

Judgement, Freedom, Solidarity: Thinking with Arendt

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Abstract

This contribution interrogates practices of judgement, freedom and responsibility, and puts them to the test of experience in contemporary political life. The text questions the idea of responsibility as an exclusively individual matter, and points out how methodological individualism both produces moral narcissism, and, in its most exacerbated and liminal forms, fuels the recent spreading of violence, fascism, and femicides. The proposal is to move away from an individualistic view of morality and embrace ethical relationality, that is, subjectivities in connection: living creatures in relationship with others, interconnected on a living planet. By beginning with this shift, it is possible to think of judgement and responsibility beyond the individualistic vision, whilst maintaining the focus on singularity: a judgement that is concerted action, plural and performative, acted by plural (which does not coincide with collective) subjects.

In dialogue with Hannah Arendt (and in particular her *Eichmann in Jerusalem* and *On Civil Disobedience*) and Adriana Cavarero, the text attempts to establish another framework, based on interdependence, interlocution, and reciprocity.

Keywords: responsibility; judgement; singularity; Arendt; Cavarero

Biography

Judith Butler is an American philosopher who has made important contributions to the fields of feminism, queer theory, political philosophy, and ethics. Butler is Distinguished Professor at the Graduate School and formerly Maxine Elliot

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When we seek to determine responsibility, we usually ask: responsible for what? But also, responsible to whom? Presupposed is a set of actions as well as someone who is affected by it, and there is generally an "I", a subject, who is asked to take responsibility or is held responsible, regardless of whether or not they accept their own responsibility. We generally understand responsibility to be bound up with prepositions: we are responsible *for* the earth, or we are responsible *to* someone, or to an entire group or class of people. And we think of responsibility in relation to failure. In English, we take responsibility, or we fail to take it. We say that responsibility is mine. We can certainly talk about the responsibility of institutions to abide by policies, or states to pursue just laws, or to protect and empower those on the margins.

All that assumes that some set of actions should ideally be taken, and that the failure to act in certain ways is a failure of responsibility. And yet, in many of these instances, the subject who takes responsibility for something, or even for others, whether human or animal, is very often conceived as an individual. At least in some parts of the world, responsibility is framed within a methodological individualism. If I am most concerned with taking responsibility and not failing, then I am concerned with myself, my good name, my sense of having done what I should have, what I was called upon to do. The moral discourse that asks me to take responsibility for any number of issues or people, for that matter, is also the one that can make me more self-concerned, and this self-concern can become, under certain circumstances, a form of moral

narcissism. And the self-blame or self-judgement that holds me irresponsible can become, as we know, a form of negative narcissism, a self-absorbed concern with what I have failed to do.

And yet, if we look at our world, whether we consider climate change or femicide, rising fascism and police violence, it is more important than ever to emerge from moral self-preoccupation to respond to the events as they unfold, and to the kind of world that emerges when those committed to a politics of hatred are elevated and empowered. We rightly feel that we *must* respond, and we do, but we cannot respond well if we remain within the framework of individualism, or if we respond to every moment without an analysis of the forms of power that pervade our lives. When one denounces an injustice in order to show that one is a person who denounces injustice, whether or not we are effective, whether or not we are in solidarity with others, then we act only as individuals, and our denunciations fade almost as soon as they are enunciated. If my purpose is merely to show that I oppose emerging fascism, that is not quite enough. We will not make a new world through taking moral stances that only fortify individualism, and take us away from collective action.

