as you did, this would not have been an excuse for you” (255).

She begins the paragraph right before the voicing of the verdict by making the point that where it is not possible to establish intentions, it still must be possible to understand that a crime has been done. She refuses the option of vengeance, maintaining, “We refuse, and consider as barbaric, the propositions ‘that a great crime offends nature, so that the very earth cries out for vengeance; that evil violates a natural harmony which only retribution can restore; that a wronged collectivity owes a duty to the moral order to punish the criminal’” (254).²

What seems clear, then, is that when the established conventions regarding intention cannot be used, and when vengeance is barbaric and inadmissible, on what grounds does one then sentence Eichmann? One expects perhaps that the verdict that she herself will voice will be the one she would have liked to see, but that conclusion is not unequivocally supported by what comes next. She makes the claim that “these long forgotten propositions” that belong to vengeance, retribution, and natural moral orders were, in fact,
both the reason he was brought to trial and the “supreme justification for the death penalty.” It would seem that these are precisely the justifications she rejects, although she adds “and yet” these were the reasons, and then adds her own sentence: “Because he had been implicated and had played a central role in an enterprise whose open purpose was to eliminate certain ‘races’ from the surface of the earth, he had to be eliminated” (277). She then continues, citing the age-old jurisprudential maxim that “justice must not only be done, but must be seen to be done,” faults the Jerusalem courts for failing to make apparent (and to bring into the domain of appearance) the justice of their actions. At this point, it seems clear that she thought their actions, including the meting out of the death penalty, were just, but that they had failed to give good public reasons for that conclusion. Right before launching into her own voicing of the verdict, she writes that the “justice” of their actions “would have emerged to be seen by all if the judges had dared to address their defendant in something like the following terms” (254). The direct address that follows is obviously one intended as courageous, compensating for the nondaring of the Jerusalem judges. But is she actually disagreeing with them? Or is she supplying a rationale that they should have used? It is difficult to understand, since she could simply be presenting their rationale in a more courageous way and disagreeing with that rationale (after all, it is the long-forgotten propositions of vengeance that led them, in her view, to their final verdict). But this voicing may be a way to participate in that final judgment and to accept the contemporary form that such long-forgotten propositions now take. It would be odd, if not impossible, for Arendt to champion barbarism, and she has explicitly rejected it. And yet if she is voicing what the judges should have said, and referring also to the justice of their decision, perhaps she is also simply making apparent a rationale with which she disagrees. What seems more likely is that she starts off trying to reenact what they did mean only to begin voicing what they should have meant. She does end this direct address with “you must hang”—an archaic formulation of the death penalty, to be sure, and one that some might consider barbaric indeed. So let us follow this passage and see what can possibly be meant by this outbreak into direct address when Arendt sentences Eichmann to death again.

She makes her final judgment: “There still remains the fact that you have carried out, and therefore actively supported, a policy of mass murder” (279). Eichmann’s final crime, though, the one for which he must hang, has to do with the fact that he, addressed as “you and your superiors,” took as their
own right the decision with whom to share the earth. He thought, and he represented those who thought, that they could determine that they did not need to “share the earth” with the Jewish people, and insofar as they decided that they did not need to share the earth with any specific population, no one, no member of the human race, as she puts it, “[could] be expected to share the earth with you.” And it was for this crime, the crime of not sharing, that she concludes, “This is the reason, and the only reason, you must hang” (279).

A voice is conjectured by Arendt that is not her own (and so partially dis-owned), but so also are there identifiable features of her own voice, and that doubling is there for us to see. So where is Arendt in this voice? Does the voice still carry something of Arendt’s view, or is this a voicing of the view with which she disagrees? Is she giving voice to the rationale she opposes, or has she begun, perhaps in spite of herself, to elaborate the rationale she supports? It is surely consistent with her view to claim that nothing more than misfortune made him into a criminal. The reference to him as a “willing instrument in the organization of mass murder” is one way of claiming, as Arendt has, that obedience to the law is tantamount to a support of the genocidal aim of the Nazi law, and this establishes his guilt. Although the conjectured voice explains why people want him dead, Arendt has made a less emotive argument elsewhere: genocide is unacceptable because it constitutes an attack on the plurality of humanity itself. Perhaps giving voice to what the more courageous judges would have said is actually giving voice to what a more emotional Hannah Arendt would have loved to say.

