

Action In Concert: Recasting Democratic Practices as Political Friendship

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Dedication

Annem ve Babam için

Abstract

This dissertation aims to develop a theoretical framework for reconceptualizing spontaneous popular action by relating it explicitly to democratic politics. Developing such a framework is necessary to address the inadequacies which emerge from democratic theory literature 's conceptualization of spontaneous popular action in terms of an unmediated, direct form of collective political act. A conceptualization of this kind is deeply problematic, I argue, because it opens up the way to misleading accounts that assume the immediate unity of different actors who participate in real democratic events.

By making this argument, I am not trying to undermine the importance of spontaneous, non-institutional, and extra-parliamentary forms of popular action for democratic politics. On the contrary, I suggest that if we want to fully grasp and evaluate the democratic significance of such instances of popular action, we need an alternative conceptualization that brings to light, rather than erases, the mediatory political and ethical practices that go into the formation of these events. In order to formulate that alternative, I undertake an inquiry that proceeds along two related lines of theorization. First, focusing on the works of Jean-Jacques Rousseau, Antonio Negri and Jürgen Habermas I provide a critical analysis of influential theories of democracy that put popular action at the center of their analyses. In the second "constructive" part of the project, I reinterpret Aristotle's notion of political friendship with a view to construct an alternative way of thinking about democratic politics. Interpreted here as an ongoing activity that involves the collective practices of judging and understanding

among different individuals, who deliberate about what is to their interest, choose a course of action, and do what they resolve in common, Aristotle's notion of political friendship makes it possible for us to discern the dynamics of popular action. As such political friendship is a descriptive concept that reveals the mediated and temporal quality of action in concert. It is at the same an ethical concept that embodies the distinctly democratic values of reciprocity and equality, as well as the value of plurality. Understood this way, Aristotle's notion of political friendship provides us with rich conceptual resources to think about and evaluate non-institutional and unpredictable moments of popular action in new ways.

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Introduction

On March 28 2009, more than 35.000 people took the streets of London to protest the world leaders who would be gathered there later that week for the G20 summit. What turned out to be the biggest demonstration since the beginning of the current economic crisis was put together by an extraordinary coalition. More than 100 trade unions, environmentalists, anti-war organizations, church groups, NGOs, international charities, as well as various British anarchist networks, and foreign nationals called for “direct action”¹ and marched together under the banner of “Put People First.” The theme of the demonstration was broad: “jobs, justice and climate.”² The demands of demonstrators were numerous and diverse. Protests were carried out in a mostly peaceful and almost festive atmosphere. Some environmentalists set up tents covered with messages for a sustainable future and had tea parties,³ others carried pillows to draw attention to the growing problem of homelessness and tried to make a case for the fundamental human right to shelter.⁴ But there were instances of violence as well. With the official beginning of the G20 summit on April 1st the demonstrations took a new turn; some protestors smashed the windows of several banks and clashed with the police. In the

¹ Katharine Ainger, “Once Beaten for Stating the Obvious, Our Time Has Come,” *The Guardian*, March 28, 2009. Online available at <http://www.guardian.co.uk/commentisfree/2009/mar/26/anticapitalism-protest-recession-g20>.

² Tracy McVeigh, Paul Lewis and Alok Jha, “G20 protest: Thousands March for 'Jobs, Justice and Climate',” *The Guardian*, March 28, 2009. Online available at <http://www.guardian.co.uk/world/2009/mar/28/g20-protest-police-rainbow-alliance>.

³ Matthew Weaver, “G20 Protesters Hold Tea Party Outside Bank of England,” *The Guardian*, March 28, 2009. Online available at <http://www.guardian.co.uk/world/2009/mar/31/g20-summit-bank-protest>.

⁴ Marina Pepper, “G20: In Memory of the Diggers,” *The Guardian*, March 31, 2009. Online available <http://www.guardian.co.uk/commentisfree/2009/mar/31/marina-pepper-diggers-g20-protest>.

end, it was police brutality, which resulted in the death of a protestor, that put its mark on this weeklong protest movement.

How can we understand this event? What was its political significance? Was it, as one of the commentators suggested, a mere symptom of the growing dissatisfaction of people with global capitalism and a harbinger of more radical things to come?⁵ Or was it, as others wrote, nothing more than a “public spectacle” that ultimately failed to produce any effect due to the “lack of focus” and eccentricity of protestors who were “too various in [their] concerns and unsure of [their] demands”?⁶ Or yet again, was it, as many participants claimed, a response to the failure of “political representation,” and a moment of “direct democracy” where the people reasserted their demand for democratic control over their economy?⁷

These diverse, yet equally one-sided, interpretations of the same event bring to light the difficulty of grasping the significance of moments of popular action in their full complexity. They also point to a number of more general questions about the relation between popular action and democracy. For instance, what kind of role, if any, does spontaneous popular action have in contemporary representative democracies? In what sense are moments of popular action like the “Put People First” march instances of

⁵ Ainger, “Once Beaten for Stating the Obvious, Our Time Has Come.” Also see, Jeremy Seabrook, “G20: The Protests Herald Liberation,” *The Guardian*, April 2, 2009. Online available at <http://www.guardian.co.uk/commentisfree/2009/apr/01/g20-protests-economic-system>.

⁶ Ian Jack, “Apocalypse now: Please Form an Orderly Queue,” *The Guardian*, April 4, 2009. Online available at <http://www.guardian.co.uk/commentisfree/2009/apr/04/g20-protests-success>. The view that demonstration lacked “political coherence” was shared by other commentators as well; see, for instance, Jackie Ashley, “These Protesters are Ragged, But Don't Brush Them Aside,” *The Guardian*, March 30, 2009. Online available at <http://www.guardian.co.uk/commentisfree/2009/mar/30/g20-protests-economic-crisis>.

⁷ John McDonnell, “G20: My message to the alternative summit,” *The Guardian*, April 4, 2009. Online available at <http://www.guardian.co.uk/commentisfree/2009/apr/01/g20-activism-john-mcdonnell>.

“direct action”? And finally, to what extent, can such instances be considered democratic events?

These are some of the issues that I address in this dissertation. The goal of my project is to provide a theoretical framework for reconceptualizing spontaneous popular action by relating it explicitly to democratic politics. With this in mind, I undertake a critical inquiry that proceeds along two related lines of theorization. First, focusing on the works of several key theorists, namely Jean-Jacques Rousseau, Antonio Negri and Jürgen Habermas, I critically engage with influential theories of democracy that put popular action at the center of their analysis and highlight the problems in their conceptualizations of democratic popular action. Second, I set out to develop an alternative theoretical account of democratic popular action – one that highlights the underestimated work of mediatory practices that go into the formation of these seemingly immediate events – by reinterpreting Aristotle’s notion of political friendship.

Without a doubt, I am not alone in recognizing the significance of spontaneous popular action and in calling for its rigorous theorization in relation to democracy. Many theorists from different perspectives have addressed the issue of the role of spontaneous popular action in democratic politics. Thus, for instance, constitutional theorists approach the phenomenon of popular action by placing it within the framework of constitutional revolutions and identify it as a crucial means for radical change in the legal structure of political regimes.⁸ Others, such as Sheldon Wolin and

⁸ Just to name a few, see Frank Michelman, “How Can the People Ever Make Laws? A Critique of Deliberative Democracy,” in *Deliberative Democracy*, edited by James Bohman and William Rehg (Cambridge, Mass: MIT Press, 1996); Bruce Ackerman, *We the People: Foundations* (Cambridge, Mass:

Negri, argue against this characterization and suggest that rather than being a form of political action whose full potential can only be realized in the constitution of a legal/political system, moments of popular action are themselves democratic instances, that is, realizations of “fugitive”⁹ or “insurgent”¹⁰ democracy. Yet others, such as Andreas Kalyvas and Habermas, analyze the role of popular action in democratic politics through the lenses of a conceptual distinction between “normal and extraordinary politics”¹¹ and suggest that as moments of “spontaneous collective intervention,”¹² instances of popular action not only rectify the problem of legitimation deficit that “plagues...the normal politics in every constitutional, representative democracy”¹³ but also point to the need to interpret existing normative ideals “*anew* in changing circumstances.”¹⁴

Despite their different, and at times conflicting, interpretations of the relation between moments of popular action and the institutionalized politics of constitutional democracy, these theorists share a surprisingly similar understanding of democratic popular action. In all these accounts, spontaneous popular action is theorized in opposition to formal, proceduralized, and representative politics of constitutional democracies, whose existence relies on the mediating mechanisms of political

Harvard University Press, 1991); Andrew Arato, “Forms of Constitution Making and Theories of Democracy,” *Cardozo Law Review*, Vol. 17 (1995).

⁹ Sheldon S. Wolin, “Fugitive Democracy,” in *Democracy and Difference: Contesting the Boundaries of the Political*, edited by Seyla Benhabib (Princeton: Princeton University Press, 1996).

¹⁰ Antonio Negri, *Insurgencies: Constituent Power, and the Modern State* (Minneapolis: University of Minnesota Press, 1999).

¹¹ Andreas Kalyvas, *Democracy and the Politics of the Extraordinary* (Cambridge: Cambridge University Press, 2008), p. 6; Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Cambridge, Mass: The MIT Press, 1996), pp. 382-7.

¹² Kalyvas, *Democracy and the Politics of the Extraordinary*, p. 7.

¹³ *Ibid.*, p. 8.

¹⁴ Habermas, *Between Facts and Norms*, p. 384

institutions, such as political parties, parliaments, courts and bureaucratic procedures. Thus, in contrast to the mediated politics of the constitutional order, these theorists argue, democratic moments of popular action are characterized by immediate and direct action. According to this view, in such moments, through their unmediated presence, people act directly in both spatial and temporal terms; unlike what is the case in institutionalized politics, where there is always a delay between deliberation and action, decision and execution, in moments of popular action, the action takes place here and now.

In this dissertation, I challenge this particular understanding, which conceptualizes democratic popular action in terms of an unmediated, direct form of political act undertaken by a collective actor. A conceptualization of this kind is deeply problematic, I argue, because it opens up the way to misleading accounts that assume the immediate unity of different actors who participate in democratic events. By making this argument, I am not trying to undermine the importance of spontaneous, non-institutional, and extra-parliamentary forms of popular action for democratic politics. On the contrary, I suggest that if we want to fully grasp and evaluate the democratic significance of such instances of popular action, we need an alternative conceptualization that brings to light, rather than erases, the mediatory political and ethical practices that go into the formation of democratic moments of action in concert. To develop that alternative I turn to a rather unexpected source, namely Aristotle, and provide an innovative interpretation of his notion of “political friendship.” I argue that when understood as an ethico-political notion, which refers to a set of mediating practices, including, but not limited to, deliberation, judging, and understanding, that

enable different political actors to act together without undermining their differences, political friendship attains the quality of a rich conceptual resource that lays bare some of the crucial, and yet surprisingly unnoticed, dynamics of democratic popular action.

The task, therefore, is to overcome the problems in contemporary theories of democracy by way of rethinking democratic action in concert through the concept of political friendship. To accomplish this task, I first provide a critical analysis of Rousseau's theory of popular sovereignty. I turn to Rousseau for two reasons. First, as Nadia Urbinati suggests, “the perspective that democracy is *immediate*, a perspective that a priori excludes indirect forms of political action”¹⁵ from democratic politics finds its first and most articulate expression in Rousseau’s conceptualization of popular sovereignty as an immediate and direct political act. Second, in many respects, the theoretical problems in Rousseau’s conception of politics are still with us today. I argue that insofar as contemporary theorists of democratic popular action share Rousseau’s emphasis on immediacy and directness, they inadvertently import into their accounts the very shortcomings that they highlight in their criticisms of Rousseau’s notion of sovereignty.

As I elaborate in Chapter 1, according to Rousseau, popular sovereignty requires political actors to act together without having recourse to any mediating mechanism. Mediating mechanisms, including political organizations like parties and government institutions like parliaments, as well as linguistic practices such as deliberation, all undermine the immediacy of popular action, which is the defining feature of popular

¹⁵ Nadia Urbinati, *Representative Democracy: Principles and Genealogy* (Chicago: The University of Chicago Press, 2006), p. 7 (italics in the original).

sovereignty for Rousseau. Theorized in terms of the direct rule of the people, popular sovereignty depends on the constitution of a body politic through the immediate and perfect unity of different political actors. Rousseau perceives the possibility of this kind of unity only in a certain conception of love which leaves no place for intermediaries. It is this highly passionate, peculiarly narcissistic and sexually charged form of love which shapes Rousseau's characterization of patriotism as the love of the fatherland (*l'amour de la patrie*).

When understood in this way, patriotism plays an essential role in Rousseau's understanding of politics, serving both as the motivational source and the normative content of the kind of popular action that is constitutive of popular sovereignty. Thus, in his practical political writings, Rousseau seeks to find ways, such as education, public festivals, and games, to generate the love that is constitutive of the body politic as it is described in the *Social Contract*. In other words, to bring to life his ideal of pure immediacy, which has no place for intermediaries, Rousseau finds it necessary to make use of the manipulative powers of the government to create an ideal society where immediacy, in the form of direct and unmediated political action, is possible. I argue that what pushes Rousseau to this theoretically impossible position, which undercuts his own emphasis on the power of the people, is his paradoxical reliance on the love of the fatherland as a means to purge every form of mediation from his conception of politics.

Most contemporary theorists of democracy are critical of Rousseau's assertion that popular rule requires the constitution of a collective actor that acts as a unitary macro-subject with one will. Despite this disagreement, however, many theorists who give central place to spontaneous popular action in their accounts of democracy do, in

one way or another, share Rousseau's emphasis on immediacy. In Chapters 2 and 3, I illustrate the problematic consequences of this shared emphasis through an analysis of the works of two contemporary political thinkers, Antonio Negri and Jürgen Habermas.

Surely, many questions and reservations can be raised about focusing on these two theorists whose theories of democracy are radically different from one another. Criticizing the tendency that equates democracy with the rule of law, Negri strives to develop an alternative conception of democratic politics according to which democracy is defined as a continuous praxis that relies on the immediacy of direct popular action. In direct opposition to Negri, Habermas underlines that as a mediating mechanism between civil society and the state, the law plays an indispensable role in modern democratic societies. For Habermas, rather than being antithetical principles, the rule of law and democracy are conceptually, and not just contingently, linked to one another.

Yet, despite such differences, the existence of certain interesting similarities between these two thinkers cannot be denied. From the late 1960s onwards, even though they worked in different institutional and cultural contexts, both Habermas and Negri were highly engaged with the political events of their days. Living in Europe (in Germany and Italy, respectively) during an era characterized by post-war reconstruction, the rise of a new form of interventionist state, the Cold War and its intensifying arms race, both thinkers faced similar problems. Moreover, both thinkers, in different ways and to different degrees, supported the rise of the extra-parliamentary protest movements during the 1970s, witnessed the emergence of violent leftist groups, and experienced the subsequent political defeat of the extra-parliamentary left at the end of the decade. In this regard, it is possible to suggest that both Negri's and Habermas's

intellectual developments were shaped by the political context of the rise and fall of the European extra-parliamentary politics in the second half of 20th century. It is partly for this reason that both of these thinkers give a central place to spontaneous popular action in their very different accounts of democracy.