Of course, I accept that there is a singularity to each of us, as Adriana Cavarero has shown, and I oppose forms of collective identity that deny that singularity. At the same time, we have to challenge our very sense of discrete selfhood when we come to understand ourselves as living beings, related to other living beings, and to the living earth that is now threatened with destruction or, rather, is being destroyed as we speak. We have to let that discrete selfhood be challenged in coming to understand our basic obligations to others as defining, in part, the ethical bond between us, a bond that operates in and as social relationships. I may enter into a contract with you, or I may promise you something, but prior to any contract or promise, I am already in relation to you. I do not start life as an individual. If anything, I become individuated in time, and even that remains an always tentative situation. And if you are a living creature like me, as I assume you are, and we are living creatures among other such creatures, depending on life processes that constitute the earth, then already we are

in a complex set of relations when we set about deciding how to act, and how best to take responsibility. If I separate myself from you when I decide how best to honour the responsibility I have to treat you well, then I have already taken distance from the ethical relationship that binds us. If we give priority to this point of view of ethical relationality over methodological individualism, then the way we think about responsibility changes. It may be that I become less preoccupied with whether this “I” has taken responsibility than with changing the very way we think about living on earth with other earthly creatures; if our lives depend on each other’s lives, then the nature of our obligation to one another changes, as does our obligation to the living planet.

How do we make judgments under such conditions? Do we act as individuals when we judge, inspecting our conscience and acting alone? Or are we related to others in the act of judging, responding anew to the circumstances of the world? Most of us who read Hannah Arendt have been concerned with how she formulates judgement, for it is clear that when we judge, we are not simply applying a principle to a set of situations. We are also responding to a situation that often demands that we judge in a new way. We are judging what is right and wrong, justified and unjustified, but our judgement is a response, and it depends on our responsiveness. Although many have argued that the rule of law is what we most need to affirm, they do not always distinguish between the kinds of legal regimes that are worth supporting, and those that demand our opposition. When legal regimes become corrupt, or when they are complicit in the murder of those who are exercising rights of assembly, expression, or protest, then we are surely right to stand in opposition to such laws. And yet, when we stand in judgement of the law, when we, for instance, decide that a set of policies or, in fact, a legal regime is a criminal one, then we have to ask, are we outside the law, or against it, or are we, sometimes unwittingly, exercising a principle that has not yet been embodied by the law, but should be?

In the eyes of some states, we become criminals when we challenge the law, when we ask that the law embodies justice. If we oppose the law because we have judged the law to be unworthy, or harmful, or even criminal, we are engaged in

judging. To judge is not simply to show how a specific instance fails to conform to a general norm, but to interrogate the very norms that have defined the field of action and responsibility under the law. For Arendt, such forms of critical judgement were not the prerogative of individuals acting alone; judgement required a political understanding of what our relations to one another are, and what they should be. And it was bound up with history, for in the wake of the murderous Nazi regime, there were new crimes, new historical configurations of criminality, that were executed by laws in the service of a genocidal regime. And now, if we consider the ongoing destructive force of extractivism; the destruction of the earth for the purposes of profit; the rise in violence against women, trans, indigenous, and lesbian and gay peoples, of racial minorities of all kinds, of religious minorities as well; if we consider the way that hatred itself has been elevated to a political position, we are compelled to judge the situation together and in a new way. To judge, to judge the law, is to respond to new forms of legal power and legal violence, and to find forms of collective responsiveness in which we can both think and act together.

If we ask where do we stand when we make judgements about new forms of destruction that are affecting the planet, the answer is not just in this particular location where each of us is, for our locations are now intertwined; each location implies the others, that destruction of the rainforests in one part of the world affects the ecosystems in all parts of the world. We are, as it were, outside of ourselves, and rightly so, when we judge and act, for one acts not just for oneself and one's own history, but for the world in which that history can be told, the earth without which no common endeavour is possible.

Whoever "we" are must be elaborated theoretically and politically; our historical responsibility is to encounter a changing and ever more destructive world with new practices of judgement, ones that we craft and enact in common, and that fundamentally changes the sense of the common in which we are living, or trying to live. For we can only persist as living creatures in this world if the world, the earth, regenerates itself as a complex, dynamic, inter-relational, and living set of processes. Where we are positioned is already *within* that world and outside of ourselves, dependent upon an earth and a world

that are no longer separable from one another, if they ever were. It is already as an interconnected and interdependent life that I seek to preserve life, and this means that the “I” who would hold itself separate and discrete is already failing to grasp the task at hand. When we ask who judges, or where judgement is happening, we are asking about all the ways that we seek to think together about our world, about the form that thinking takes when we undertake it collectively. In line with Arendt, I would say that judgement is a kind of action, even a concerted action, one that we undertake in common, and not only in relation to what the common has been, but what it can be. So, dreaming and wishing are part of our judging, anticipating a new world, perhaps a new form of law that recognises our interdependence.