The voice actually interrupts itself at one point, suggesting that both views emanate from this voiced figure of the judge. The language of wanting seems to decide the penultimate line. In the final accusation the conjectured judge underscores Eichmann’s wanting not to share the earth “with the Jewish people and the people of a number of other nations,” and concludes that the members of the human race do not want to share the earth with him. But then a certain principle emerges within dashes, suggesting that the decision is based not on desire alone, but a principle, even a norm, that ought to be invoked in order to decide cases of genocide: “—as though you and your superiors had any right to determine who should and should not inhabit the world—” (255–56).

The philosophical and political point of her voiced rejoinder to Eichmann (and to the judges) is that one must make clear that there is no right to choose with whom to cohabit the earth or world. Cohabitation with others
we never choose is, in effect, an abiding characteristic of the human condition. To exercise a right to decide with whom to cohabit on this earth is to engage a genocidal policy, and it is on the basis of this implementation of genocide that the death penalty is apparently justified. We do not receive in these pages a justification for why that penalty is appropriate rather than some others, although we do know that the appropriateness of the death penalty was debated at the time. Perhaps we are being asked to remember that murder is not the same as genocide, and that the death penalty is not the same as murder. If that is the case, and if Arendt had fully displayed the principles of her reasoning, it may be that implicitly at work in the decision to sentence Eichmann to death is a moral typology of modes of death dealing that would justify the death penalty (state-induced killing under certain legal conditions) and would reject any death dealing that is genocidal.\(^3\) But this justification we do not receive. It is implicit, if it is anywhere, and the voice that makes visible the version of justice that took place in Jerusalem seems to lag at this very moment.

Interestingly, this conjectured voice of the judge speaks in the we. Since she is the one who apparently knows what the judges should have said, she speaks in her own voice; and yet, in speaking as a plural subject, a we, she also seems to disappear as a singular author. Can we finally separate these two strands, or are they in some ways implicated in one another, suggesting that judgment is not simply an individual act, but an implicit or explicit recognition of plurality itself?

One might reasonably expect the judge to be a figure of sovereignty, and though Arendt clearly enacts the sovereign voice, she does so only against a background of an irreducible vacillation: is she an I or is she a we? Indeed, this vacillation seems to function as a condition of judgment, one that imposes a certain limit on the sovereignty effect of the utterance itself. If it is in the name of plurality that she speaks, are we to presume that the voice in which she speaks is, in fact, a plural one? We know from Arendt’s writings on federalism and on Palestine (which are internally linked discussions, given her support for a federal authority in that region) that her version of democratic politics favors plurality over sovereignty. What seems to be enacted rhetorically within these pages is a splitting up of sovereignty itself, the exposure of the vacillation that is its condition, and the federating of its constituent parts.

When Arendt tries to explain the plurality in whose name (and voice) she speaks, she provides something other than principles to unify this plurality;
she clearly objects to any effort to divide this plurality, although it is, by
definition, internally divided. It is one thing to seek to repudiate some part
of this plurality, to bar admission of some part into the plurality of the hu-
man. And it is another to consolidate or abstract from this internally divided
plurality in the name of a single and defining principle. Arendt wants it both
ways. Moreover, another conundrum appears since there are, for instance, at
least two forms of plurality that she invokes. One belongs to what she calls
the self, and another belongs to a broader sociality, one that she associates
with the political sphere.4

This conundrum is bound up with another since she herself established
the domain of thinking as distinct from the domain of plurality. Indeed,
thinking, like other solitary and even private activities (distinct from ac-
tions), takes place between me and myself or in dialogue with one other.
This poses a problem, of course, because not only was Eichmann described
as unable to think, as “stupid” (letter to Jaspers), but that failure to think
was an essential precondition and part of his crime.5 If he were thinking,
he would not have committed such a crime, since something in thinking,
understood normatively, would have precluded the commission of genocide.
If, indeed, Arendt argues that thinking commits us in advance to the preser-
vation of plurality, then there has to be a connection between thinking and
plurality. So how do we negotiate this apparent paradox?