Finally, and most importantly, I argue that notwithstanding their powerful criticisms of Rousseau's understanding of politics, in their theorizations of democratic moments of popular action both Negri and Habermas share Rousseau's emphasis on immediate and direct political action. It is this shared emphasis on immediacy which leads, if not enforces, both Habermas and Negri to have recourse to, what I call, "love-related concepts" that are strikingly similar to Rousseau's notion of patriotism—i.e. "constitutional patriotism" in Habermas's case and "love" in Negri's. And yet, whereas patriotism is a central feature of Rousseau's theory of popular sovereignty, in Habermas's and Negri's case, constitutional patriotism and love remain as additions that are invoked but theorized no further. The almost ad-hoc addition of these concepts to Negri's and Habermas's respective theories of democracy does not undermine their theoretical significance. On the contrary, drawing on Jacques Derrida's notion of the "logic of supplementarity" and using his ontological insights for interpretive purposes, I argue that such invocations of constitutional patriotism and love, which turn them into "supplements," are of crucial importance.

According to Derrida, the concept of the supplement harbors within itself "two significations whose cohabitation is as strange as it is necessary."¹⁶ On the one hand, the

¹⁶ Jacques Derrida, *Of Grammatology*, translated by Gayatri Chakravorty Spivak, (Baltimore, Maryland: The John Hopkins University Press, 1997), p. 144.

supplement is a “surplus,” which contributes to the “positivity of presence” and serves to enrich something that is already complete and self-sufficient. On the other hand, “the supplement supplements;” it adds only to establish itself in-the-place-of something else. According to this signification, then, rather than simply enhancing something’s presence, the supplement underscores its absence pointing to a gap within its structure. And however contradictory it might seem, for Derrida, this second signification of the supplement cannot be separated from the first.¹⁷

When read in this light, Negri’s invocation of love and Habermas’s recourse to constitutional patriotism attain a new meaning. I suggest that as supplements, constitutional patriotism and love not only enrich Habermas’s and Negri’s respective accounts but also serve to address the same motivational and normative issues that Rousseau resolves through his notion of patriotism. This shared theoretical move, however, comes at a price. As I demonstrate in the relevant chapters, by supplementing their accounts with love-related concepts, just like Rousseau, both Habermas and Negri undermine their own theoretical and political commitments. Thus, for instance, while Rousseau relies on the efforts of government—an intermediary body that he delineates as inimical to popular sovereignty—to create a patriotic society, Negri’s turn to love as the creative force of popular action considerably weakens his emphasis on the importance of diversity and difference as it results in simplistic accounts of democratic moments of popular action, which erase the plurality of political actors who are involved in those events. Finally, Habermas’s recourse to constitutional patriotism

¹⁷ Ibid.

prevents him from fully accomplishing his goal of purging deliberative theory of procedural democracy of the vestiges of the philosophy of subject.

What is perhaps more important is that in all these instances the turn to concepts such as patriotism, love, and constitutional patriotism, to theorize democratic popular action opens up the way to deeply problematic descriptive accounts that assume that there is an always already given motivational unity and some sort of normative purity in moments of democratic action in concert. These accounts, which determine the democratic quality of moments of popular action only by having recourse to external standards of judgment such as love or constitutional patriotism, are misleading for two reasons. First, they ignore the existence of conflict and differences among political actors who act together and, second, they lose sight of the role that mediatory political practices play in the formation of democratic moments of popular action.

All of this, I argue, points to the need to move away from a theorization of spontaneous popular action that necessitates the supplement of love-related concepts. Such a theorization fails to come to terms with the temporal aspect of democratic popular action and risks "[staking] acting together solely on 'sheer momentum' or the 'spontaneity' of rare movements," as Mary Dietz puts it in a different context.¹⁸ What is required is a different way of theorizing, a new political vocabulary that can help us to

¹⁸ In her sympathetic criticism of Arendt's account of "those moments when politics is redeemed as the sudden, spontaneous release of numbers of people," Dietz argues that "[w]e do disservice to these moments of Arendtian action... (hence to politics itself), if we stake acting together solely on 'sheer momentum' or the 'spontaneity' of rare movements that burst out against the backdrop of modernity." See Mary G. Dietz, "The Slow Boring of Hard Boards: Weil, Arendt and the Work of Politics," in *Turning Operations: Feminism, Arendt and Politics* (New York: Routledge, 2002), p. 180. It is with this important cautionary note in mind that I propose to rethink democratic action in concert not only by opening up a space for "liberatory" forms of instrumentality in political action (as Dietz does), but also by highlighting spontaneous popular action's temporal and mediated quality.

grasp the mediated, prolonged, and at times, laborious and arduous, quality of democratic action in concert. I find that political vocabulary in Aristotle's conception of political friendship.

Accordingly, in Chapter 4, I focus on Aristotle's ethical and political thought and engage with two of his masterworks, namely *Nicomachean Ethics* and *Politics*. I do so not with the expectation of finding ready made answers to our current political problems in Aristotle's writings. In my reading, political friendship is *not* some sort of a moral ideal that we should strive for. Nor is it a set recipe for generating a democratic politics or a nostalgic call for a form of political action that was possible only within the bounds of the city-state. As Jill Frank rightly argues, "Aristotle's writings...do not offer prescriptions or blueprints either for ethical behavior or for how to organize political organizations. The crucial question...is not whether Aristotle's politics is democratic or aristocratic. It is, rather, what his philosophical theory and practice may teach us about ethics and politics."¹⁹ I argue that when Aristotle's discussion of political friendship is analyzed with this question in mind, it provides invaluable theoretical and conceptual resources to think about what we do when we do act in concert.

It is my argument that for Aristotle, political friendship is an ongoing activity that involves the collective practices of judging and understanding among different individuals, who deliberate about what is to their interest, choose the same actions, and do what they resolve in common. Interpreted in this manner, political friendship reveals the dynamic character of political action. In doing so, it not only points to political

¹⁹ Jill Frank, *A Democracy of Distinction: Aristotle and the Work of Politics* (Chicago and London: The University of Chicago Press, 2005), p. 6.

action's temporal, prolonged, and mediated quality, but also highlights that it is a joint endeavor that can be realized and maintained only through ongoing activity. Moreover, as an ethical concept that embodies the distinctly democratic values of reciprocity and equality, which are constituted in and through the mediating practices of friendship, political friendship provides a set of criteria to evaluate moments of popular action without having recourse to external and pre-given standards of judgment. As such, theorizing democratic action in concert through the concept of political friendship prevents us from running the risk of imposing our predetermined normative judgments as the "correct" interpretations of contemporary instances of popular action, and instead, enables us to understand, that is to say, to adequately describe, evaluate, and grasp the democratic significance of such events.

CHAPTER 1

Forging Citizens? The Role of Love in Rousseau's Conception of Popular Sovereignty

Theorists of democracy who put popular action at the center of their analyses have long debated the question of how to conceptualize the bond that forges the power of “the people.”²⁰ Today most readers of Jean-Jacques Rousseau agree with Hannah Arendt’s assessment, conceding that Rousseau’s solution to this fundamental question lies in his introduction of “compassion into political theory.”²¹ This chapter challenges this view by suggesting that it is love -particularly the love of the fatherland, i.e. patriotism- and not compassion, which is the central feature in Rousseau’s conception of politics. By making this point, I depart from current interpretations of Rousseau in significant ways. Although there is a wide-ranging literature on the role that patriotism plays in Rousseau’s political thought, the existing literature takes patriotism at best as complementary²² at worst as irrelevant²³ to Rousseau’s conception of popular

²⁰ Among many others see Habermas, *Between Facts and Norms*; Negri, *Insurgencies*. But also see, just to name a few: Sheldon S. Wolin “Norm and Form: The Constitutionalizing of Democracy” in *Athenian Political Thought and the Reconstruction of American Democracy*, edited by J. Peter Euben, Josiah Ober, and John R. Wallach (Ithaca: Cornell University Press, 1994); Michael Hardt and Antonio Negri, *Empire* (Cambridge MA: Harvard University Press, 2000); Jacques Rancière, *On the Shores of Politics* (London: Verso, 1995). It is important to note all of these thinkers, for different reasons and in different ways, are against a particular conception of “the people” as a homogenous, unified, and exclusionary political subject. What brings these otherwise radically different thinkers together is their emphasis on the indispensable role that moments of popular action play in democracy.

²¹ Hannah Arendt, *On Revolution* (New York: Penguin, 1990 [1963]), p.80.

²² See, for instance, Christopher Bertram, *Routledge Philosophy Guidebook to Rousseau and The Social Contract* (London: Routledge, 2004); Victor Gourevitch, “Introduction,” in *The Social Contract and Other Later Political Writings*, translated and edited by Victor Gourevitch (Cambridge: Cambridge University Press, 1997); John Hope Mason, “Forced to be Free,” in *Rousseau and Liberty*, edited by Richard Wokler (Manchester: Manchester University Press, 1995); Judith N. Shklar, *Men and Citizens: A Study of Rousseau’s Social Theory* (New York: The Cambridge University Press, 1969); Robert Wokler,

sovereignty. Furthermore, despite Rousseau's characterization of patriotism as the love of the fatherland (*l'amour de la patrie*), existing literature pays scant attention to the nature of the attachment Rousseau seeks to establish between citizens and their country.²⁴

In opposition to these interpretations, I highlight the essential role of patriotism in Rousseau's conception of popular sovereignty. The main thesis of this chapter is that patriotism is a highly passionate, and peculiarly narcissistic, sexually charged form of love which is both the motivational force and the constitutive feature of the body

Rousseau (New York: Oxford University Press, 1995), among others. Judith Shklar argues that patriotism is an important part of Rousseau's "program of denaturation" (Shklar, *Men and Citizens*, p.28). For Robert Wokler, it is a necessary component of "civil religion" (Wokler, *Rousseau*, pp. 80-1). Victor Gourevitch delineates patriotism as the "passionate surrogate of practical wisdom" (Gourevitch, "Introduction," p.xxii) whereas Christopher Bertram chooses to identify it as a sentiment with a "mixed basis" bringing together elements of both *pitié* and *amour-propre* (Bertram, *Guidebook to Rousseau*, pp.28-9). Finally, John Mason sees patriotism as one of Rousseau's many unsuccessful attempts to "combine individual freedom with the fact of socialization" (Mason, "Forced to be Free," p. 134-5). Although, all these thinkers point to the importance of patriotism for Rousseau in different ways, none of them provides the reader with a detailed account of the role of patriotism in Rousseau's theorization of popular sovereignty. To that extent, patriotism remains a side issue in their accounts of Rousseau's political thought.

²³ Neither Tracy Strong nor Ernst Cassirer touches on the issue of patriotism in their seminal works on Rousseau's political thought; see Ernst Cassirer, *The Question of Jean-Jacques Rousseau*, translated and edited by Peter Gay (Bloomington: Indiana University Press, 1967) and Tracy B. Strong, *Jean-Jacques Rousseau: The Politics of the Ordinary* (Thousand Oaks: Sage Publications, 1994). Perhaps the best example of the view that Rousseau's turn to patriotism constitutes a contradiction within his political theory comes from Steven Johnston. He argues that because patriotism is incompatible with politics, although it is "the force without which Rousseau's republic supposedly cannot be," it "simultaneously portends its demise." See Steven Johnston, *Rousseau and the Project of Democratic Order* (Ithaca: Cornell University Press, 1999), pp. 142-3. Richard Boyd makes a similar point when he suggests that patriotism suffers from the "pathologies" of pity, which Rousseau himself points to in his other writings; see Richard Boyd, "Rousseau and the Limits of Democratic Compassion," *Political Theory*, Vol. 32, 4 (2004), p.21.

²⁴ Thus, for instance, even when Gourevitch forcefully argues that it is love, and not pity, which plays a role in "the moral-political psychology" of Rousseau's political writings, he does not elaborate on the nature of love that patriotism involves (Gourevitch, "Introduction," xviii). Shklar, on the other hand, only hints at the sexual nature of this love, when she suggests that in Rousseau's account "citizens learn to love each other...because they have no *other* erotic ties" (italics mine, Shklar, *Men and Citizens*, p.193). Unfortunately, she does not explore the implications of this claim in the rest of her book. Perhaps, the only exception is Elizabeth Wingrove's work on Rousseau. See Elizabeth Rose Wingrove, *Rousseau's Republican Romance* (Princeton: Princeton University Press, 2000), especially see the chapter titled "Loving the Body Politic," pp. 144-69.

politic. As such, love of the fatherland not only moves individuals to create a body politic in their own image, but also defines the ideal relationship between the citizen and the state. In Rousseau's account, this ideal relationship is deeply paradoxical. For only through a complete identification with his state does the individual, who is ideally both the subject and the sovereign simultaneously, become a unified self and a free being the moment he obeys the law.²⁵

I argue that for Rousseau, rather than being a problem to be overcome through the reconciliation of contradictions in a higher unity, the constitution of such a paradoxical relationship is an end in itself, which requires the *immediate* unity of the contradictory terms. Rousseau perceives the possibility of this unity only in a certain conception of love which leaves no place for intermediaries. Due to his emphasis on love's "magical" capacity in making such paradoxical, immediate unities possible, in the *Social Contract* Rousseau finds it necessary to erase the mediatory work of intermediaries, such as education, ceremonies, public festivals, and games etc., which are presented as essential in generating the love that is constitutive of the body politic in his other political writings. This erasure is crucial since it conceals the major contradiction of Rousseau's political theory, that is, his heavy reliance on the manipulative powers of the government, which he otherwise considers an intermediary body pernicious to popular sovereignty, to create the "immediate and direct" rule of the

²⁵ Through a brilliant analysis of this relationship, Louis Althusser argues that Rousseau's political thought is constituted by a series of paradoxes. Although I share this view, I disagree with Althusser's suggestion that for Rousseau these paradoxes are problems, or "discrepancies," that need to be resolved. See Louis Althusser, *Politics and History: Montesquieu, Rousseau, Hegel, Marx*, translated by Ben Brewster (London: The New Left Review Editions, The Gresham Press, 1972), pp. 130-3. Contrary to Althusser, I argue that Rousseau considers paradoxes essential to politics and seeks to retain such paradoxical phenomena rather than trying to find ways to resolve them.

citizens. The existence of this contradiction, which ultimately undercuts Rousseau's emphasis on the rule of the people, is the direct result of his recourse to patriotism as a necessary feature of popular sovereignty.