For instance, at the end of *Eichmann in Jerusalem*, Arendt delivers a judgement against Eichmann, one which she believes the Israeli courts failed to execute properly. She writes, “you have carried out, and therefore actively supported, a policy of mass murder” (1963: 279). Eichmann’s final crime is that he acted as if he had the right to decide with whom to share the earth. In accord with the policies of the Nazi regime, he represented those who thought that they could determine with whom to “share the earth”, and who decided that they did not need to share the earth with the Jews. We should add the Roma, the communists, the gay and lesbian people, the disabled, the ill, and the poor, among others. Arendt’s brutal conclusion is that Eichmann deserves to die because no member of the human race “can be expected to share the earth with you” (*ibid.*). I do not share her support for the death penalty, but I find her reasoning instructive, and it may lead us to a different conclusion than the one she defended.

Let us consider what Arendt is doing when she judges in this way. First, she judges not simply as herself, but in the name of the so-called human race. Arendt makes clear that moral judgement is not the same as legal judgement, and even asserts that legal regimes should be judged within broader moral frameworks. Significantly, she also claims that Eichmann failed to exercise judgement, and holds him personally responsible for that failure. In judging him, she exercises and enacts the kind of judgement that he failed to exercise. And yet, in the

scene that she creates at the end of this book, she delivers a death penalty, thus affirming the death penalty as legitimate and appropriate. When she voices the judgement, she speaks as a plural subject, as a “we” who is invoked at this moment, suggesting that judgement is not simply an individual act, but an implicit or explicit recognition of plurality itself. But what kind of plurality is this? Can we take our cues from her own use of the plural “we” in this final sentencing?

When Arendt says “we”, when she judges as a plural subject, she is positioning herself as part of a larger humanity. That humanity is plural, which means that all those who are part of it are at once singular or distinct but also bound together in a living, differentiated, and connected way. When Eichmann and the Nazis acted to kill whole populations, by their very action they sought to distinguish between a set of humans with the right to persist on this earth and those who lacked any such right, that is, the right of some to belong to the earth, while denying the right of others to that same belonging. This demographic distinction was not just a mental event or a written policy, but a set of actions, a systematic form of state conduct, genocidal in nature. So, the distinction drawn is also a form of conduct, a social and political policy. The crime he committed was to attack plurality itself. For Arendt, there can be no human outside of plurality (and we have to ask about animals, for she excluded them from the plurality she defended). Hence, a crime against humanity is an attack against plurality, that is, an attack on the very complex and open-ended character of what I would call social bonds. She is speaking with a plural voice, if not the voice of humanity, which takes revenge against the man who has attacked humanity.

Of course, Arendt is originally writing these lines in a journal, and lacks all legal power to actually sentence Eichmann to death. Her judgement is not only plural, but performative. It takes place in an imagined scenario, a hypothetical scene, a subjunctive voice: in other words, if she had had the power to sentence him, this is the judgement she would have made. She judges in the name of plurality those who would destroy it, but she is also depending on an imagined scene to deliver her judgement. In some sense, she represents that plurality; in another sense, she is trying to articulate what that plurality can

be. She is not unified with that plurality because, first of all, plurality cannot be unified, and there is no way to fully overcome the singularity of perspective that is hers alone, the distinct way she gives voice to a plural condition. Similarly, she does not let Eichmann stand for all Nazis. She is asking why he failed to disobey genocidal laws, for disobedience was his moral obligation. He should have exercised judgement, exposing and refusing the illegitimate character of a genocidal legal regime. The Israeli courts are also to blame because they speak in the name of the nation, and their trial was a form of nation-building. As Arendt makes clear, plurality cannot be defined by the nation-state; in fact, plurality operates as the alternative to the nation and to nationalism. The crime at issue is neither committed by an entire nation nor committed against an entire nation, but commits a breakage or rupture of that plurality that, by definition, cannot know nationality, cannot be bound by nationality, and finally ought not to be.