To speak of the plurality of the self may at first seem like a misno-
er, since it may appear that the self may have a single relation to itself, and so be
redoubled or dual in some way, but in what way is the self also plural, if it
is? Arendt defines responsibility as the act of thinking, and further defines
thinking as an exercise of a plural self. Thinking, she tells us, is the process
through which we maintain company with ourselves. Thinking is a silent
intercourse with ourselves or, rather, with each person and himself or herself
(if binary gender holds). We are, in her view, necessarily internally divided,
and must remain so, if we are to think at all. She writes, for instance, in
“Some Questions of Moral Philosophy,” that “even in the singularity or duality
of thinking processes, plurality is somehow present in a germinal form
insofar as I can think only by splitting up into two, although I am one.”6
Does she mean to suggest that the plurality in germinal form exceeds the
dyad? Somewhere it seems a crowd of others is lurking behind or beneath
this relation I have to myself. For the most part, she continues to refer to
the self who thinks as necessarily redoubled and dyadic; it seems like a so-
cial relation and even carries the echo of those relations: “This two-in-one,
looked upon from the standpoint of human plurality, is like the last trace of company—even when being one by oneself, I am or can become two—which becomes so very important only because we discover plurality where we would least expect it” (106). If the “two-in-one” is like the trace of company, a simile is devised to explain a certain resemblance between duality and the plurality that belongs to a greater sociality. If it were the last trace of company, then there would have been company before, and this present dyad is in some way the outcrop of that prior terrain. “Like the last trace of company” suggests perhaps that departed company actually leaves no trace or that there never really was some prior company. But perhaps the “like” is also the trace of this disappearing sociality, one that we no longer know how or whether to name. It would appear that I am populated precisely when I feel myself most deserted, and that my capacity to hold conversations with myself in some way recalls, or calls upon, those conversations with others that precede my reflexive address.

Arendt seeks to redescribe conscience as a relation of oneself to oneself. “Conflicts of conscience,” she writes, “are actually nothing but deliberations between me and myself; they are not resolved through feeling but through thinking. . . . Conscience means no more than this being at peace with myself which is the sine qua non of thinking” (108). In a way, her views on these matters follow from the Kantian proposition that the I has the capacity to assert its equivalence to itself, the famous equation of the first critique that asserts self-identity as a precondition of thought: “I am I.” Curiously, this principle of identity cannot be asserted without redoubling the self at issue, as Hegel pointed out quite clearly in his Logic. For Hegel, the I that would assert itself as identical must first differentiate itself from itself, thus calling into question the simple identity. What at first appears to be a tautology emerges as a movement of thought. For Arendt, this internal division has to be actively constituted, which means that it is also always at risk of being deconstituted. In her essay “Thinking and Moral Considerations,” also in the volume Responsibility and Judgment, Arendt explains a kind of internal division that is different from living as a being in the midst of other beings, a plurality that would be proper to our sociality and political life. She writes, “This curious thing that I am needs no plurality in order to establish difference; it carries the difference within itself when it says, ‘I am I.’ So long as I am conscious, that is, conscious of myself, I am inevitably two-in-one” (184).

Here it would seem that the I has the capacity to constitute its own difference from itself, and must constitute that difference, if it is to assume respon-
sibility. It needs no plurality, which means that its self-constituting activity seems to be unconditioned by any preceding sociality. This self-sufficiency will prove important for Arendt’s theory of responsibility and, indeed, for her account of judgment. But for now, let us note that a certain equivocation arises here about whether plurality is germinal in thinking (which could be true even as plurality is not necessary for thinking), and a notion of thinking that commits us in advance to social and political plurality.

For Arendt, this capacity for self-division in the self is the very precondition of responsibility. It is a split, but not a splitting off—and the difference is crucial. I would suggest that one way to understand Arendt’s point here is that the split is the sign of conscience, but the splitting off is the end of conscience. If the dialogic relation to the self is broken, that constitutes the failure of responsibility. If we ask according to what norms or what criteria we decide whether or not a specific act is right, the answer, according to Arendt, has to do with whether or not we can continue to live with ourselves, to keep company with ourselves, after having committed such an act. Of course, this remark can be read as trying to offer a phenomenological description of a psychological condition. Indeed, we can perform acts that make us want to cut ties with ourselves, to break up with ourselves, to disown and banish the self who committed such a deed. Indeed, we quit speaking to the one who used to be our self and we no longer recognize that one as having anything to do with us. This breakup with the self banishes oneself or, rather, some part-self, to a location to which all lines of communication are stopped. That self receives no more money or tuition, no more care, no place in the will, and whatever we might mean by “the remaining self” disavows and repudiates that self whose apparent misdeed was the cause of this rather stark divorce. Note that this form of disavowal or disownment is not the same as self-recrimination or superegoic self-beratement. In those latter instances, a dialogue is still happening, even though one self judges the other, and the other does not have much to say for itself. Although this scenario is described as an internal dialogue or, indeed, an internal exile, it takes on all the features of a social relation and, in Arendt’s description, it is very clearly a question of linguistic address. So is the phenomenological description of the psychological condition sufficient for understanding the reconceptualization of conscience at work? Or are we being asked to see conscience as an implicitly social relation? We seem not to be able to move quickly to such a conclusion, since Arendt distinguishes this solitary and silent dialogue—as well as the rupture in the dialogue—as happening for and within the domain of the
self alone. And yet it seems we must ask, is this solitary self as contained and as self-sufficient as her theorization at this moment would imply?