The chapter begins with a brief discussion of *Discourse on Political Economy* and *Considerations on the Government of Poland and on its Projected Reformation*.²⁶ Here I demonstrate that patriotism, understood as the love of the fatherland, had been a prominent concern for Rousseau from his earliest to his latest political writings. The second part of the chapter turns to Rousseau's so-called 'non-political,' fictional writings that were contemporaneous with the *Social Contract*,²⁷ and interprets Rousseau's account of popular sovereignty in the light of his conceptualization of love in *Julie, or the New Heloise*, *Emile or On Education*, and especially in his final play *Pygmalion*.²⁸ My argument is that although there is no explicit or direct discussion of patriotism in the *Social Contract*, Rousseau's concept of popular sovereignty can be fully comprehended only in the light of his understanding of love. I conclude through a detour where I revisit *Discourse on Political Economy* and *Considerations on the Government of Poland* to lay bare the mediatory work that has been erased in the *Social*

²⁶ Jean-Jacques Rousseau, "A Discourse on Political Economy," in *The Social Contract and The Discourses*, translated by G. D. H. Cole, edited by P. D. Jimack (London: The Everyman Library, Orion Publishing Group, 1993) (Hereafter, *DPE*); Jean-Jacques Rousseau, "Considerations on the Government of Poland and on Its Projected Reformation," in *The Social Contract and The Other Political Writings*, translated and edited by Victor Gourevitch (Cambridge: Cambridge University Press, 1997) (Hereafter, *CGP*). Further references to these texts will be given in the body of the chapter.

²⁷ Jean-Jacques Rousseau, *The Social Contract*, translated by Donald A. Cress (Indianapolis: Hackett Publishing Company, 1987). Further references to this text will be given in the body of the chapter.

²⁸ Jean-Jacques Rousseau, *Julie or the New Heloise: Letters of Two Lovers Who Live in a Small Town at the Foot of the Alps*, translated and annotated by Philip Stewart and Jean Vaché (Hanover: Dartmouth College, University Press of England, 1997); Jean-Jacques Rousseau, *Emile or on Education*, translated by Allan Bloom (Basic Books, 1979); Jean-Jacques Rousseau, "Pygmalion" in *Letter to D'Alembert and Writings for the Theater*, translated and edited by Allan Bloom, Charles Butterworth and Christopher Kelly (Hannover: Dartmouth College, University Press of England, 2004). Further references to these texts will be given in the body of the chapter.

Contract's account of popular sovereignty by focusing on the “thousand ways” through which governments can “make [men] love the laws.”

I. Creating Patriots: Patriotism as the Love of the Fatherland and its Laws

In many ways, *Discourse on Political Economy* and *Considerations on the Government of Poland* are very different texts. Rousseau wrote *Discourse on Political Economy* in 1755-6, that is, immediately after the *Second Discourse*, to be published in the *Encyclopédie*. It was in this essay that Rousseau, for the first time, employed his peculiar conception of the “general will,”²⁹ introduced his strict distinction between government and sovereignty, and provided an image of the body politic as an “organized, living body, resembling that of man” (*DPE*, p.131) –an image which he would alter and develop later on in the *Social Contract*. In this respect, *Discourse on Political Economy* can be considered Rousseau’s first major constructive political writing concerned with the general structure of a popular, and hence, legitimate political government.³⁰

Considerations on the Government of Poland was, on the other hand, Rousseau’s very last political writing. Published almost sixteen years after the publication of *Discourse on Political Economy*, Rousseau’s last political writing had a

²⁹ As Wokler states, the concept of the general will was already and rather frequently being employed in French thought of the time. What distinguishes Rousseau is his utterly novel and decidedly political interpretation of the term: “It was Rousseau, more than any other figure before or after him, who took possession of [the general will] and ascribed it with a new, specifically political, meaning of its own.” See Wokler, Rousseau, p. 67. For a similar point see also Shklar’s essay “General Will,” where she writes that “[t]he phrase ‘general will’ is ineluctably the property of one man, Jean-Jacques Rousseau. He did not invent it, but he made its history” See Judith Shklar, “General Will,” in *The Dictionary of the History of Ideas*, edited by Philip Wiener (New York: Charles Scribner’s Sons, 1973), p. 256.

³⁰ According to Gourevitch, Rousseau has three major “constructive” political writings, namely the *Discourse on Political Economy*, the *Social Contract*, and the *Considerations on the Government of Poland*, where Rousseau seeks to “redeem the promise...of politics.” See Gourevitch, “Introduction,” p. ix.

very specific focus. Responding to a personal invitation to comment on Polish efforts to form an independent government from Russia³¹ in *Considerations on the Government of Poland* Rousseau was no longer concerned with providing an abstract account of legitimate government: his main goal was to lay down the concrete means necessary to implement such a form of government within the Polish context.³²

Even though these two texts are set apart by such significant differences, they share a crucial theme. Purporting to discuss administrative matters in either general or particular terms, each piece begins with a detailed account of patriotism understood as the *love* of the fatherland and its laws (see *CGP*, p. 179, p.184, p.189; *DPE*, p. 139, pp. 142-3, pp. 147-8). I argue that this shared theme points to the importance of the concept of love in Rousseau's political thought which serves as a common thread that runs through all his political writings.

In both *Considerations on the Government of Poland* and *Discourse on Political Economy* Rousseau introduces his idea of the role of love in politics after a brief discussion on the nature and meaning of law. For Rousseau, law is a deeply paradoxical phenomenon, which succeeds in “making men free by making them subject; ...of confining their will by their own admission; of overcoming their refusal by that consent, and forcing them to punish themselves, when they act against their own will” (*DPE*, pp. 135-6). Nothing in this statement is mere hyperbole. Rousseau literally means what he

³¹ In 1770 Count Michel Wielhorski, to whom the piece is addressed, called on Rousseau to guide the Polish Confederation of Bar's attempts to constitute a free Poland. Rousseau responded with enthusiasm and finished the piece in less than two years time (for further historical details on this topic see Wokler, Rousseau, pp. 73-4).

³² It was with this goal in mind that in his final political work, Rousseau gave his first and only account of the way in which citizens ought to live in a popular government. Gourevitch also highlights this distinctive feature of *Consideration on the Government Poland* in his introduction to *The Social Contract and Other Later Political Writings* (Gourevitch, Introduction, p. ix).

writes: the very moment a man chooses to obey the law and not other men, he becomes a free being; he gains his freedom the moment he subjects himself to the rule of law.

The issue here is not to find a way to resolve the contradiction between freedom and subjection. In Rousseau's account, even though they do stand in opposition to each other, these contradictory states of being are not in need of reconciliation. Accordingly, "the work of law" is not to mediate between freedom and subjection; it is rather to bring into being their immediate unity. In Rousseau's conception, law is neither a middle term between subjection and freedom, nor a higher level of abstraction that results from their reconciliation; it is, in and of itself, both subjection and freedom at the same time. And even for Rousseau, who boasts of being a man of paradoxes by claiming that "when one reflects they are necessary,"³³ to make such a paradoxical unity possible is not an easy task.

Rousseau does not shy away from acknowledging this fact. On the contrary, in his texts, he constantly underlines the difficulty of achieving such a seemingly impossible goal. In *Considerations on the Government of Poland*, he claims that to put the law above men is a problem in politics similar to that of "squaring the circle in geometry" (*CGP*, p.179). In *Discourse on Political Economy*, referring to the same problem, he suggests that its solution requires an "inconceivable art" (*DPE*, p.135). For, although it is true that the immediate unity of freedom and subjection is the work of law, a unity of this kind can only be realized when men actually do obey the laws. It is, then, necessary to ensure that the laws will not be ignored by men. The goal of

³³ The quotation comes from *Emile* where Rousseau famously declares that he prefers to be "a paradoxical man than a prejudiced one" (*Emile*, p.93).

Rousseau's inconceivable art is to find an answer to the question of how this can be done.

For Rousseau, neither relying on citizens' sense of duty nor imposing severe punishments can generate obedience to the laws. The voice of duty, as Rousseau calls it, can easily be clouded by personal interest. By the same token, the citizen, who obeys the laws to avoid sanctions, pays only an "apparent obedience to the laws, in order actually to break them with security" (*DPE*, p.149). With this in mind, Rousseau suggests that there is only one way to move men to act in such a way that they will really, and not just apparently, obey the laws; that way goes through the "citizens' hearts" (*CGP*, p.179). "Do you want to have men obedient to laws?" Rousseau asks, then "make them love the laws" (*DPE*, p.139), find a way to "move their hearts and get the fatherland and its laws loved" because so long as the legislative force fails to reach men's hearts, the laws will invariably be ignored (*CGP*, p.179).

In order to avoid this undesirable outcome, in *Considerations on the Government of Poland*, Rousseau advises his Polish readers to "carry patriotism to its highest pitch" (*ibid*, p. 238). Once the Poles become "patriotic by inclination, passion, [and] necessity" (*ibid*, p. 189), he argues, they will serve their fatherland with all their hearts. In doing so, they will not only develop into praiseworthy patriots but also become virtuous men whose particular wills are "in all things conformable to the general will" (*DPE*, pp. 142-3).

As this account underscores, from his earliest to his last writings, Rousseau considered the love of the fatherland and its laws to be essential in creating virtuous political subjects obedient to the law. Yet, as we have seen, for Rousseau, love is not a

mere tool or a simple substitute for physical sanctions to generate obedience; in his account, love is the motivational force, as well as the substantive content, of the political act which is necessary to “institute a people” (*CGP*, p. 181). And more than anything else, it is this aspect of love that makes it indispensable for constituting popular sovereignty.

For Rousseau, institution of “a people” is of fundamental importance in the making of a body politic. He points to this in *Discourse on Political Economy*, stating that even though “it is a great thing that the State should be tranquil, and the law be respected,” a government, which limits itself to mere obedience, cannot but fail in the long run (*DPE*, p.139). To form a lasting institution, it is not enough to turn men into obedient subjects; it is also necessary to unify those men into “an indissoluble body, by transforming them into Citizens” (*CGP*, p.182). This is the lesson that Rousseau draws from his so-called historical examples of Moses, Lycurgus, and Numa.

All these law-givers are outstanding figures, Rousseau argues, because they managed to create “a people” even out of groups of individuals who lacked moral and civic virtue. Moses made a body politic out of a “wandering and servile troop,” Lycurgus instituted a people from a populace characterized by “slavery and the vices which are its effects,” and finally Numa created a lasting Rome by uniting a group of “brigands” into a unified body (*CGP*, pp.181-2). For Rousseau these examples are crucial because they illustrate that to constitute a people, one needs to find “bonds that might attach the Citizens to the fatherland and to one another” (*ibid*). Ancient law-givers found the way to generate those bonds in different practices, such as “religious ceremonies,” “public games,” and “mild institutions.” Put differently, each one of these

ancient law-givers was able to form a free people composed of true citizens because, in their distinctive ways, they each found a means to activate, what Rousseau, sixteen years prior to the *Considerations on the Government of Poland*, defined as “that fine and lively feeling, which gives to the force of self-love all the beauty of virtue, lends it an energy which, without disfiguring it, makes it the most heroic of all passions” (*DPE*, p.141).

In *Discourse on Political Economy*, while discussing the characteristic features of this powerful feeling that he calls patriotism Rousseau argues that the love of the fatherland and its laws plays a fundamental role in constituting a people because it has two formative effects on individuals. First, by having them perceive their fatherland (*la patrie*) as the “common mother” of all the members of the society (p. 146), it makes it possible for these individuals to “cherish one another mutually as brothers” (p.149). Second, it accustoms men to “regard their individuality only in its relation to the body of the State, and to be aware... of their own existence merely as a part of that of the State” (p. 148). This perfect identification between the individuals and the state enables men to will nothing contrary to the will of the society. Furthermore, once men learn to love their country with that “exquisite feeling which no isolated person has save for himself” (*DPE*, p.148), they actually begin to act like citizens, and through this activity they soon become the “defenders and fathers of the country of which they... have been so long the children” (p. 149).

The discussion above does not only point to the indispensable role that love plays in Rousseau’s conception of the politics of the people; it also gives rise to a series of crucial questions. For instance, what does it mean to have an abstraction such as the

state, or the fatherland, or the laws as an object of love? What are we to make of Rousseau's frequent shifts from the fatherland, to the common mother, and to the mistress when he attempts to depict the object of citizen's attachments? What does this tell us in terms of the nature of love that Rousseau seeks to activate in his conception of patriotism? Finally, in what sense does the state transform "this dangerous disposition" (*DPE*, p.148) into a sublime virtue by becoming its citizens' object of love? Why is love a dangerous disposition in the first place and what happens to it when it changes its nature to become sublime?³⁴

These are important questions, which point to the need to explore Rousseau's understanding of love in order to develop a better grasp of his conception of patriotism. As such, they are closely related to a different set of questions that focuses on patriotism's double role as the motivational force and the constitutive feature of the body politic. For, as we have seen, although Rousseau makes it clear that love of the fatherland is essential in transforming men into citizens, in neither *Discourse on Political Economy* nor *Considerations on the Government of Poland*, does he provide an account of how that ardent feeling achieves this particular effect. Put differently, in neither of these writings does Rousseau explain how the dynamics of the love of the

³⁴ According to Allan Bloom, one of the most important contributions to political thought was Rousseau's discovery that when "properly managed" sexual desire can play a crucial role in forming individuals' characters. One way of doing this involves "turning away from merely bodily gratification to the pursuit of noble deeds, arts and thoughts." See Allan Bloom, Introduction to *Emile or On Education*, by Jean-Jacques Rousseau, (Basic Books: 1979), pp.15-6. In fact, Bloom argues that although Rousseau never used the term "sublimation" himself, the history of this notion can be traced from Rousseau to Kant, Schopenhauer, and Nietzsche (who first introduced the term) and to Freud (who popularized it). For Bloom, however, there is one crucial difference between Rousseau's general idea and Freud's particular utilization of this notion: whereas Freud suggested that sublimation of love did not alter its sexual nature, in Bloom's account, for Rousseau once the object of love changes, it attains a different and markedly non-sexual character. I will take issue with this view later on in the chapter.

fatherland succeed in moving the individual to act in such a way that he becomes both a subject and a citizen, i.e. the object as well as the creator of his state, at the same time. In what follows, I will explore these two sets of questions that go to the heart of Rousseau's conception of popular sovereignty as it is elaborated in the *Social Contract*.

II. Writing on Love, Thinking about Politics

To explore the double role that love plays in Rousseau's understanding of politics and to highlight its motivational force and constitutive effects in his account of popular sovereignty, however, is far from a straightforward task. For although popular sovereignty is *the* theme of the *Social Contract*, there is no direct discussion of patriotism within the body of the text. Throughout the text Rousseau mentions patriotism only twice and although he does so in very suggestive ways—in the first instance, Rousseau counts the “cooling off of patriotism” as one of the key causes of the death of the republic (*Social Contract*, hereafter *SC*, p.74), and in the second case, he argues that “sincerely loving the laws” is a crucial effect of civil religion (*SC*, p.102)—curiously enough he does not provide an account of patriotism's relation to popular sovereignty in either of those instances. This lack of engagement with the effects of the love of the fatherland is odd, especially in light of the fact that the *Social Contract* is Rousseau's *only* “constructive” political writing where patriotism does not play a major role.