To some degree, Arendt seeks to install a post-national framework for conceiving of plurality, one that would then serve as the basis for legal decision-making about crimes against humanity, a basis she finds nowhere actually instantiated in the law of her time. Judgement here emerges at the limit of law, and in the wake of its failure. The “we” she seeks breaks with the “we” circumscribed by the nation-state, any “we” that belongs to the nation. Plurality not only names differences and inter-relations, but serves as the basis of judgement and the form of its enactment. It is not only the multivalent voice through which legitimate judgement takes place, but a form of concerted action. Regarded as a spontaneous and even creative act, judging “produces its own principles by virtue of the judging activity itself” (Arendt, 1963: 27). Let us note, judging is here a collaborative activity, and it is not one that you or I can undertake alone.

As I mentioned, Arendt’s theorisation of judgement takes place at the limit of law. On the one hand, in the postwar years, legal systems left stranded many who expected that law would be a bulwark against racism and fascism, anti-Semitism, and systemic genocide. On the other hand, the courts could not rightly judge these unprecedented crimes precisely because existing law could provide no precedents for these catastrophic

events. As a result, judgement must do something other than apply a law to an existing case. It must both imagine and create the principles or criteria that would be able to grasp the crime, but also specify why this crime is a crime against humanity. In turn, humanity has to be thought anew not on the model of individualism or nationalism, but as an unwieldy form of sociality, what Arendt calls plurality, which makes our political lives complex, conflictual, and open-ended.²

I would add, we each approach the common world through a perspective that is invariably upended and revised through its encounter with other perspectives. We do not occupy or defend “a position” that belongs to us alone, or that remains fixed in time regardless of every challenge. Indeed, none of us has a fully informed understanding of the world, for only an understanding built through multiple perspectives stands a chance of gaining that understanding. To have a point of view, to make a fully individual judgement, is thus to offer a perspectival and revisable view, to enter into a form of public discord that alone can yield a better understanding, a fuller picture. Indeed, the point is not just to get the existing world right, to give an adequate account, but also to criticise destructive power through recourse to an imagined plurality that knows its living character is bound up with the diverse forms of living on earth.

Cavarero puts it differently, noting that democracy emerges through a plural voice, which is not one voice, but a scene in which every speaker enunciates a “vocalic uniqueness” (2021: 74) as well as an “echo of a resonance” (*ibid.*). Politically, this plurality has to be understood as interactive, and though I emphasise the discord among perspectives that inevitably follows, Cavarero draws our attention to demonstrations and events of surging, insurgent democracy where “an interactive

² Linda Zerilli, in her book, *A Democratic Theory of Judgement*, argues that the capacity to judge is a defining feature of democratic citizenship. This capacity emerges “in the absence of a concept or rule” (2016: 265), and can never be conditioned by membership in a nation-state. She remarks further, “for Arendt, to belong to a democratic political community is to have a ‘common world’” (*ibid.*) which is precisely not to share a single view of that world, but to approach it perspectively, to set forth an array of perspectives characterised by discord.

plurality that expresses its ontological and relational status through the physical uniqueness of single, embodied voices” (*ibid.*) that can speak or sing in unison, but who are neither absorbed into a collectivity nor left isolated in their individuality. What is created is “a common space of interaction” (*ibid.*) and so a positing of political form. In this way, judgement draws on the plurality of concerted action, and creates, by its very action, a new space and feel for democracy.