Could there be a distinction between the plurality proper to the self and the plurality proper to sociality? For the moment, let us remember the context in which she is pursuing this question: those who refused to obey the Nazi laws thought that only through disobedience could they continue to live with themselves. They maintained this plurality of the self, whereas those who ceased to think, who followed the rules and became unreflectively obedient, could do so only by severing ties with themselves and so forfeiting the act of thinking itself.

But is this right? Did Eichmann lose the dyadic structure of thinking, or did he never have it? Did his acts make him disown himself, or was there a prevalent cultural disposition to disowning the self that made his acts possible? Was self-disowning in some sense obligatory under these conditions? The question is probably unanswerable, since it presumes that we know what it might be to own a self and that such self-possession is even possible. Neither can we adjudicate the issue psychologically, and Arendt has already told us that she is not interested in a psychological interpretation of his condition. Instead, she offers a certain philosophical anthropology to explain him, one that presumes that personhood requires an inaudible and invisible dialogue that happens within the self, and so one that would have no verification of the existence of such a dialogue in the realm of appearance (and yet it would seem that the realm of audible and visible dialogue leaves its trace precisely here in the inner dialogue that is not unlike the last trace of company). To have thought would have meant to have been in dialogue with himself and so to have maintained his own proper duality. If, however, in having composed genocidal policy, he also failed to think, then thinking must be related to this plurality of the human, this differentiated many to which he belongs, but which he seeks to destroy. Hence, to maintain a dialogue with himself must in some way imply maintaining a dialogic relation to that plurality. And thinking must require both, and implicate us in both.

Perhaps part of the conundrum here has to do with remaining restricted to a numerical understanding of plurality. Perhaps what is most important is the relationship to oneself that is established through a mode of address, one that is essentially linked to addressing and being addressed by others.

In relation to the dialogue with the self, one might be tempted to speak as if there are two selves, something tantamount to a distribution of sovereignty. But it is probably more appropriate to consider that the self is re-
thought as a dialogic relation, constantly splitting up into parts. This means that there are not two selves, but rather a redoubling in relationality without which there is no thinking and, indeed, no personhood. In fact, I would suggest that the dialogue that thinking is has a performative and allocutory dimension. To think is not necessarily to think about oneself, but rather, to think with oneself (invoking oneself as company, and so using the plural *we*) and to sustain a dialogue with oneself (maintaining a mode of address and addressibility). To act as an individual is to enter into concerted action without fully sacrificing one’s singularity and to act in such a way that dialogue with oneself can be continued; in other words, the maxim according to which I live is that any action I take should support rather than destroy my capacity to keep company with myself (should support the receptivity and audibility of that internal dialogue). To the extent that thought is dialogic, it is a linguistic exercise, and this proves important to my capacity to continue to make myself as one who can and does keep company with myself. Although dialogue would imply being addressed by others (or myself as an other) and so require receptivity, in “Some Questions of Moral Philosophy,” Arendt casts the dialogic encounter within the self as an active and performative dimension of self-making: “In this process of thought in which I actualize the specifically human difference of speech, I explicitly constitute myself a person, and I shall remain one to the extent that I am capable of such constitution ever again and anew” (95). For Arendt, those who fail to relate to themselves, to constitute themselves, as one does in thinking and judging, fail to actualize as persons. There is a certain kind of speech that is necessary for this actualization of the person to take place; interestingly, it is a silent speech, solitary, but not for that reason a soliloquy. Someone is addressing someone else, and this structure of address provides the rhetorical and linguistic condition of thinking. According to Arendt’s reading of Eichmann, he failed to call upon himself. To be called upon, someone must be home. And Arendt concluded that with Eichmann, no one was at home. In fact, Arendt in her reflections on evil in relation to Eichmann makes this quite stunning remark: “In rootless evil there is no person left whom one could ever forgive” (95). Indeed, she had no forgiveness for Eichmann, and was willing, within her own discursively manufactured tribunal, to sentence him to death. And we have to conclude that this is in part because there was no person left there, in her view, that his actions had destroyed the preconditions of his own personhood. Does this mean that to put a nonperson to death is nothing more than a kind of redundancy? We might justifiably
pause here and wonder about Arendt’s view, whether it is finally acceptable, whether she has actually offered sufficient reasons to accept the death penalty at all.