Rousseau's apparent lack of interest in the role of love in the *Social Contract* becomes even more intriguing when we think of this text in relation to Rousseau's other works, which were written and/or published at the same time with this “small treatise” on the principles of political right. Rousseau published both the *Social Contract* and his

book on education *Emile* in 1762, just a year after the publication of his best-seller novel *Julie, or the New Heloise* and about a year before finishing his last play, the “lyric scene” called *Pygmalion*.³⁵ What unites these otherwise very different works is that despite their different genres and topics, in all of them, with the notable exception of the *Social Contract*, the theme of love plays the central role.

Thus, for instance, Rousseau aims to provide a critique of the dominant forms of social relations of his time in *The New Heloise* by way of depicting the passionate love affair between the young tutor Saint-Preux and his pupil Julie. *Emile*, which begins as a treatise on education, takes a sharp turn in Book V where Emile finally meets with Sophie, his future wife. After this point, *Emile* changes its genre and becomes a novel or a *romance*, a relatively new genre in 18th century, which specifically focused on relations of love (*Emile*, hereafter *E*, p.416).³⁶ Finally, in *Pygmalion*, whose story is drawn from Ovid’s *Metamorphoses*, Rousseau gives an account of *his* conception of the relationship between the artist and his work of art by portraying the inner struggle of the sculptor Pygmalion, who is desperately in love with a statue he has made, namely Galatea.³⁷

Given that during the short period between 1761 to 1763 Rousseau constantly engaged with the concept of love in all of his above mentioned works, the *Social*

³⁵ Although Rousseau finished this play in 1763, he did not publish it. Still, it became immensely popular during his lifetime after being staged at the Paris Opera in 1772 without his permission.

³⁶ As Bloom explains in his footnote, the word that Rousseau uses here is the French word *roman*. This is significant not only because Rousseau’s *Julie* is considered a *roman* as well but also because “the first novels were stories of love and chivalry, hence the identity of *romance* and novel” (*Emile*, p.493, fn.41).

³⁷ Although, in his essay “Theatricality, Public Space, and Music in Rousseau,” Tracy Strong rightly notes that the story of this ‘monodrama’ comes directly from the tenth book of Ovid’s *Metamorphoses*, he grossly underestimates the importance of the differences between Ovid’s account and Rousseau’s version of the story; see Tracy B. Strong, “Theatricality, Public Space, and Music in Rousseau,” *SubStance*, Vol. 25. 2, Issue 80: Special Issue: Politics on Stage. (1996). I will focus on this point later on in this chapter.

Contract's silence on the love of the fatherland, an issue which plays a central role in his other political writings, becomes even more striking. In fact, in light of the discussion above it is possible to suggest that patriotism is not simply missing in Rousseau's account of popular sovereignty. Quite the contrary, the love of the fatherland is so conspicuously absent in the *Social Contract* that it calls for an analysis of its intriguing lack. At the end of this analysis, which requires an inter-textual approach that puts the *Social Contract* into conversation with Rousseau's aforementioned works, we will see that despite its apparent absence, love is "saturatingly present" in the *Social Contract*.³⁸ And precisely for this reason, Rousseau's popular sovereignty cannot be fully comprehended without an understanding of his conception of love.

The *Social Contract* and the Image of Ideal Political Community as a Love-Object

Perhaps the best way to begin this inter-textual interpretive analysis is to turn to Rousseau's own interesting cross-reference to the *Social Contract* in *Emile*.³⁹ Towards

³⁸ In making this argument, I follow an interpretive insight that is highlighted and deftly utilized by Mary Dietz in her essay "A Transfiguring Evening Glow: Arendt and the Holocaust." See, Mary G. Dietz, "A Transfiguring Evening Glow: Arendt and the Holocaust" in *Turning Operations: Feminism, Arendt and Politics*, pp. 183-201. In that essay, drawing on, what she calls "Harry Berger's compelling notion of the 'conspicuous exclusion' of themes that are 'saturatingly present' in great texts or art works—but only as silence or *felt absence*" (p. 191), and referring to the Holocaust, Dietz argues that "the depth and profundity of Arendt's 'space of appearance' can be fully appreciated only in terms of a phenomenon that is saturatingly present but conspicuously held at bay in the *Human Condition*" (p.192). Following the same interpretive insight, in this essay I argue that Rousseau's conception of popular sovereignty can be fully understood only in terms of love that is "conspicuously held at bay" in the *Social Contract*.

³⁹ Hilail Gildin also points to this interesting cross-reference to the *Social Contract* in *Emile*. According to his argument, the fact that *Emile* is presented with a summary account of the *Social Contract* points to the double meaning of the text. Accordingly, he suggests that to the extent one attempts to grasp the "the nature of political life" by understanding what "transcends" the political community, the *Social Contract* is a "difficult work," which is "suited to few readers." If, on the other hand, one wishes to understand the "chief political conclusions of the *Social Contract*" then it becomes an easily accessible work simple enough to be summarized in a few pages and clear enough to be understood by "Emile, who is assumed not to be unusually gifted." See Hilail Gildin, *Rousseau's Social Contract: The Design of the Argument* (Chicago: The University of Chicago Press, 1983) pp. 3-4. Although this is an interesting point, I find it

the end of Emile's education, his tutor suggests that it is now time for Emile to learn "to consider himself in his civil relations with his fellow citizens" by way of studying "the nature of government in general, diverse forms of government, and finally the particular government under which he was born" (*E*, p.455). To do so, Emile is taken on a journey with the avowed intention of searching for an abode in Europe where he can settle down with his family. It is during this search for the best government that Emile's tutor constructs an image of an ideal political society. Through this account, Rousseau provides his readers with a brief summary of his treatise on the principles of political right; a treatise, he quickly notes, that will be published separately in its entirety under the name of the *Social Contract* (*E*, p. 462).⁴⁰

At first glance, this seemingly ad hoc inclusion of an account of the ideal form of the political society strikes the reader as tangential, if not totally irrelevant. After all, in Book V, where the image of political society is introduced, *Emile* has already turned into a novel that depicts the love affair between Emile and Sophie. Given this, one would expect the book to end once Sophie finally consents to marry Emile. And yet, it is at this very point that his tutor decides to take Emile away from the marriage prospect that he himself arranged. Moreover, he does so only to take Emile back to Sophie after a

hardly convincing, especially given Rousseau's insistence in "The General Society of the Human Race," which is an early draft of the *Social Contract*, that his goal in this work is not simply to teach what justice is but to alter the way people act; see Jean-Jacques Rousseau, "The General Society of the Human Race," in *The Social Contract and The Discourses*, pp., 174-5. For Rousseau, who is convinced that reasoning in the silence of passions cannot move people to act, grasping the meaning of his work is not enough; the relevant question is how the argument that is presented in this short piece can affect its readers so that they may begin to act in a just way.

⁴⁰ Contrary to this statement, and despite Rousseau's all efforts, the *Social Contract* was published about a week earlier than *Emile*; while the *Social Contract* was published on May 15, 1762, *Emile* was published on May 22nd of the same year. Rousseau's plans were undermined mainly because of the unexpected delays in *Emile*'s publication due to the particular censorship practices in France (the *Social Contract* was published in Amsterdam). For a detailed account see Maurice Cranston, *The Noble Savage: Jean-Jacques Rousseau 1754-1762* (Chicago: The University of Chicago Press, 1991), pp. 336-349.

duration of two years about which the reader learns next to nothing within the course of the book. As such, Rousseau's summary account of the *Social Contract* appears to be a mere addition to *Emile* with no significant role other than introducing a further delay in the fulfillment of Emile's sexual desire for Sophie.

I suggest that this apparent insignificance is deceptive. A close reading of Rousseau's way of introducing his account of the ideal form of political society in *Emile* reveals two valuable insights: First, it demonstrates the way in which Rousseau presents the image of ideal political society as an alternative love-object to Sophie. Second, it helps elucidate Rousseau's complex conception of love by distinguishing it from other sentiments such as compassion, and highlights its passionate quality that turns it into a motivational force that is capable of moving people to act in particular ways.

As Rousseau underlines, his tutor reveals the plan of taking Emile to a two-year-long journey away from Sophie in a pre-meditated, well-planned conversation that he has with his pupil. During this conversation, the tutor tries to demonstrate that although it is certainly not a "criminal" passion, insofar as it has the power to enslave him by subjecting his will, Emile's love for Sophie is still a dangerous one. Emile's passionate love for Sophie, he argues, turns him into a being whose happiness totally depends upon his object of desire. For Emile's tutor, who has worked to create a happy and independent man out of Emile by constantly preserving his pupil from what Rousseau calls "the empire of passions," this means nothing less than a total undermining of the work of his life.

Rousseau finds the solution to this problem in directing Emile's energies to

search for a place whose form of government approximates the ideal model with which he is provided in the beginning of the journey. The most striking and telling aspect of this proposed solution is the way it is undertaken. For indeed, to the reader of *Emile*, the notion of providing the pupil with a carefully constructed ideal model which can then be used as a motivating source as well as a guide in the search for the object that it depicts, is not a novel idea. Rousseau utilizes the very same means when he first introduces the image of Sophie as a model woman formed to be the object of Emile's sexual desire.

Consistent with his view that the sexual development of the child is a "moment of crisis" with far reaching influences (*E*, p.211), Rousseau devotes a considerable space in *Emile* to explain how to deal with this critical state. According to him, in order for Emile to go through the perilous transition period from childhood to puberty unharmed, it is necessary to put "order and regularity to the nascent passions" (*E*, p.215). Thus, Emile's tutor tries to "excite and nourish" certain sensibilities as a way to prevent a more dangerous sort of passion, namely love, from gaining strength in an untimely manner.

During this process, Emile is first introduced to friendship, then pity, and finally to gratitude, all of which are powerful sentiments that are radically different from love. For Rousseau, precisely due to these differences, such sentiments can be used to inhibit the emergence of love. Thus, for instance, while pity is presented as one of the first bonds that link Emile to his species, Rousseau makes it clear that, unlike love, which demands a complete unity between the loved object and its lover, pity relies on a strict distinction between the suffering and the compassionate being. Pity, Rousseau argues, requires one to share the suffering of others. And yet, this sharing is "voluntary and

sweet” only because “in seeing how many ills he is exempt from, [the individual] feels himself to be happier than he had thought he was” (*E*, p.226). Keeping Emile occupied with the sufferings of others in this manner, and also making sure that he is no less happy as a result, his tutor manages to hold the completely self-centered sentiment of love at bay.

And yet, although sexual development can be slowed down, it cannot be contained indefinitely. Thus, at the end of this preliminary sentimental education, Rousseau finally has Emile’s tutor “speak to him of love, of women, of pleasures” (*E*, p. 325). At this stage of Emile’s life, the goal of education is no longer to repress Emile’s sexuality; it is rather to find a way to direct this sentiment to its appropriate object. With this in mind, and being convinced that “one has a hold on the passions only by the means of the passions” (*E*, p. 327), Rousseau declares that now is the time to make Emile “moderate by making him fall in love” (*ibid*). Thus, his tutor informs Emile that they need to take a journey to find a companion for Emile’s heart. But for such a quest to be fruitful, one needs to know and, more importantly, love the object that he is looking for.

Hence, in the beginning of their journey, in a manner that mirrors what he does when he introduces the image of the ideal political community, the tutor provides Emile with a depiction of an ideal love-object. And it is, he continues, of no importance “whether the object I depict for him is imaginary...it suffices that he everywhere find comparisons which make him prefer his chimera to the real objects that strike his eye. And what is true love itself if it is not a chimera, lie, an illusion? We love the image we make for ourselves far more than we love the object to which we apply it” (*E*, p. 329).

Despite this, Rousseau makes sure that what is depicted is not a model of perfection which cannot exist (ibid). Thus, the image, which is soon to be christened as Sophie, is adorned not only with beauties but also with such defects as to suit and please Emile. The goal of depicting “Sophie, or the woman,” as Rousseau chooses to call her, in this particular manner is not to convince Emile that the model has an original in real life. Whether or not Emile believes that Sophie really exists is inconsequential. To the extent that the image of Sophie, as an object of desire, both moves Emile to search for it actively and attaches him to everything resembling this ideal object, while estranging him from all the others that differ from it, it fulfills its purpose.

This final point is crucial because it further underlines the close parallel between Sophie as a model woman and the brief summary of the *Social Contract* in *Emile* providing a model of ideal body politic. For Rousseau makes the very same point before he depicts the best form of government later on in *Emile* where he argues that in order to make meaningful comparisons and determine our preferred object, “one must construct a standard to which measurements one makes can be related” (*E*, p. 458).

Surely, such a standard constitutes an idealized model, but as his tutor reminds Emile, who criticizes his tutor’s account by claiming that it is unrealistic, the point of the whole exercise is nothing more than learning to appreciate things that approximate the given model; when one begins to examine the political societies that men have actually created in this way, it becomes possible to realize that there are in fact “some fine things” to see.⁴¹ To sum up, the fact that Emile is unconvinced about the existence

⁴¹ It is in this sense Shklar suggests that the *Social Contract* “was a yardstick, not a program” for Rousseau. Even then, however, as Shklar forcefully argues, “the *Social Contract* does not present a

of such a political society in real life is inconsequential for Rousseau to the extent his love, which is nourished by this model, moves him to search for it and attaches him to everything resembling the ideal political society while estranging him from all the others that differ from it.⁴²

There are a couple of things that need to be highlighted here. As we have seen, Rousseau does not only present these two models, that is, the image of Sophie as the ideal woman and the image of ideal political society, in similar ways, he also uses them for similar purposes. In other words, Rousseau constructs both of these abstract, but also sufficiently realistic and vivid, images as objects of desire that need to be sought for. In doing so, both models aim to, and succeed in, moving Emile to act in particular ways by “making him fall in love.” All of this is strictly in line with Rousseau’s understanding of love according to which “There is no true love without enthusiasm, and no enthusiasm without an object of perfection, real or chimerical, but always existing in the imagination” (*E*, p.391). In saying this, Rousseau acknowledges that in love “everything

picture of a model of a flawless political order, but of one which men *might* aspire” (Shklar, *Men and Citizens*, p.17). In other words, in depicting both the image of “natural woman” and the body politic Rousseau makes sure that he does not provide Emile with “a model of perfection which cannot exist” (*E*, p. 329). Indeed, although his goal is not to convince that the model that he is depicting has an original, which exists somewhere out there, Rousseau is well aware of the fact that Emile can be attached to such images and move to act so as to find a way to approach them only when they are depicted in a sufficiently realistic way.

⁴² Once we think of the *Social Contract* as a treatise providing an idealized image created to “excite and nourish” certain passions, one can read the opening lines of this treatise in a new way. For there too—in one of the few references that he has to love—Rousseau tries to explain the reasons behind his attempt to write a treatise on the principles of political right by suggesting that his meditation on governments are crucial for him because, thanks to them he “always find(s) new reasons...for loving that of [his] country” (*SC*, p.17). Surely, Rousseau’s relation to Geneva is a highly controversial matter—especially in the light of the criticisms that Rousseau directs to this city-state in his *Confessions*; for a detailed discussion on this issue see Gildin, *Rousseau’s Social Contract*, p.8. And yet, as the discussion above suggests Rousseau’s claim that the *Social Contract* provides its writer with “new reasons to love” his country is far from being an unqualified praise; it is rather a straightforward statement by the author about the goal of his project, which is set to enable its addressee to appreciate those things which approximate the imaginary model while moving away from those things which contradict it.

is only illusion.” This, however, does not change the fact that such illusions can generate “real” sentiments, which are powerful enough to animate us. Thus, Rousseau continues, “... beauty is not in the object one loves; it is the work of our errors. So what of it? Does the lover any the less sacrifice all of his low sentiments to this imaginary model?” (ibid).