I began this part of the discussion by referencing what is living, not just the living character of every person, but the living bond between people, and the way that our lives depend upon the living and regenerative understanding of the earth, or the planet. Judgement itself is a living activity, plural and unwieldy, constantly faced with an historical world whose shifts demand new forms of political engagement, response, and improvisation. Early in Arendt’s essay “On Civil Disobedience” (1972), she distinguishes between the conscientious objector – the individual who refuses to serve in the army – and the civil disobedient. Interestingly, the former is an individual who generally acts according to the dictates of their conscience, but the second is actually never an individual. The one who engages in civil disobedience is not one, but also, in her view, a member of a group, an organised minority, or even a mass movement. So, although we can isolate the individual acts of civil disobedience, those acts establish that individual as part of a group, if not a collective brought together through what she calls “a community of interest” (*ibid.*: 55). Civil disobedience in its most general form is a refusal to follow the law, but that refusal is not my refusal or yours, but one in which we are linked, an action that we might, with Arendt, call concerted action, a term that allows her to sidestep the more Marxist conception of collective action. The civil disobedient is never a hero, never the one who stands out from the crowd; the civil disobedient is the one whose action is not one’s own, who is already bound to others in and through the act.

Significantly, Arendt is not interested in conscience, understood as the higher law found in the internal subjective life of the individual. The kind of disobedience we call civil is one that takes shape in social life, and gains its meaning there. Arendt is interested less in moral purity or in the individual’s

private relation to the law, than in the broader political problem, that is, the world in which a wrong has been committed; the future of the world that is affected by the wrongs that have been committed (*ibid.*: 60). In other words, if I ask, what kind of conduct can I live with, then my ability to live with myself becomes the highest norm, and the problem of conduct becomes not only a form of moral purism, but moral narcissism. She is less interested in identifying “good men” or “good humans” (*ibid.*: 65), since their goodness, if understood as a moral virtue, a consistent relation of self to self, always runs the risk of losing sight of the world, even becoming politically irresponsible. She worries that when “conscience” is invoked by those who wish to practise civil disobedience, they generally act according to rules that are negative: they stipulate actions that one ought not to do, but they do not “spell out certain principles for taking action” (*ibid.*).

Arendt goes part of the way in helping us establish another framework. The one who acts in defiance of unjust laws cannot act merely as an individual in accord with conscience and still be political. Rather, one has to act with others who are acting in the same way, and there has to be a relative anonymity in that action, for it originates in the space between us, in the relationship itself. If several people act in accord with their own conscience, does that make a difference? Yes, it does, but they no longer act from conscience, but from their bond with one another. They have forfeited the individuality of their action not to become an undifferentiated mass, but rather to become a differentiated collective. If several people act as disobedients, then none of them act from their individuality. Indeed, whatever else civil disobedients are doing, they are taking issue with the social form of individualism; they are refusing heroism; and in this way, they are refusing both a masculinist form of individuality and moral narcissism in the name of political action. There are ways of reading her that expose the risks of military heroism and its masculinisation now.

However, Arendt seems to fail us when she turns to the question of police powers. She insists upon a distinction between criminal disobedience and civil disobedience. Apparently, criminals break the law in ways that radical social movements do not. She clearly opposes criminal violence, and

praises police power when she writes “criminal disobedience is nothing more than the inevitable consequence of a disastrous erosion of police competence and power” (*ibid.*: 74). And yet, can one develop a stable typology according to which criminal and political forms of disobedience are distinguished? One reason typologies like this do not work is because “criminality” is sometimes tactically attributed to groups as one way of destroying their mobilising powers. The attribution of “criminality” to a social movement is a tactic that threatens its members with prison or expulsion or police violence. As we know, social movements are often called “criminal” when they go against a legal regime or its policies, and this means that the very definition of “criminality” changes according to the tactics of the state and its own acts of censorship. We might defend Arendt here, pointing out that she is precisely saying that radical movements engaged in civil disobedience should be treated as criminal. If she wants to say that, she would have to show first why they are sometimes treated that way, and why it would be wrong to do that. But she gives no account of why that criminalisation of dissent and disobedience does take place as often as it does. Criminality does not exist by itself, but only in relation to a specific legal regime. And that is one reason why there is no criminality as such. I am willing to call certain actions criminal. But when we do that, we are referring to a legal order, whether an existing or a potential one. There is no criminality outside the law. And yet, any critical position taken toward a given regime of law can be called criminal. In the end, if every political form of disobedience can be cast as criminal, can we ultimately distinguish between political and criminal disobedience? When civil disobedience is itself criminalised, then the very distinction upon which Arendt builds her case seems to come undone.