Interestingly, the dialogic preconditions of conscience presume that there is a call, and that someone is there to receive the call. But in Arendt’s formulation, I constitute myself, which means that I bring that someone into being, which means that my call is, strictly speaking, an illocutionary speech act. He failed to call himself up, and so acted irresponsibly, and yet Arendt produces the textual occasion when she pays him a call, addressing him directly, bringing into relief, we might say, the addressability of this subject who failed to address himself. If Eichmann is beyond reach, Arendt’s direct address is finally without recipient, unless of course we accept that she is actually addressing us, “the world” that functions as the de facto jurors in the trial.

But does Arendt indirectly constitute Eichmann as a potential interlocutor by addressing him directly? And would this act not be in tension with her conclusion that “no one is home”? In effect, she places him within the sphere of interlocution and, hence, a person of some kind. At the moment that she addresses him, some disposition of language binds them both together; she is part of a human plurality with him, indeed, with the likes of him. And yet the effect of her address to him is to exclude him from that very domain of plurality. The death sentence is one of the paradigmatic instances of the perlocutionary performative, a speech act that under certain conditions can lead to the result that it bespeaks. In this way, the final sentences of that epilogue (sentences in both senses) figure an operation of discourse as action.

Here we can see that a certain equivocation has entered the scene between thinking and acting. Arendt thinks, and she theorizes thinking, but in the Eichmann book, that thinking takes the form of judgment, and judgment is a kind of action. It emerges as the performative action of judging Eichmann himself at the end of that text. When she explicitly theorizes thinking, she notes that it involves keeping company with oneself, but also notes that it involves constituting that self, time and again. And yet Arendt explicitly distinguishes between thought and action, suggesting that even as thought involves this internal capacity to keep company with oneself, action involves keeping company (acting in concert) with others, that generalized plurality that Eichmann sought to destroy, a plurality voiced as the we in whose name Arendt condemns him to death. Arendt makes this distinction explicitly, but it is not one that can be consistently maintained throughout her work. This
is how she states the distinction when she tries to make it firm: “The main
distinction, politically, between Thought and Action lies in that I am only
with my own self or the self of another when I am thinking, whereas I am in
the company of the many the moment I start to act.” She continues, “Power
for human beings who are not omnipotent can only reside in one of the
many forms of human plurality, whereas every mode of human singularity
is impotent by definition” (106). If we take this typology seriously, then we
think by ourselves or in dyadic relations, in actual dialogues between this
self and another. But only when we are engaged with the many, a plurality
that exceeds dyadic relations, do we become capable of action, understood
as the exercise of power. I am wondering whether this is true and whether
it is, actually, thinkable. After all, the I is said to constitute itself through
language, and that is already a performative act, and so a version of action.
Arendt judges Eichmann, and that seems, at least on the surface, to be a
dyadic relation, indeed no less dyadic for being imaginary and strange. Both
forms of thinking have assumed linguistic form and, in both instances, the
language does not merely describe a reality, but brings one into being (self-
constitution is illocutionary; judging is perlocutionary). In this sense, the
language is a kind of action, if not a constituting or performative one. And
hasn’t she already told us that plurality is germinal in thinking? Would that
not immediately imply that action is germinal in thought? Can we even have
thought that is not in some way related to action or, put more boldly, already
incipient action in some mode or another?