In light of Rousseau’s emphasis on the real effects of illusionary objects of desire in the matters of love and taking into account the way he deploys the *Social Contract* in *Emile* so as to create such an imaginary model, we can now see how, for Rousseau, the *Social Contract* can manage to move its readers to act in particular ways despite its arid subject matter and its dispassionate tone.⁴³ After all, Rousseau’s “skillful descriptions, which clothe” the images of both Sophie and the body politic, alter the way Emile acts in significant ways. First, these imaginary models make it possible for him to undertake an endeavor to search for these particular objects of his desires. Second, such images define as well as shape Emile’s relationship with those objects in such a way that, to Emile, being a good husband who loves his wife, or alternatively becoming a good citizen who loves his country, appears to be the only means to ensure

⁴³ Many readers of Rousseau agree with Gildin that the *Social Contract* is Rousseau’s “least eloquent and impassionate work dealing with moral and political matters” (Gildin, *Rousseau’s Social Contract*, p. 39). For a similar view also see Cheryl Hall, *The Trouble with Passion: Thinking Beyond Liberal Political Rationalism* (New York: Routledge, 2005), p. 71. Although Hall does not share Gildin’s view that Rousseau avoids using a passionate language in the *Social Contract* because he does not want to encourage a revolution, she agrees with Gildin in that the *Social Contract* is written in an uncharacteristically dry and dispassionate tone. I argue that despite its dry language the *Social Contract* still aims to move the people to act in particular ways by providing an image of an ideal political community and constructing it as an object of desire. In making this argument, I do not mean to suggest that the *Social Contract* provides its readers with a program of action to create radical social change. Although his ideas had undeniable revolutionary effects, as Shklar, Jean Starobinski and Gildin along with many other commentators argue, Rousseau was far from being a proponent of revolution. This, however, does not undermine the claim that in the *Social Contract* Rousseau sets out to transform the way its readers act by motivating them to seek a form of political society that approximates the ideal image presented in his political treatise.

his happiness.

The Love of One's Country: A Love "More Delightful Than the Love of a Mistress"?

Perhaps one of the most striking and telling aspects of the figuration of the *Social Contract* in *Emile* lies in the fact that Rousseau presents Emile with his particular image of political society only after making him fall in love with Sophie. The order of this presentation is of crucial importance for by first nourishing and exciting Emile's love for Sophie and then delaying the fulfillment of his sexual desire the very moment that its consummation becomes a possibility, I suggest that Rousseau sets out to achieve two closely related goals.

First, by making sure that Emile's sexual desire remains unsatisfied, he attempts to generate, what Allan Bloom calls, "a tremendous psychic energy," which can be channeled to different activities including those which are required to become a good citizen. Unlike what Bloom suggests, however, this re-channeling of psychic energy does *not* aim at achieving "that uniquely human turning away from bodily gratification to the pursuit of noble deeds, arts and thoughts" by way of "purifying and elevating this desire."⁴⁴ Although it is indeed true that what is at stake here is nothing other than a move towards sublimation—in the sense that instead of being simply repressed the unconsummated sexual energy is directed towards the actualization of other, and perhaps higher ends—rather than "purifying" Emile's love, Rousseau aims to counter his "impetuous" desire for his future wife by exciting an equally passionate love through the presentation of a new ideal image, which is constructed as an alternative object of desire.

⁴⁴ Bloom, "Introduction," *Emile*, pp. 15-6.

Given Rousseau's depiction of the objectives of his educational scheme, this second goal, that is, his attempt to counter passions with passions is not surprising. Throughout his treatise, Rousseau argues that the goal of his educational project is to form Emile as a "natural man living in the state of society" (*E*, p.205). This requires creating an independent man who, like the savage in the *Second Discourse*, "lives within himself" and in his undivided love for his own being, becomes not only peaceful but also happy.⁴⁵ For Emile, who "is a savage made to inhabit cities," however, achieving that happiness is not as easy.

Unlike the savage of the *Second Discourse*, the social man cannot live in a "perfect state of equilibrium" due to the inevitable disjuncture between his powers and desires. To bridge that gap, he seeks the assistance of others. In doing so, man moves beyond the bounds of his own existence and begins to live "outside himself."⁴⁶ This intellectual move constitutes the basis of social man's divided soul. This is crucial because, according to Rousseau, social man in general, and Emile in particular, cannot become happy unless he overcomes this division and regains his soul's lost unity within the context of society. What is crucial is that for Rousseau, paradoxically, to prevent the social man from being totally artificial "one must use a great deal of art" (*E*, p.317) and "regulate nature," rather than suppress it, by utilizing instruments that must be drawn from nature itself (*E*, p.327). Thus, Rousseau argues that once Emile gains awareness of sexual desire, "far from combating the inclinations of his age" one must "consult them in order to be their master" (*E*, p.326).

⁴⁵ Jean-Jacques Rousseau, "A Discourse on the Origin of Inequality," in *The Social Contract and The Discourses*, p 116.

⁴⁶ *ibid.*

From this point onwards, as we have seen, rather than trying to prevent the rise of dangerous passions, Rousseau attempts to make productive use of them.⁴⁷ Hence, his tutor begins to manipulate Emile, not for the purpose of repressing his nascent passions as he did before, but so as to employ those very passions in ways to enable him express his own being. Put differently, now that one can no longer prevent Emile from feeling the urge to move outside of himself to seek another being for the purposes of fulfilling his desires, his tutor seeks to find proper outlets to direct Emile's sexual energy. Such outlets can take many different forms but they are considered to be appropriate as long as they enhance, rather than delay or prevent, Emile's return to himself so that he can once again gain his unity and become one with his own being. The image of Sophie is constructed by Rousseau to become one such outlet.

Meticulously created for the sole purpose of becoming a living image, a reflection of Emile,⁴⁸ Sophie is supposed to be nothing but a means for Emile to return

⁴⁷ By making this point, I depart from Shklar's reading of both *Emile* and the *Social Contract*, according to which these texts give voice to two different, and in many ways contradictory, utopias which are essentially preventive in nature aiming to "forestall... the normal course of history" (Shklar, p.10). As we will see below, I suggest that neither *Emile* nor the *Social Contract* can be thought of as purely preventive projects. What is more, although Shklar is right in pointing out that the goals of creating good men and forming good citizens in many ways contradict one another, I go against her claim that for Rousseau the solution to our predicament lies in our recognition of the fact that the two cannot be reconciled. Unlike Shklar, I argue that rather than arguing for the necessity of choosing one over the other, Rousseau aims to find a way to ensure that people can become both good men and good citizens, even though he is well aware of the fact that being a good man and a good citizen at the same time constitutes, in his own account, nothing less than a paradoxical unity. For Shklar's argument, see Chapter 1, especially pp. 10-15.

⁴⁸ As Joan Landes puts it forcefully, in *Emile* Rousseau introduces "Sophie as an afterthought but as a necessary requirement for Emile's... completion." Joan Landes, *Women and the Public Sphere in the Age of French Revolution* (Ithaca, New York: Cornell University Press, 1988), p.70. In Rousseau's description Sophie is everything that Emile is not. Unlike what is the case in Emile's education, throughout her education she is openly constrained without ever being given the impression that she is free (*E*, p. 369). Whereas his tutor keeps Emile away from the adverse effects of public opinion as long as possible, it is made sure that Sophie lives according to the precepts of public opinion. Finally, and more importantly, while the goal for Emile's education is to undermine the distinction between reality and appearance so that Emile can become a unified self, who appears as he really is and thus lives in harmony

to himself while loving another. It is only due to this quality, i.e. Sophie's assumed ability to reflect Emile's being back upon himself, that Rousseau can suggest that in loving Sophie, Emile actually once again learns to love his own self, which is expressed in the image of his loved one. And yet, as many of Rousseau's commentators attest, despite his claims to the contrary, within the course of the book Rousseau does give an account of Sophie developing a distinctive character that cannot be reduced to a mere expression of her lover's self. As a result of this character development, Sophie remains other than Emile, and to that extent, her erotic power, that is, her ability to control Emile's sexual desires, becomes a problem that potentially undermines his tutor's goal of creating a totally independent man with a unified self.

I argue that it is to overcome this problem and not to purge Emile from his sexual desires –for Rousseau has no doubt that such a project is bound to fail- that Rousseau presents Emile with an imaginary model of the body politic and sets his particular conception of the state as an outlet for Emile's passions which are at this point nourished and excited to such a degree that they can no longer be repressed. For Rousseau, the ideal relationship between the state and the citizen can be formed only through the deployment of such tremendous and sexually charged energy for the purposes of creating a body politic as an enlarged self.

This is, no doubt, a controversial claim, which implies that, as opposed to what Bloom argues, the “sublime” goal of undertaking “noble deeds” to become a good

with his own being, in Susan Moller Okin's apt words, “virtually everything Sophie does, and is encouraged to do, is for the sake of appearance.” See Susan Moller Okin, *Women in Western Political Thought* (Princeton University Press, 1979), p. 163. It is in this sense I argue that Sophie is the mirror image of Emile; an image that is consciously left hollow inside so that Emile can express his own self by way of fashioning it according to his own will.

citizen is still a sexually charged endeavor for Rousseau.⁴⁹ What is more, contrary to Shklar, who argues that the life of the citizen is one of self-repression, the argument presented above suggests that, to fulfill its purpose, the constitution of the body politic requires the individuals to employ their energies to *express* their own selves so that through their love of the body politic, which they create themselves, they can once again learn to love their own being.⁵⁰

The love that Rousseau aims to generate through the image of an ideal state is a powerful motivational force, which can fulfill its purpose only through a creative project of self-expression that enables the individual's return to himself. According to this account, although projects of self-expression can take other forms, such as the work of the creative artist, they are always sexually charged endeavors. Rousseau, who,

⁴⁹ Here the similarities between Freud's account of group psychology and Rousseau's attempt to make productive use of Emile's sexual energies through a process of redirection cannot be ignored. Discussing the constitutive role that the redirection of sexual energies play in the formation of groups, in his essay *Group Psychology and the Analysis of the Ego*, Freud argues the following: The "nucleus" of what we mean by love "consists in sexual love with sexual union as its aim." See Sigmund Freud, *Group Psychology and the Analysis of the Ego* (New York: Norton & Company, 1959) p. 29. "In groups there can evidently be no question of sexual aims of that kind. We are concerned here with love instincts which have been diverted from their original aims, though they do not operate with less energy on that account" (ibid, 44). What has been discussed so far directly corresponds to this account with one crucial difference. Whereas for Freud the redirection of sexual energies is a scientific and deeply problematic fact – problematic, to the extent that it undermines individual distinctiveness – that can be observed in the formation of groups in general, for Rousseau, it is a means that *ought to* be utilized for the constitution of well-ordered political society.

⁵⁰ According to Shklar, because what is at stake is ultimately a collectivist project, where "the *moi humain* really is crushed by the *moi common*" (Shklar, *Men and Citizens*, p.15), in Rousseau's ideal political society "citizenship is a matter of *self-repression*" (ibid, p.16) which completely eradicates any room for personal choice and thus utterly lacks "any opportunity for self-expression" (ibid, p.17). Contrary to this view, I argue that Rousseau conceived popular sovereignty as a project of self-expression. Put differently, although Shklar is right in pointing out the repressive aspects of Rousseau's conception of citizenship, she misses the point that despite all of this for Rousseau ideal political society was still a project of individual freedom. Precisely for this reason and being aware that such a project involves a great degree of repression and manipulation – a point which he explores in great detail in *Discourse on Political Economy* and *Considerations on the Government of Poland* – in the *Social Contract* Rousseau erases the work of manipulative mechanisms and gives an account of popular sovereignty where individuals, in a "direct and unmediated manner," create their state as an expression of their individual selves.

unlike many of his commentators, had no trouble in laying bare the sexual underpinnings of creative energies, makes this very point in his last play *Pygmalion*, where he provides an account of love not only as a motivational force but also as *the* constitutive feature of the relationship between the individual and his object of desire.

Pygmalion and Galatea: Artistic Creation and Love in its Perfect Form

Pygmalion is a “lyric scene,” or a “monodrama,” which opens with a depiction of a crisis in the life of a sculptor, Pygmalion, who fears that he has extinguished all his artistic power in creating his greatest work of art. The work of art in question is the sculpture Galatea whose perfect body, which her creator considers to be superior even to the gods’, is forged by Pygmalion to correspond to his own desires. In this sense, Galatea is not only an image of ideal beauty carved in stone. It is, at the same time, an expression of Pygmalion’s own self. In fact, his work of art reflects Pygmalion’s self in such a perfected way that the sculptor cannot help but say “I adore myself in what I have made” (*Pygmalion*, hereafter *P*, p.232). This is not a mere appreciation of one’s own work, neither is it a simple case of identification with a work of art. Pygmalion is, in Rousseau’s re-telling of Ovid’s story, not in love with a mere sculpture; he is in love with a sculpture that reflects his own image.

Jean Starobinski highlights this crucial point when he eloquently writes, “like Narcissus in love with his own image, Pygmalion wants to embrace the likeness of himself that he admires in his creation.”⁵¹ But there is a problem. Through the creation of the work of art, Pygmalion has not simply divided himself into two; more

⁵¹ Jean Starobinski, *Jean-Jacques Rousseau: Transparency and Obstruction* (Chicago: University of Chicago Press, 1988), p. 71.

importantly he expressed his own self in an inanimate being, “a lifeless *thing*” which is doomed to remain exterior to him. The drama of this lyric scene lies precisely in this fact. As Starobinski powerfully argues, Pygmalion, who is, in Rousseau’s words “infatuated” with the perfect form of his own creation which “intoxicates”⁵² (*P*, p. 232) him, cannot come to terms with the idea that his work of art must remain as something “other than himself, a stranger to him.”⁵³

This, however, does not mean that Pygmalion wants to “die in order to live in Galatea” (*P*, p.233). Pygmalion desires to be loved by the object of his love and become one with her through the consummation of his passionate carnal desire. Surely, there is a paradox here –a paradox whose structure, as we will see, determines Rousseau’s conception of love. The sculptor, who cannot bare the exteriority of his work of art, wants to overcome the division of his self by becoming one with his own creation. But in seeking this union, he cannot bring himself to deny his own being so he prays to gods that he may always be another, “in order to wish always to be she, to see her, to love her, to be loved by her” (*ibid*). The artist then desires nothing other than the actualization of a paradoxical unity where the subject retains its unity while dividing itself into two so that he can love his own self reflected in his creation while at the same time being loved in return by that creation which is nothing but his own exteriorized self. To bring about this paradoxical unity, Pygmalion begs for a miracle, and just like what happens in Ovid’s story, he is granted one as Galatea comes to life.