The problem, of course, is that civil disobedience generally assumes an existing legal regime as its background. It is, after all, the disobedience of certain laws. Etienne Balibar makes the point that because legal regimes require obedience to the law, they presuppose the possibility that disobedience is possible, and therefore must be contained. Actually, Balibar puts it in this way: “without the possibility of disobedience, there is no legitimate institution of obedience” (2007: 735). Seen that way,

disobedience is required for institutions of obedience to emerge and to make sense. Yet, Balibar stays within a dialectical framework, whereas Elena Loizidou (2013) asks whether we might think of civil disobedience as the emergence of forms of community that are not defined by the state or its laws, indeed, if the collective action that begins as civil disobedience becomes a way of imagining a future, imagining beyond the temporal and spatial horizon of the state and the market. Similarly, Robin Celikates (2016) demonstrates that civil disobedience has been framed within a liberal model, and thus fails to grasp the power of the practice – which includes a critique of the liberal model of politics in favour of a more substantial and radical political opposition to social inequality.

Arendt remarks that civil disobedients are neither with the law nor against it, but outside of it. She writes:

Civil disobedience arises when a significant number of citizens have become convinced either that the normal channels of change no longer function, and grievances will not be heard or acted upon, or that, on the contrary, the government is about to change and has embarked upon and persists in modes of action that show legality and constitutionality are open to grave doubt (1972: 74).

Let us be clear: there are right-wing and reactionary groups that can, and do, act as civil disobedients, constituting themselves as “concurrent majorities” (*ibid.*: 76). She points out that pro-slavery groups committed civil disobedience, dissenting from anti-slavery laws. Thus, it makes no sense to romanticise civil disobedience as if it always, or necessarily, generates political consequences we want to affirm. And yet, it does suggest that forms of association and collectivity can emerge on the side of government, constituting a problem for state legitimacy. The civil disobedient, in her view, is neither a rebel nor a traitor. They have left the social form of individuality and, in so doing, open up a space of collective practice and imagining unrestrained by liberal politics and existing legal norms. In their practice, they take issue with legal positivism, which claims that one should follow the law because it is the law. For positivists, there is no outside to the law: for civil disobedients, the outside

of the law is opened by the refusal to follow the law. It is thus a refusal not in the name of a higher law or even necessarily a better law, but in the name of the community bound together in the act. Not only a displacement of individualism, narcissism, and masculinism, but the initiation of a form of collective imagining that moves beyond the constraints imposed upon the political imagination, that is, in other words, that very movement.

Further, it is a way of thinking about the kind of reciprocal trust and consent upon which legal orders depend. Where there is consent, there is always the potential of dissent. Arendt writes that “all contracts, covenants, and agreements rest on mutuality [...] [and] this mutuality binds each member to his fellow citizens” (*ibid.*: 86–7). She imagines the reciprocal action of promising, a form of making a bond with another that establishes the social connections without which contracts and agreements make no sense. This is an ideal moment in Arendt, one that seeks recourse to a pre-political community or society without which politics itself is impossible. “This is the only form of government in which people are bound together not through historical memories or ethnic homogeneity, as in the nation-state, and not through Hobbes’ Leviathan, which ‘overawes them all’ and thus unites them” (*ibid.*: 87). Her point is that people are not bound by cultural or racial identification nor by nationalism, nor by the fear inspired by state violence, but through “the strength of mutual promises” (*ibid.*).³