Although it sometimes seems that she is separating two different modes
of plurality, the one that is the self and the one that is the self with others,
does she succeed? She has already told us that solitary thinking carries the
trace of social company. There is, I believe, a stronger claim to be made
here. One becomes capable of having a dialogue with oneself only on the
condition that one has already been engaged in dialogue with others. More
specifically, one becomes capable of responding to others only on the con-
dition that one has been first addressed, constituted by others, as one who
might be prompted to respond to that interpellation with self-reflection or,
indeed, thinking. One is impinged upon by another’s voice, through pri-
mary interpellations, and this is the beginning of a certain kind of splitting
up of the self into forms of nonunity—one might even consider this as a kind
of federating effect of primary interpellations. Only as someone brought
into language through others do I become someone who can respond to
their call, and who can interiorize that dialogic encounter as part of my
own thinking. Their voice and the voice of my response are not precisely separated, since I draw upon that other’s voice to have a voice at all. It is not a dialogue between fully discrete beings, but a form of enmeshment that becomes the condition of my own individuation. And since there is no single other whose address calls me into language, we have to think of the voice by which I am interpellated as implicitly, if not explicitly, plural or social. When this happens, the dialogue that I am is not finally separable from the plurality that makes me possible. Although the dialogue that I am is not fully reducible to that plurality, there is a necessary overlap, or chiasm, between the two spheres. Is there not a social formation of thinking in Arendt’s sense, even if the normative form that thinking takes is radically solitary? And is solitariness not also, in some sense, a social relation?

Eichmann seems to have known neither solitariness nor plurality. So when Arendt addresses him, she figures him as one who ought to have become capable of both. Since he is not quite a person in her view, and she faults him for this, we can reasonably ask, to whom is Arendt addressing herself when, at the end of Eichmann in Jerusalem, she sentences Eichmann to death? He is not there to hear her and neither really are the judges. But the judges may well read her, become part of her audience, just as we are. So though her death sentence is directed to him, it is shown to her readers, delivered to us, and that suggests that Arendt, as writer, has moved outside the dyadic encounter with Eichmann to an address to the many, the plural we whom she defends and to whom she addresses her remarks. In effect, she displays her death sentence of Eichmann to us, speaks in our name, but does not exactly perform or facilitate the performance of the death sentence. If anything, her way of formulating and justifying the death sentence constitutes a critique of the Israeli courts, positing herself as the judge of the judges, showing us all, the many, what good judgment might finally look like. The voice she delivers at the end articulates good judgment, but also shows us that the voice, the manner of address, even the severing of this criminal from the domain of the living, is what philosophically grounded legal judgment has to be. Of course, Arendt has told us that in bad conscience, we break up with ourselves, cut off all ties, refuse to keep company with ourselves. But does something of this same solitary dialogue take place in relation to the judgments of others? Clearly, Arendt is breaking up with Eichmann in the sense that she has explicitly said that he no longer belongs among the living, that he has given up his claim to personhood, and that his efforts to eliminate the Jewish people constitute an effort to destroy the
plurality that constitutes a differentiated humankind. As a result, he deserves to be destroyed instead.

So this is a curious conclusion, since to accept Arendt’s death sentence for Eichmann, we would have to know whether she is entitled to break up with him in this way. Is she right to circumscribe that human plurality that deserves to live and to say who it is who deserves to die? Is it the case that because he sought to deny and destroy the plurality of the human through his genocidal policies that he has disqualified himself from continuing to live in that plurality?

Let us backtrack for a moment: if there is a relation between breaking up with oneself and breaking off all relations with another, is that not because the soundless internal dialogue is already linked with the social dialogue that takes place within appearance? Arendt speaks to Eichmann in her text, figures him as not only listening to her words but also dying as a result of her words. The act of banishment, even the death sentence, is still an address, which suggests that the one to whom such words are uttered qualifies as a recipient of speech. The fact that he is not there, in the text, suggests that maybe he is no longer part of the human dialogue that constitutes human plurality. But maybe we have to consider that the judgment of oneself (in bad conscience) is inextricably linked to the address of another and to another. She herself crosses the I and the we through this unattributed voice, the voicing of plurality itself. And this suggests, once again, that we may not be able to sustain a rigid distinction between the plurality of the self and the plurality of the sociopolitical domain. She performs the crossing of the two, and it may be that without that performance, she cannot make the judgments she considers responsible.

Perhaps Arendt demonstrates to us this important crossing between the I and the we in matters of judgment. Every human has already to be a we, a plurality, a thinking being, in order to be part of the we who makes and remakes the world. The one is not simply a precondition of the other; but the two pluralities cross when thinking becomes action, which it does in language, and when it asserts its rights, even when there is no legal basis for doing so, even when that assertion threatens to destroy the legal code that exists. Of course, this conclusion leaves some critics nervous, since it would seem that Arendt appeals finally neither to existing law nor to abstract principle, but to judgment itself. And that seems to presuppose the sovereignty of the one who judges, independent of law and independent of precedent. She wanted Eichmann to have judged in that way, to have transcended his historical
circumstances and called them wrong; and she found herself making such an independent judgment as well.