⁵² Rousseau frequently uses this term in both *Emile* and *Julie* while depicting the passionate relationship between Emile and Sophie, and Julie and Saint-Preux to highlight the potentially dangerous effects of love.

⁵³ Starobinski, *Transparency and Obstruction*, p. 71.

Unlike Ovid's story, however, Rousseau does not end his lyric scene by simply suggesting that Galatea becomes an animate being. In Rousseau's retelling of this story of metamorphosis, what is significant is that Galatea becomes a living being with a consciousness of her own. Yet, contrary to what one might expect, Galatea does not gain awareness of her own distinctive being in relation to the things that surround her. Her first act is to touch herself; a sensuous act that, in Starobinski's apt words, "immediately yields 'self-consciousness'"⁵⁴ as she says "Me!" (*P*, p. 235). In Rousseau's account, Galatea is immediately present to herself. Once she recognizes her own self, Galatea begins to perceive that there are other things around her. Hence, she takes several steps in the sculptor's studio, touches a piece of marble and says, "This is me no more" (*ibid*). Only after these initial moves, the now living statue turns to her creator. Galatea touches Pygmalion, and sighs, "Ah, it is still me" (*P*, p. 236). This statement, which declares that the separation between the artist and his work no longer exists, announces that Pygmalion's prayers have come true. Rousseau concludes the play by giving the last word to Galatea's creator who says "I have given you all my being; I no longer live except through you" (*P*, p. 236).

With these words, the artist, who has divided himself into two distinct beings, once again becomes a unified self. But this is a paradoxical unity for although Starobinski is right in suggesting that at the end of the play the creator and the created are "subsumed in the unity of a loving Ego,"⁵⁵ it is important to remember that these two beings, who are the expressions of the same self, retain their separate existences,

⁵⁴ *Ibid.*, p.72.

⁵⁵ *Ibid.*

thereby becoming both the object and the subject of this embracing love, so that they can love and be loved in return by the expression of their own being.

All of this is significant in our attempt to understand the dynamics of the relationship between the citizens and the state that Rousseau seeks to establish through the process of redirection of sexual energies. The discussion above demonstrates that a careful reading of this short play, which is so often neglected by commentators, provides a rich account of Rousseau's conception of the self and the importance he attributes to self-expression through the creation of artifacts along with his understanding of art, and more importantly, of love.

One of the most interesting aspects of Rousseau's retelling of Ovid's story is the clarity with which it shows the close link between love and artistic creation, while highlighting the deeply sexual nature of the love that is being transfigured. In Rousseau's account, Galatea's coming into being is *not* the result of Pygmalion's turning away from bodily gratification. Although it is true that in the play we witness a sculptor producing a "sublime" work of art, we also notice that he does so without completely "purifying," or for that matter, "elevating" his desires: Pygmalion loves his creation in a very physical and erotic way. To put it in the words of Johann Wolfgang von Goethe, who built his criticism of Rousseau on this very point, in *Pygmalion* "We are shown an artist who has done work of the utmost perfection and who, having projected his idea outside himself, having presented it according to the laws of art and bestowed upon it a superior life, remains unsatisfied. He must bring the work down to earth. Where spirit and action have produced something of a higher nature, he wants to

destroy it by an act of the most vulgar sensuality.”⁵⁶

Yet, where Goethe sees destruction, Rousseau perceives nothing other than the realization of an ideal union, which is perfect because it brings about the immediate unity of contradictory terms. In fact, precisely because it is such a paradoxical unity, where carnal desire meets sublime, and the two lovers become one while still remaining distinct, the story of Pygmalion’s love for Galatea is Rousseau’s only “romance” that has an unambiguously happy ending.

Towards the end of *Julie, or the New Heloise*, Julie, re-channeling the creative energies that emanates from her unsatisfied desire for Saint-Preux, manages to form a seemingly perfect little society where everybody, including her former lover, current husband, dear cousin and two little kids, live a happy life. The novel, however, does not end there. Rousseau ends this love story by depicting the self-imposed death of Julie who confesses that despite all her efforts to abnegate her unruly passion, she still loves Saint-Preux.

Emile is hardly any different from *Julie* in this regard. At the end of *Emile* we read that Emile and Sophie consummate their love in a happy marriage but even this conclusion is far from being an unambiguously happy ending. In fact, in his unfinished sequel to *Emile*, Rousseau gives an account of how this supposedly happy marriage goes terribly wrong when Sophie gets pregnant from another man and Emile, abandoning his wife and children, starts wandering around the world as a deeply

⁵⁶ Johann Wolfgang von Goethe cited in *Transparency and Obstruction*, p.72.

unhappy man who is not only without a family but also without a country.⁵⁷ Thus, in neither *Emile* nor *Julie*, does Rousseau provide his readers with an account of a perfect union between two lovers who in their love for each other regain the unity of their souls. As we will see, it is of crucial significance that only in *Pygmalion*, where the loved object is a direct product of the artist's self-expression, such a union becomes a possibility.

Unlike the imperfectness of the love between Emile and Sophie, and Julie and Saint-Preux, the union between Galatea and Pygmalion is impervious because the statue, created by Pygmalion to be an expression of his own being, has no distinctive self. An animate Galatea *is* the living image of Pygmalion; its coming to life makes it possible for Pygmalion to love himself in an uncorrupted way thereby enabling him to return to himself. For Rousseau, Galatea's transformation is miraculous because she not only changes from an inanimate statue into a living being but also she recognizes herself in her creator in a direct and unmediated way. Galatea does not perceive any difference between her own being and that of Pygmalion. Thus, Rousseau makes sure that when she touches Pygmalion, Galatea gives exactly the same reaction as she gives when she touches her own body; in both cases her touch immediately yields self-

⁵⁷ In her essay "Rousseau's Novel Education in *Emile*," Mary Nichols makes a similar point by arguing that "Rousseau ends the *Emile* allowing us to believe that Emile has achieved a reconciliation between independence and love...In a sequel to the *Emile*... Rousseau makes explicit what he left implicit in the *Emile*—the impossibility of educating a man uniquely for himself yet also for others. See Mary Nichols, "Rousseau's Novel Education in *Emile*," *Political Theory*, Vol. 13,4 (1985) p.553. Although I agree with Nichols in that the sequel to *Emile* signifies the failure of Emile's marriage to Sophie, unlike her, I argue that for Rousseau this failure points not to the impossibility of the unity between independence and love but rather to the imperfectness of love when it is directed to an object of desire which is not an expression of one's own self.

consciousness.⁵⁸

This silent, and hence, immediate communication between these two lovers who are the expressions of the same self, is another factor which sets apart the love of Pygmalion and Galatea from the love of their counterparts. Whereas Emile and Sophie and Julie and Saint-Preux need to undertake the hard and laborious work of mediation to reconcile their differences so as to become one through their reciprocal love, once Galatea comes alive, she and Pygmalion find themselves in each other immediately, without ever going through a process composed of intermediate stages or having recourse to any intermediaries including the language. Thus, contrary to his former stories of love which of necessity narrate events that take place over a long period of time, in his lyric scene Rousseau depicts nothing more than the ecstatic moment of union.⁵⁹

When put into conversation with *Emile* and *Julie* in this manner, an analysis of *Pygmalion* brings to light three crucial points. First, such an analysis clarifies the significance of the role that love plays in Rousseau's theorizing during this period of his intellectual life. In all of the writings discussed above, Rousseau suggests that although love is a dangerous passion that urges the individual to move outside of himself to seek

⁵⁸ Here it is crucial to note that for Rousseau touch is the most primal and sensual human faculty, which "concentrates its operations in the immediate vicinity of man" (*E.*, p.140).

⁵⁹ Starobinski powerfully highlights the crucial importance of immediacy in Rousseau's account of love. According to him, in *Julie* too, Rousseau desires "to enjoy physical pleasure along with an exalted sense of virtue." And yet, his desire for simultaneous and immediate gratification cannot be fulfilled at the beginning of his story. Thus, "despite his dislike of anything that is not immediate," Rousseau ends up with a novel that covers an extended period of time during which "in a dialectical manner" carnal desire is transformed into virtuous love; see Starobinski, *Transparency and Obstruction*, p.87. Perhaps the best indication of Rousseau's dissatisfaction with this "resolution" is the end of the novel where the account of Julie's self-imposed death along with her confession of her on-going love for Saint-Preux completely undermines the outcome of a long dialectical process in a single stroke.

another being for the purposes of fulfilling his desires, it can potentially become a powerful productive force enabling the individual's return to himself. This attempt to "extract from the evil itself the remedy which can cure it,"⁶⁰ however, is hardly an easy task because, as the ambivalent endings of *Emile* and *Julie* suggest, even when it is reciprocal, the love between two distinct individuals, who can never achieve a complete identification with one another, always produces a fragile and transitory union that cannot stand the test of time. Thus, Rousseau, who insistently highlights this difficulty, seeks to find a way to create a perfect union.

In many ways, and this is the second point highlighted by the discussion above, it is possible to argue that Rousseau finds that solution in his reinterpretation of Ovid's story of Pygmalion. In *Pygmalion* we see that the perfect union that Rousseau aims to reach is the result of a perfected form of love which is strictly narcissistic in character. *Pygmalion* demonstrates that love can become a remedy of the individual's divided self *only* when it is directed to the image of one's own self, exteriorized through the creation of an artifact. When one loves one's own creation, which is nothing other than the expression of one's own self, the identification between the subject and the object, the lover and the loved one, becomes complete. Love, which urges the individual to move outside of himself, enables his return to his own being by forming an impervious union between the loved object and its lover who is, simultaneously, its creator. For Rousseau, then, insofar as they make self-expression possible, creative projects, including but not limited to the work of an artist, can enable the formation of happy and independent individuals with unified selves.

⁶⁰ "The General Society of the Human Race," p. 176.

All of this is crucial because I suggest that to the extent that Rousseau introduces Emile with the imaginary model of the body politic both as an outlet that can ensure the safe release of his frustrated sexual energies and as an alternative object of desire, the love of which can, unlike the love of Sophie, enable Emile's return to himself, there is a close parallel between the perfect love of Pygmalion and Galatea and the formative relationship between the citizen and his state as it is depicted in the *Social Contract*. This parallel, I suggest, highlights that, for Rousseau, not unlike what is the case in the artist's love for his own creation, the citizen's relation to his state is, or rather should be, determined by his love, which is in this case directed to the body politic. It is in this sense I argue that in its apparent absence, love is ubiquitous in the *Social Contract*.

The Body Political as a Work of Art: Re-reading the *Social Contract*

In his interpretation of *Pygmalion*, Christopher Kelly argues that the lyric scene makes it clear that according to Rousseau we can indeed fall in love with an object even when we are aware that the loved object is nothing more than a product of our imagination. In Kelly's reading, however, this particular conceptualization of love, which results from the play's specific focus on "the life of the creative artist," constitutes the main shortcoming of *Pygmalion* as it takes Rousseau "far beyond anything socially or politically relevant."⁶¹ And yet, the life of the creative artist can hardly be considered as politically irrelevant for Rousseau. In fact, unlike what Kelly seems to suggest, in Rousseau's writings there is no such clear-cut distinction between art and politics. On the contrary, in his political works Rousseau constantly underlines

⁶¹ Christopher Kelly, Introduction to *Letter to D'Alembert and Writings for the Theater*, translated and edited by Allan Bloom, Charles Butterworth and Christopher Kelly (Hanover: Dartmouth College, University Press of England, 2004), p. xxvii.

the close connection between the two. In fact, precisely because he is so adamant about highlighting the connection between art and politics, Rousseau can, in the *Social Contract*, convincingly argue that while “the constitution of man is the work of nature, the constitution of the state is a work of art” (*SC*, p.70). In Rousseau’s account politics is not simply similar to art; it is, in and of itself, a form of art whose objective is nothing other than the formation of an artificial body, namely the body politic.

The creation of that artificial body is above all a collective project which necessitates private individuals be brought together in such a way that they can form an “association” instead of remaining as a mere “aggregation” composed of distinct individuals. Given that the art of politics is in part about finding a way to create such an association (*SC*, p.32), it becomes clear that what is at stake in this particular form of art is nothing other than the institution of “a people.” In distinction to being a part of a multitude or a populace, forming an association among individuals gives the members of that association the opportunity to become not only the subjects but also the authors of the laws that rule over them. For Rousseau, it is this double role that individuals undertake, and not their mere act of obedience to given rules, which transforms a simple collectivity into “a people.” To underline the significance of this point, Rousseau argues that the moment the populace “promises simply to obey... it loses its standing as a people” (p.30).

Rousseau’s emphasis in the *Social Contract* on the importance of instituting a people does not constitute a novel addition to his political theory. As we have seen, Rousseau highlights the significance of instituting a people both in *Discourse on Political Economy* and *Considerations on the Government of Poland*. Furthermore,

unlike what is the case in the *Social Contract*, in both of these political writings Rousseau explicitly points to the constitutive role that patriotism plays in this issue. Despite the direct references to the love of the fatherland, however, in these two texts Rousseau's account remains incomplete since in neither of them does he address the question of how the ardent love of the fatherland succeeds in forming an association where individuals are both citizens and subjects at the same time. I argue that the *Social Contract* has a special place in Rousseau's political writings because it gives an answer to this question through an account which lays bare the constitutive role that love plays both in the formation of a people and in the constitution of the state as a work of art, without ever explicitly discussing the role of love in politics.

Early in the *Social Contract* Rousseau provides an account of the "act whereby a people is a people" (*SC.*, p.23). According to Rousseau, this constitutive act, which brings into being "a people" the very moment it is enacted, is the social contract. As a "primitive act" that requires unanimous consent, the social contract purports to be the solution to the problem of how to form an association in which each individual "while uniting with all, nevertheless obeys only himself and remains as free as before" (*SC.*, p.24). This is a difficult problem to solve because it aims to establish a paradoxical unity where the complete dependence of the individuals to the whole does not in any way infringe upon their individual freedom. The goal of the social contract is to ensure that in obeying the will of the artificial body that they form themselves, individuals act only in accordance with their own will thereby avoiding the threat of subjecting themselves to the will of another.

When the problem is restated in this way, it becomes clear that what is at stake

here is very similar to the problem that Rousseau tries to overcome in his other writings that have been discussed so far. The question of how one can form a relationship with another being without undermining one's own independence is the main problem in *Emile* and *Julie* as well as in *Pygmalion*, which suggests that the solution lies in the formation of a perfect union between the two beings. And this is indeed what Rousseau declares to be the goal of the social contract. Thus, Rousseau suggests that to form a union, which is "as perfect as possible," each person "gives himself whole and entire" and in giving himself to all in this manner, "each person gives himself to no one" (*SC*, p. 24). In doing so, just like the sculptor Pygmalion who declares to be living through the artificial body that he himself created by giving it all his being, the individuals who are a part of the social contract produce "a moral and collective body composed of as many members as there are voices in the assembly" (*ibid*).