This account of how people become bound to one another relies on a conception of freedom, for if we do agree to follow laws, we do so, Arendt argues, by virtue of a tacit consent. Indeed, she writes, “we all live and survive by virtue of a *tacit consent*” (*ibid.*: 88). This is not the consent that I give to you or to a set of laws, and neither is it one that you, as an individual, make; rather, it is a mutual consent that we give to one another that is prior to any codification in law, that may be said to be

³ Balibar puts it this way: “individuals reciprocally grant each other rights in the public sphere, the right to speak, to begin with, which is perhaps the ‘concrete’ anthropological figure of the ‘right to have rights’, the right to claim rights” (2007: 734).

the condition of possibility of any such codification.⁴ In other words, whatever freedom this is, it emerges between us, in and as the exchange, in and as a form of mutuality, and it does not have to be vocalised to become binding. In contrast with Gramsci's view that the state manufactures consent, and that a mix of consent and constraint is required by hegemonic state structures, Arendt followed what is called the "associationist" view, drawing on Tocqueville's account of voluntary forms of association. If we suspect that consent is a counterfeit term, that we only think we are consenting to structures coercively imposed upon us, then we give the state perhaps too much power to determine our freedom and desire.

When Arendt refers to freedom "rightly called", she means freedom accounted for without recourse to subjective motives and causality. We cannot illuminate the obscure dimensions of freedom by looking inwards, because freedom does not appear in the realm of thought – it requires another medium, that of politics (1961: 146) and, specifically, in the realm of action. In this way, freedom is worldly, belonging to the sphere of appearance, and not an inner reality, or a subjective disposition. It appears, and operates, only in an "interrelationship with the world" (*ibid.*). "We first become aware of freedom or its opposite in our intercourse with others, not in the intercourse with ourselves" (*ibid.*: 148). Thus, those who have sought to build a political philosophy on the basis of freedom were right to make freedom into a presupposition, but wrong to assume that they understood how best to define it, variously seeking recourse to inner life or causal sequences.

Indeed, one of her worries in her essay on freedom (*ibid.*) is that the idea of an inner freedom, which for her is emphatically a "non-political freedom" (*ibid.*) has predisposed

⁴ One should also note that to understand each other, we rely on translation. And in every translation, something obdurate remains, something foreign. But calling something foreign presupposes a non-foreign place from which that call is made. But what is familiar in one place is foreign in another, which means that the foreign is always relative, and it is always there when we lay claim to what is familiar. What we call "the foreign" is actually the medium in which we live together, the enigmatic basis of our worldly connection with one another. It is in us, and between us, and we do not exist for ourselves or others without it.

philosophical thinking about freedom in some seriously errant ways. As a result, she spends some time clarifying what freedom is *not*: for instance, it is not “an attribute of thought or a quality of the will” (*ibid.*). When she first starts to provide the positive contours of what it is, she refers to the “free man’s status” (*ibid.*), understood first as the freedom to move and the freedom to gather: it “enabled him to move, to get away from home, to go out into the world and meet other people in deed and word” (*ibid.*). The implicit contrast is slavery or indentured servitude. As a result, freedom first becomes clear in the context in which constraints are thrown off, when the ability to act in public first becomes possible. The constraint might be the private sphere where women and the aged are deprived of public freedoms, the prison, or slavery, but in general terms, freedom is first understood as the liberation from a constraint presumably legal and forcible. And yet, even if that is the story through which we learn about freedom, or the paradigmatic image of freedom in public culture, Arendt insists that this version does not suffice to understand freedom. For freedom to be true freedom, that is, to be “rightly called” freedom, there must be a common public sphere, or “space” (*ibid.*), as she puts it. This is not to say that all forms of common space are free, or that they condition freedom automatically. But wherever we make freedom, we produce at the same time a space of appearance. Moreover, the principle of freedom is only apparent in the act of freedom, in the free acts of people who claim or make the space for their own appearance. This is what happens when queer and trans people take to the streets with their feminist and cis allies to demand the right to appear without discrimination and violence, to demand access to health care, to demand changes in education and public policy that recognise and honour their rightful place in a democratic society.