It seems to me that Arendt does something interesting and disturbing by invoking the voice of the judge to condemn Eichmann to death after he has already been so condemned. On the one hand, she summons and produces a figure of sovereign authority outside of all law; on the other hand, she performatively introduces a norm that might distinguish just from unjust law on radically egalitarian grounds. It may well be, for the reasons that both she and Benjamin in “A Critique of Violence” suggest, that we must oppose law, act against it, even engage in provisional anarchism when law becomes unjust. But there is no reason to think that the only way to oppose or suspend law is through recourse to an extralegal sovereignty. That brings Arendt closer to Schmitt than I would like, and it goes against the radical egalitarian consequences of her theory of social plurality.

What would happen if, instead of turning to the sovereign voice as the way to oppose legal violence, she were to have rethought the social, that field of plurality, not only as a site of belonging, but as a site of struggle? In other words, does the chiasmic relation between the I and the we also expose a fault at the heart of sovereignty, a noncoincidence that makes the voice vacillate between modes, that keeps the ground more slippery than sovereignty? This apparent recourse to sovereignty at the heart of judgment seems to be in tension with the social ontology she has laid out for us. Indeed, it may be that plurality disrupts sovereignty time and again, federating its remains, dispersing sovereignty into federal forms. If to think or, at least, to think well involves thinking in such a way that we seek to preserve the heterogeneity of human life, then when we are thinking, we are thinking heterogeneity. But here we are compelled to note that this heterogeneity is only thought within an anthropocentric horizon. After all, the life that is worth preserving, even when considered exclusively human, is connected to nonhuman life in essential ways; this follows from the idea of the human animal. Thus, if we are thinking well, and our thinking commits us to the preservation of life in some form, then the life to be preserved has bodily form. In turn, this means that the life of the body—its hunger, its need for shelter and protection from violence—would become a major issue of politics.

This produces a problem for the Arendt of *The Human Condition* who consequentially and mistakenly separated the sphere of the public from the sphere of the private. In the sphere of the private we find the question of needs, the reproduction of the material conditions of life, the problem of
transience, of reproduction and death alike—everything that pertains to precarious life. The possibility of whole populations being annihilated either through genocidal policies or systemic negligence follows not only from the fact that there are those who believe they can decide among whom they will inhabit the earth, but because such thinking presupposes a disavowal of an irreducible fact of politics: the vulnerability to destruction by others follows from all modes of political and social interdependency, and constitutes a demand on all political forms.

A different social ontology would have to start from this shared condition of precarity in order to refute those normative operations, pervasively racist, that decide in advance who counts as human and who does not. The point is not to rehabilitate humanism, but to accept not only human animality but shared precarity. Perhaps this feature of our lives can become the basis for the rights to protection against genocide, whether deliberate or negligent. After all, even though our interdependency constitutes us as more than thinking beings, indeed as social and embodied, vulnerable and passionate, our thinking gets nowhere without the presupposition of that very interdependency. Indeed, our thinking relies on a bodily life that can never fully be sequestered in any private sphere—indeed, for thinking to become political, there must be a body that, even in Arendt’s own term, “appears.” Arendt clearly thought that thinking might bind us to others, and so give us a way to think the social bond to which we are committed when we think. My sense is that our commitments emerge as well by virtue of other kinds of proximities, living up against the neighbor, with others we never knew, and never chose.

Notes

2 Here Arendt quotes Rogat, *The Eichmann Trial and the Rule of Law*.
3 See Talal Asad’s notion of “death dealing” in *On Suicide Bombing*.
4 The social in her view designates a sphere of conformity and nondifferentiation, but sociality, as I use it here, affirms precisely a heterogeneous conception of social interrelations. See Arendt, *The Human Condition*; and Arendt, *Origins of Totalitarianism*.
5 See Avital Ronell on Eichmann’s “stupidity” in *Stupidity*.
7 Arendt links thinking with being able to give an account, even with remembering, and then remarks, once again referencing Eichmann, “The greatest evil-doers are those who don’t remember because they have never given thought to the matter, and, without remembrance, nothing can hold them back” (compare Benjamin’s “Conversations with Brecht” for a dispute over the value of remembrance).

8 Note Arendt’s similarity to Bakhtin on the notion of addressability.