The artificial body that is created by the act of social contract is, however, different from, and perhaps superior to, Galatea for two reasons. First, it is a collective body composed of ordinary individuals rather than being a form that is carved into marble through the efforts of a genius artist; the constitution of the body politic does not demand the extra-ordinary gift of creativity that only few people possess. Second, although both artificial bodies need to, and do, come alive to fulfill their purpose, unlike the statue, which, in order to become one with its creator has to come to life after it is fully formed, the body politic receives from the same act which constitutes itself "its unity, its common *self*, its life and its will" (*ibid*). Thus, as opposed to Pygmalion's case, in the art of politics the miracle does not require the intervention of the powers above. It is, instead, embedded in the act of creation itself.

The product of this miraculous act of creation, which is “called *state* by its members when it is passive” and “*sovereign* when it is active,” is a complex being. This is the case not only because it brings together distinct individuals and forms them into a people by subsuming them in the unity of an encompassing “public person” (SC, p.24) but also because it enables those individuals to assume two opposing roles at the same time. The associates of the body politic, when they are considered individually, Rousseau states, are called “*citizens* insofar as participants in the sovereign authority, and *subjects*, insofar as they are subjected to the laws of the state” (p. 25). Thus, although the creator and the created, the individual and the state, are subsumed in the unity of the body politic by the act of the social compact and become one enlarged self with “a single will” (p.79), it is important to remember that these two beings, namely the individual and the state, who are the expression of the same self, in a manner highly reminiscent to what happens in *Pygmalion*, retain their separate existences, thereby becoming both the subject and object of actions of the body politic.

It is crucial for Rousseau that an individual’s perfect identification with his state does not require him to absolve his individuality since, in the *Social Contract* too, Rousseau sets himself the goal of creating a totally independent man. It is true that for Rousseau the citizen who is a part of the sovereign should at the same time be the object of the sovereign’s act by being a member of the state. But this is the case because only through such a paradoxical arrangement can the creator be acknowledged by his own creation in a way similar to Pygmalion, who insists on retaining his individual existence despite the fact that he has given all his being to Galatea, to make sure that he can be loved in return by the object of his love which is nothing other than the exteriorization

of his own self.

I argue that both the charged language that Rousseau uses in his depiction of the moment of the enactment of the social contract, where individuals “give all their beings” to the whole, and the structural similarity between Pygmalion’s relationship to his work of art and the relationship between the citizen and the state –the constitution of which is, as we have seen, considered to be a work of art in Rousseau’s account- point to one thing: while he refrains from mentioning the love of the fatherland in the actual text, throughout the *Social Contract* Rousseau describes, even though he does not explicitly state, the productive effects of love when it is channeled to the creative project of forming a body politic as an object of love.

Given the close relation between creative projects and love in Rousseau’s account and in the light of our discussion of the figuration of the *Social Contract* in *Emile* as a way to provide Emile with an outlet for his frustrated sexual desires, the statement above should not come as a surprise. For Rousseau, to the extent that the constitution of the state is a work of art, its coming into being involves the transfiguration of love. The *Social Contract* provides an account of how that transfiguration takes place. Nor is it difficult to see why Rousseau describes the ideal relationship between the citizen and the state in the same way as he depicts Pygmalion’s love for the statue that he has created in his own image. As our reading of *Emile*, *Julie*, and *Pygmalion* has demonstrated, according to Rousseau, directing one’s love to an object that is created to reflect one’s own being is the only way through which the

individual can regain his unity and thereby become an independent man.⁶² This miraculous effect of love, which enables the individual to be free while being totally dependent at the same time, suggests that the *Social Contract's* declared goal of creating an independent individual who gains his freedom in his dependence on the body politic can be realized only by establishing a relationship of love between the citizen and the state. Throughout his treatise Rousseau gives a detailed account of *this* relationship, despite the fact that, and unlike what is the case in his other political writings, he does not explicitly identify it as a relationship of love in the text.

The question that we have to address at this point, then, is no longer whether love plays a central role in the *Social Contract*; it certainly does. As we have seen, despite its apparent absence in the text, love is both the creative force and the constitutive feature of the body politic defining the relationship between the individual and the state. But what are the political implications of thinking of the relationship between the citizen and his state in terms of love, especially in light of the fact that the love in question is not simply passionate but also defined in sexual terms? More importantly, what kind of politics is made possible through such a conception of the body politic, produced and sustained by love? I suggest that the answer to these

⁶² For a very similar interpretation of Rousseau's conception of the relationship between the citizen and the state, see M. E. Brint, "Echoes of *Narcisse*," *Political Theory*, Vol.16, 4 (1988). In this brilliant essay, Brint reads Rousseau's political theory in the light of his first play called *Narcisse*. He argues that Rousseau finds the solution to the problem of "self-estrangement" that he examined in his first play in "man's erotic attachment to civic community" (p.630). Such an attachment enables man to embrace "his identity as a part of the social whole" and constructs a political community "that is like a circle of mirrors in which each citizen sees only himself in the eyes of all others, reflects only his inner will in the general will, and thus determines the laws of the state as an external expression of his inner determination" (p. 631). According to Brint, the alleged solution to self-estrangement in fact reiterates and transports the problems of narcissism into the political realm. Unfortunately, Brint does not explore the political implications of Rousseau's depiction of the attachment between the citizen and his state as an erotic one.

questions lies in Rousseau's attempt to deal with certain difficulties that emerge from his recourse to love as the solution to the individual's divided soul.

Politics of Love

Rousseau's turn to love as the creative force and constitutive feature of the body politic gives rise to a crucial problem that stems from the fragility of erotic love. As Rousseau constantly underlines in *Emile* and *Julie*, the deeply erotic nature of love, its intimate relation to sexual desire, makes it difficult to sustain a relationship of love after its consummation. One can fall in love with an imaginary model and become attached to it in a passionate way. Yet, once that idealized object of desire is found and the lover and the loved are subsumed in the unity of their love, the desire that animates their relation is consumed.

Rousseau elaborates this problem and tries to come up with a list of possible solutions in *Emile*. Nevertheless, the ending of Rousseau's sequel to *Emile*, along with the fact that he finishes his depiction of the perfect love between Pygmalion and Galatea the moment it is consummated, demonstrates Rousseau's dissatisfaction with his proposed solutions to the question of how to keep love alive with all its ecstasy after its consummation. This is a far more significant problem than it appears to be at first sight. If the moment of consummation is the only moment when the unity between the lover and the loved is unmediated, immediate and hence perfect, then the project of creating a fully independent and truly happy man, who becomes one in the act of love, has a crucial shortcoming: the unity that is achieved in love turns out to be a momentary achievement, a fleeting experience, whose continuation depends on its repeated re-enactments.

In the *Social Contract*, Rousseau attempts to deal with the effects of this particular feature of love, which implies that although the act of the social contract brings about the immediate unity of the creator and the created, the individuals and their state, the continuation of this unity requires the repeated re-enactments of the constituent event. Thus, Rousseau, who frequently underlines the importance and difficulty of forming a “solid and lasting” state (*SC*, p. 47; see also p. 36, 47, 70), argues that although the social compact is essential as a “primitive act” that gives the body politic its life, in order to stay alive the body politic needs to be given “movement and will through legislation” (*ibid*, p.36). Legislation is crucial, for Rousseau, because it is only through the authoring of law that the sovereign, or “the people,” acts by declaring its own will (*SC*, p.71). Thus, just like what is the case in the constitution of the state, to retain its existence the body politic requires the populace to act in concert at regular intervals and as a harmonious body with one will. It is precisely for this reason that periodic assemblies play a central role in Rousseau’s conception of popular sovereignty.

For Rousseau, laws can become the “authentic acts” of the general will, only when they are enacted more or less unanimously by the citizens in a direct and unmediated way (*SC*, p.71, also see p.81). Thus, in Rousseau’s account, to the extent that the existence of dissension and conflicts within the assembly gives rise to need for mediation, it undermines the authenticity and purity of the collective act. This is because what makes a collective act a pure one is nothing other than the immediate self-presence of the collective being. Put differently, just like Pygmalion and Galatea, who are immediately present to each other and wholly wrapped up in the feeling of their present existence in the moment of the consummation of their love, to act in an

authentic way, in the moment of legislation the citizens of the republic must be, in Jacques Derrida's words, capable of "feeling themselves together in the space of one and the same speech."⁶³

The citizens, then, while enacting laws, must be literally present in the same place at the same time. What is more, in order not to disturb the immediate self-presence of the collective being, they also need to go to the assembly by leaving their individual opinions aside (SC, p.82). For Rousseau, the assembly is not a forum for discussion where individuals try to reach a common agreement through the medium of public deliberation. The general will is, as Jürgen Habermas rightly puts it, a union of "hearts rather than arguments"⁶⁴ and for that reason it arises from the immediate but silent communication of individuals within their political community. In such a "well-run city," where people love their laws, which are the true declarations of the general will, "everyone flies to the assemblies" (ibid, 74) without feeling the need for "a formal convocation" (ibid, 78). Formal convocations, which come from an intermediary body such as the government, are detrimental to popular sovereignty as they prevent periodic assemblies from being pure moments of direct popular action through which citizens can fully, i.e. without any mediation, identify themselves with the body politic in their collective love of the State. The act of legislation is a moment of a perfect unity characterized by the immediate presence of citizens to state, without obstacles, without

⁶³ Derrida, *Of Grammatology*, p.137.

⁶⁴ Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, (Cambridge, Mass.: The MIT Press, 1989), p.98.

intermediaries imposed. This is why, as Derrida argues, for Rousseau, “sovereignty is presence and the delight in [*jouissance*] presence.”⁶⁵

Such moments of pure joy, however, cannot be extended over a long period of time; by their very nature periodic assemblies are fleeting events, “intervals of suspension” (*SC*, p. 73) which interrupt the existing order. Thus, Rousseau suggests that the very moment the populace is assembled as a sovereign body, “all the jurisdiction of the government ceases” (*ibid*). For indeed, being an intermediary body “established between the subjects and the sovereign for their mutual communication” (*SC*, p.49) the government becomes obsolete once the citizens act directly and become one and the same with the state in their capacity as the authors of law. For this reason, in Rousseau’s account, people’s assemblies are both “the aegis of the body politic and the curb on government” (*SC*, p.73), enabling citizens to prevent their leaders from usurping the power which legitimately belongs only to the people. To ensure this, Rousseau proposes that each assembly should be opened by asking the people two questions: Does it please the people to preserve the current form of government? And are the people happy to “leave the administration to those who are now in charge of it?” (*SC*, p.73).

Such assemblies, however, are not merely protective measures against the usurpation of power by the intermediary bodies such as the government. They are at the same time moments of crisis since although the sole object of periodic assemblies is “the preservation of the social treaty,” once the citizens are assembled they can legitimately revoke even the most fundamental law, namely the social contract. In this respect too, Rousseau’s conception of politics is shaped by his understanding of the

⁶⁵ Derrida, *Of Grammatology*, p. 296.

relationship between the citizen and the state in terms of love. For although the consummation of love is the moment of perfect unity between the lover and the loved object, for Rousseau “the moment of possession” is at the same time “a crisis for love” (*Julie*, p.42).

The use of the term crisis is crucial here because as a medical metaphor, it provides a perfect description of the risk that any form of union, which comes into being in an act of love, carries within it. As Philip Stewart and Jean Waché suggest, a crisis, in the medical terminology of Rousseau’s time, refers to “the highest point in a fever; either death will come quickly, or once the crisis has been weathered and the fever itself has broken, it promises a return to health.”⁶⁶ It is in this sense that the re-enactment of the original sovereign act for the purposes of sustaining the existence of the state is a necessary but simultaneously risky move; the perfect moment of unity which enables the citizens to have an immediate, hence unmediated and direct, communication with their state, which is nothing but their own creation, can result in the death of the body politic just as it may open up the way to its return to its original health and vigor.

To sum up, Rousseau’s emphasis on the constitutive role of love in politics results in his insistence that to retain its existence the body politic requires periodic occurrences of direct forms of popular action where citizens act in concert. It is only in those moments, which interrupt the usual course of everyday life, that the sovereign can

⁶⁶ Philip Stewart and Jean Waché, Editors’ Notes to *Julie or the New Heloise*, p.700. In his conceptual history of “crisis,” Jürgen Habermas suggests that in its medical usage the term referred to “the phase of an illness in which it is decided whether or not the organism’s self-healing powers are sufficient for recovery.” Given this usage, Habermas argues that “to conceive of a process as a crisis is tacitly to give it a normative meaning—the resolution of the crisis effects a liberation of the subject caught up in it.” See Jürgen Habermas, *Legitimation Crisis* (Beacon Press: 1975), p. 1.

act and the citizens, in their capacity as the authors of law, control the power of intermediary bodies by re-claiming their right to rule. Thus, in the *Social Contract*, Rousseau incessantly underlines the indispensability of unmediated forms of concerted action in keeping the body politic alive. It is crucial for Rousseau that such moments of popular action, which are the re-enactments of the primitive act that create the body politic, come into being without any “formal convocation,” (*SC*, p.78) as their spontaneity ensures that such events are unmediated, and hence “authentic” in character.

This particular conception of popular sovereignty, which rests on spontaneous, if episodic, moments of popular action, brings with it a series of problems. I suggest that Rousseau’s emphasis on the fleeting nature of the sovereign act as a moment of unmediated, direct popular action, leads him to limit politics to rare and extra-ordinary events. Furthermore, the weight that Rousseau puts on immediacy forces him not only to discard every form of mediation, including that of deliberation among the citizens in the assembly, from his account of popular sovereignty, but also prevents him from acknowledging the importance of the mediatory work that goes into the constitution of such moments of popular action.

This last point attains a crucial importance especially in light of Rousseau’s discussions in *Discourse on Political Economy* and *Considerations on the Government of Poland* on the “thousand ways” through which governments can “make [men] love the laws” (*DPE*, p. 139). Refusing to come to terms with the creative role of political practices such as public deliberation, negotiation and strategic interaction, among different and at times disagreeing individuals, Rousseau finds himself in the position of

finding ways to generate “immediacy” and create “unmediated” political events through administrative measures. In my concluding remarks, I will argue that Rousseau’s reliance on the government’s –an intermediary body’s- manipulative powers to generate the love that makes popular sovereignty possible constitutes one of the most fundamental contradictions in Rousseau’s conception of the politics of the people, undermining his own unyielding criticism of intermediary institutions as usurpers of the power of the people.

Conclusion

Throughout this chapter, we have seen that for Rousseau the love of the fatherland and its laws is the constitutive feature, the substantive content as well as the motivating force, of popular sovereignty. When read through this lens, despite his at times overzealous and flowery language, Rousseau’s appeal to love in *Discourse on Political Economy* and *Considerations on the Government of Poland* can no longer be dismissed as mere hyperbole. Given that love is the defining feature of the relationship between the citizen and the state in Rousseau’s conception of popular sovereignty, Rousseau’s seemingly figurative speech in *Discourse on Political Economy* attains a literal meaning; within the bounds of Rousseau’s political theory, there can be doubt one can “create citizens” *only* by making them love the laws in quite literal terms. For this reason Rousseau considers it essential to find ways through which the love of the fatherland can be generated.