How do we come to know this freedom in public and collective action? How do we describe it, and how can we distinguish truly free from manufactured consent? Arendt writes: “The inspiring principle becomes fully manifest only in the performing act itself” (*ibid.*: 152). In other words, principles are not extricable from their embodiment. They cannot be known in advance. A principle of freedom is not realised in some external form and then vanishes. No, freedom is, in her

words, inexhaustible, which means it is open to an infinite iteration of “performing acts” (*ibid.*). Freedom becomes manifest through action, and only through action. It neither arrives from a separate domain nor can it be known apart from the action that is its emergence: freedom cannot be examined apart from its enactment through action. Once again, she makes clear: “the appearance of freedom, like the manifestation of principles, coincides with the performing act” (*ibid.*: 152–3). As she puts it, “the accomplishment lies in the performance itself and not in the end product which outlasts the activity that brought it into existence and becomes independent of it” (*ibid.*).

Philosophers and sociologists have argued that people must first be authorised before they can make changes in this way, that the performative act of speech is only creative or effective if authorisation has been granted to those who are speaking. But if we are outside the law, even against the law, authorising one another, just as we were engaged in a practice of mutual promising – just consider how we have seen students gathering together to oppose femicide; how large groups of feminists have taken to the street to oppose harassment, rape and murder; how the indigenous have reclaimed land that the government has stolen; how climate activists have stopped machinery without any prior authorisation; the family and friends of the Ayotzinapa 43 in Mexico and all the other people who cannot find the traces of those they have lost – all of these people have gathered without authorisation, held governments and police accountable; they are the people who have exercised collective judgement through word and deed to bring about justice – a justice that has arrived, is arriving still, and will surely arrive if we continue to lend our support. And now the young people in Iran race through the streets expressing a freedom that gains its power precisely because it is not authorised. We do not say that that is useless unless we believe that violent state power always wins. No, we see the animation of uprising, of potential revolution, and no law or state authority gave any such permission for uprisings such as these.

What I have offered here is a performative account of politics in Arendt’s view, one which I believe is relevant for our time. But I would be remiss if I did not point out that reactionary forces have often made use of civil disobedience,

breaking the law in the name of their own higher purposes. There is nothing in the concept of civil disobedience that keeps it from being co-opted by political forces that seek to destroy the future of democracy, a future that depends on the materialisation of rights and power for all the disenfranchised. We could simply state that in light of these right-wing movements in our times, some of which are clearly fascist, we should adhere to the rule of law. I am tempted to say yes, but should we not be asking which rule of law, and which forms of rule are just and unjust?

When we start with the question of responsibility, and then move to judgement, we find ourselves in a scene of interdependency and interlocution, a way of addressing each other that aspires toward reciprocity. If we judge, that means that we are in some sense free, but also that we are collaborating and even experimenting, working with one another, and nothing could be more important in these times as we oppose war and the rise of fascism, as we seek to stop and reverse climate destruction, and violence against the marginalised, to find and make solidarity, even when we disagree – or perhaps, precisely then. Our forms of solidarity must honour our differences and recognise how generative those differences are. We are looking to enhance our strength as we oppose both state violence and the myriad forms of violence with which the state remains complicit. It makes no sense to think about our collective action as an expression of love or as the working of a single collective mind. No, we will argue, and we must, for there are those who seek to put an end to all open public argument, especially about the legitimacy and policies of the state. But if we let our arguments destroy one another, then we have become the instruments of the very death drive we oppose. So, our task, it seems to me, is to live, to think, to act in collaborative and experimental ways, but for forms of life which will be liable for all of us, for an earth and an overlapping set of worlds that will be inhabitable for living creatures, one in which violence is diminished and one day disappears into oblivion. For we live in a time in which we can no longer take for granted the environment that has so often served as the background of our action. No, the living processes of which we are a part deserve

our best thinking and action, and none of that can happen without one another.

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