Although in *Discourse on Political Economy* Rousseau suggests that there are a thousand means to generate the love of laws, within the body of the text he refers to only two such means: the role of exemplary figures and the transformative power of

public education (*DPE*, p.137, also see pp.147-9 for public education). It is in his account of public education that Rousseau writes, “[t]o form citizens is not the work of a day” (*DPE*, p.147). The creation of citizens necessitates a laborious, long-term project through which individuals from their childhood onwards are raised “under the regulations prescribed by the government” (p. 149) so that they “are imbued with the laws of the state and the precepts of the general will,” constantly reminded of the benefits they receive from their country and taught to cherish their state by conceiving it as a “tender mother who nourishes them” (*ibid*). In this sense, public education is a multilayered process, which utilizes other means that are also crucial in inspiring the love of the fatherland. Rousseau lists and elaborates those other means, which range from distinctive rites and ceremonies, customs and morals to public games, monuments and public festivals, in *Considerations of the Government of Poland* (see *CGP* pp. 185-6; see also pp. 189-193 for Rousseau’s account of education). To these means, one can also add the *Social Contract’s* invocation of “civil religion,” which is in many ways an institutional embodiment of distinctive rites and particular customs and morals whose importance Rousseau highlights in his other writings. Civil religion is a potent way of inculcating in man the capability of “sincerely loving the laws and justice, and of sacrificing his life, if necessary for his duty” (*SC*, p.102).

These different means imply that to engrave the love of laws into the hearts of individuals, one needs to have recourse not only to persuasion, but also to manipulation. The goal of this manipulative effort, Rousseau argues, is not to “destroy passions” since “a man without passions would certainly be a bad citizen” (*DPE*, 147). Instead, Rousseau aims to mold and redirect those passions, especially that “dangerous

disposition” called love, so that individuals can learn to “prefer” their state over everything else and “love it with that exquisite feeling which no isolated person has save for himself” (*DPE*, p.148). Such a radical transformation of the individual cannot be brought into being through mere repression or outright coercion. Coercion and direct repression can alter only the actions of individuals, whereas to turn individuals into citizens, Rousseau argues, one needs to change their wills to ensure that they are in conformity with the general will (p. 137). The citizens, then, must be forged in an indirect way.

Highlighting the importance of this point, Rousseau advises those who occupy positions of power to disguise their rule “in order to render it less odious, and to conduct the State so peaceably as to make it seem to have no need of conductors” (*DPE*, p. 137). This suggests that all the different means of generating the love of the fatherland share one characteristic: They all operate with incredible subtlety and ingenuity since their success depends on their ability to render the work that goes into the creation of the citizens invisible.

Put differently, in a perfect political community, where citizens completely identify themselves with their state, the human labor that goes into the creation of that artificial relation between the citizen and the state is effaced. In fact, the creative labor of intermediary institutions, such as public education and civic religion, is erased to such a degree that the relation between the citizen and the state appears to be, in Rousseau’s sense of the term, “natural,” that is, immediate and direct. The image that is presented in the *Social Contract*, I argue, is the image of such a perfect community.

When the *Social Contract* is read this way, it becomes clear that Rousseau's conception of popular sovereignty embodies a deep-seated contradiction. On the one hand, Rousseau desires immediacy, which underwrites the authenticity of political acts. Hence, his account of popular sovereignty rests on immediate, more or less spontaneous, direct forms of popular action. On the other hand, he is convinced that under present circumstances, given the degree of corruption and self-estrangement within modern society, such immediacy cannot be found naturally. As such, Rousseau resolves that what is 'natural' has to be created in an artificial and controlled way. Thus, unlike what he does with regard to the other paradoxes characteristic of his political theory, that is to say, rather than openly seeking a paradoxical unity of the contradictory terms, in this case of immediacy and mediation, Rousseau tries to reach a resolution. Hence, to bring to life his ideal of pure immediacy, which has no place for intermediaries, Rousseau makes use of administrative measures to create an ideal society where immediacy, in the form of direct and unmediated political action, is possible.

And yet, nothing can be as contradictory as this supposed resolution where "immediacy" is created through mediation and "authenticity" is achieved through manipulation. I suggest that what pushes Rousseau to this theoretically impossible and politically undesirable position, which undercuts his own emphasis on the power of the people, is his reliance on the love of the fatherland as a means to purge every form of mediation from his conception of politics. And it is this aspect of Rousseau's political theory which is so relevant for our debates in democratic theory today.

Most contemporary theorists of democracy are critical of Rousseau's assertion that popular rule requires a closed, tightly knit and homogenous community. Despite this disagreement, however, as I will demonstrate in the following chapters, many theorists who give central place to spontaneous popular action in their accounts of democracy do -in one way or another- share Rousseau's emphasis on immediacy. I explore the consequences of this shared emphasis through an analysis of the works of two contemporary political thinkers: Antonio Negri (Chapter 2) and Jürgen Habermas (Chapter 3). I focus on these two theorists because, notwithstanding their powerful criticisms of Rousseau, they both turn to similar concepts -"constitutional patriotism" in Habermas's case and "love" in Negri's- to address the same motivational and normative issues that Rousseau attempts to solve in his writings by invoking his notion of patriotism.

As we will see, this shared theoretical move comes at a price. In supplementing their accounts with love related concepts, just like Rousseau, both Habermas and Negri undermine their own theoretical and political commitments. Negri's turn to love as the creative force of popular action leads him, contrary to his theoretical goals, to ignore, if not to erase, the multiplicity and diversity of actors who create the moments of popular action that he analyzes. Habermas's recourse to constitutional patriotism prevents him from fully accomplishing his goal of purging his theory of democracy from the vestiges of the philosophy of subject. What is perhaps more important is that in all these instances the turn to concepts such as patriotism, love, constitutional patriotism, to theorize democratic popular action opens up the way to a deeply problematic account that assumes that there is a motivational unity and some sort of normative purity in

moments of democratic action in concert. Such an account is misleading not only because it ignores the existence of conflicts and differences among political actors who act together but also because it loses sight of the mediatory work of politics, that is political struggle and public deliberation, that goes into the creation of moments of so-called “direct” popular action.

CHAPTER 2

Antonio Negri: Invoking Love, Revolutionizing Politics and Theorizing Democracy

Despite their various disagreements, most contemporary theorists of democracy, who engage with Rousseau's political thought, agree on one point: Rousseau's uncompromising criticism of representation and his theorization of legislation in terms of "direct" popular action render the *Social Contract's* conception of popular sovereignty largely inoperative in large, modern, and heterogeneous post-industrial societies. Thus, for instance, even Carol Pateman, who, in her book *Participation and Democratic Theory*, hails Rousseau as "the theorist *par excellence* of participation," finds it necessary to urge her readers to keep in mind that Rousseau's "ideal society is a non-industrial city-state."⁶⁷ Thus, Pateman argues, even though the basic hypothesis about the function of participation in a democratic political society can be found in his theory, Rousseau's arguments about participation need to be "lifted out of the context of a city-state of peasant proprietors into that of a modern political system."⁶⁸

In his critical account of Rousseau, Antonio Negri refuses to sign onto this commonly shared view. For him, Rousseau's understanding of politics is indeed problematic but it is so not because he rejects representation. On the contrary, the problem lies in the very fact that "despite Rousseau's insistence to the contrary, his notion of sovereignty too contains a strong conception of representation."⁶⁹ Negri finds

⁶⁷ Carol Pateman, *Participation and Democratic Theory* (Cambridge: Cambridge University Press, 1970), p. 22.

⁶⁸ *Ibid.*, p. 27. Habermas makes a very similar point when he argues that Rousseau's understanding of politics is inadequate for complex societies, which are, far from being homogenous, extremely diversified. For a more detailed discussion on Habermas's criticism of Rousseau see Chapter 3.

⁶⁹ Michael Hardt and Antonio Negri, *Multitude: War and Democracy in the Age of Empire* (New York: Penguin, 2004), p.242.

the clearest indication of this in Rousseau's recourse to the notion of the general will so as to denote a "transcendent, unified expression" of the people. Theorized in this manner, he argues, the general will, which is nothing but a theoretical construct, embodies a re-presentation and sublimation of the "will of all." For Negri, this conception of the general will, which involves a "relationship of unity, transcendence, and representation"⁷⁰ is deeply anti-democratic for two reasons.

First, Negri suggests that the moment Rousseau defines the general will as the constitutive feature of the people as a sovereign body and places it above the will of all, he undermines "the plural expression of the entire population."⁷¹ General will, Negri argues, "becomes the will of the nation, not democracy."⁷² Second, and according to Negri this is *the* defining "paradox" of Rousseau's political thought,⁷³ even though Rousseau claims that "everyone must participate in an active and *unmediated* way in founding and legislating political society,"⁷⁴ he tempers and limits participation by turning to a "mechanism of representation"⁷⁵ embodied in the notion of the general will. More importantly, by introducing the general will, Rousseau reduces the "rule of all" to the "rule of one." i.e. that of the sovereign state. In doing so, he not only affirms "the omnipotence of an abstract sovereign power," but also undermines the major democratic aspect of his theory, namely "an immediate and radical notion" of people's power which is expressed in unmediated and direct forms of popular action.⁷⁶

⁷⁰ *ibid.*

⁷¹ *Ibid.*

⁷² Negri, *Insurgencies*, p. 203.

⁷³ For a more detailed account of this paradox see Negri, *Insurgencies*, pp. 200-4.

⁷⁴ Hardt and Negri, *Multitude*, p.242, italics mine.

⁷⁵ *ibid.*, p. 243.

⁷⁶ Negri, *Insurgencies*, p. 200.

Thus, in contrast to many contemporary democratic theorists, Negri argues that Rousseau's understanding of politics is problematic not because he unrealistically demands people's direct and active participation in legislation but rather because he undemocratically resorts to representative mechanisms to ensure the absolute rule of the state. As I will demonstrate in this chapter, Negri's criticism of Rousseau, and by extension, of representation cannot be thought of as a simple, and merely theoretical, disagreement between Negri and many other contemporary democratic theorists. As we will see, Negri's emphasis on the so-called immediate and direct forms of popular action –an emphasis that constitutes one of the building blocks of his theory of democracy- is also a part of a political stance, which was shaped in and through Negri's direct participation in political struggles as an activist thinker of the Italian far left during the late 1960s and 70s.

Although he has been a prominent thinker and an influential activist of the Italian far left since the early 1960s, Negri had to wait until the publication of *Empire*⁷⁷ in 2000 to gain worldwide recognition. *Empire*, which Negri co-authored with Michael Hardt, sparked immediate interest in academic contexts, activist circles and the mainstream media. Hailed as “The Next Big Idea” by the *New York Times*,⁷⁸ *Empire* has generated a vibrant debate around the issues of globalization and the future of radical leftist politics in general. It has also, and perhaps more importantly, opened up the way

⁷⁷ Michael Hardt, and Antonio Negri, *Empire* (Cambridge MA: Harvard University Press, 2000).

⁷⁸ “What is the Next Big Idea?,” *The New York Times*, 7 July 2001, available online at <http://www.nytimes.com/2001/07/07/arts/07IDEA.html?sep=2&sq=>

for Negri's political and social theory to finally get the attention that it has long deserved.

Once it became the object of critical analysis, Negri's body of work has received mixed responses. While certain commentators identified Negri as one of the most important Marxist theoreticians of 21st century, many others criticized his heterodox Marxism. Thus, for instance, Alex Callinicos, one of Negri's most relentless yet careful critics, criticized him for continuing to advocate a political strategy which decidedly failed in Italy in the late 1970s.⁷⁹ Other less generous readers of Negri charged him of being, just to name a few, a Bergsonian vitalist,⁸⁰ a Sorelian Myth maker,⁸¹ a Schmittian decisionist,⁸² and last but not the least, a disguised political anarchist whose so-called Marxist analysis utilizes the language of neo-liberalism.⁸³ Surely, what lies beneath such accusations, all of which have been emphatically denied by Negri, is a series of disagreements on several central issues. Put differently, Negri's critics simply do not agree with his analysis of the development of contemporary capitalism; they consider his belief in an imminent revolution unrealistic, reject his notion of resistance, and disagree with his understanding of the role of intellectuals in political struggles.

Instead of adding to this already long list by giving voice to yet another set of disagreements, in this chapter I develop a criticism of Negri's conceptualization of "direct" popular political action by taking him in his own terms. To do so, I provide an

⁷⁹ Alex Callinicos, "The Generosity of Being: Antonio Negri," in *The Resources of Critique*, (Cambridge, UK: Polity Press, 2006); see also Alex Callinicos, "Toni Negri in Perspective," in *Debating Empire*, edited by Gopal Balakrishnan (New York, NY: Verso, 2003).

⁸⁰ Michael Rustin, "Empire: A Postmodern Theory of Revolution," in *Debating Empire*.

⁸¹ Timothy Brennan, "The Italian Ideology," in *Debating Empire*.

⁸² Gopal Balakrishnan, "Introduction," in *Debating Empire*.

⁸³ Timothy Brennan, "The Empire's New Clothes" and "The Magician's Wand: A Rejoinder to Hardt and Negri," *Critical Inquiry*, Vol. 29, No. 2 (Winter 2003).

account of the development of Negri's political thought in the late 1960s and 70s and undertake a detailed textual analysis of his more recent works so as to account for the theoretical significance of a concept that begins to appear in almost all of Negri's writings after the 1990s, namely the concept of "love."

Many commentators have highlighted the importance of a number of recurring concepts in Negri's works.⁸⁴ In his informative essay on Negri's political thought, Jason Read points to the expansive plurality of topics in Negri's body of work. The eclectic character of Negri's thought is both daunting and remarkable; his writings provide not only innovative readings of Machiavelli's republicanism, Spinoza's ontology and Marx's radical critique of capitalism –to name just a few- but also discerning analyses of contemporary social and political issues ranging from various manifestations of globalization to changing conditions of labor and production. According to Read, what is even more "provocative" than this extraordinarily broad list of topics is that "within these different books on apparently unrelated themes, there appears a series of concepts, or words –*potentia*, living labor, constituent power, and immaterial labor—which seems to connote or designate a series of interrelated problems."⁸⁵

What is missing in this otherwise excellent list of crucial concepts is "love" which hardly ever receives the attention that it deserves from the readers of Negri. This

⁸⁴ To give just a few examples see Jason Frank, "'The Abyss of Democracy': Antonio Negri's Democratic Theory," *Theory & Event*, Vol.4, No.1, (2000); Bradley J. Macdonald, "Thinking Through Marx: An Introduction to the Political Theory of Antonio Negri," *Strategies: Journal of Theory, Culture & Politics*, Vol. 16, No.2 (2003); Jason Read, "The Antagonistic Ground of Constitutive Power: An Essay on the Thought of Antonio Negri," *Rethinking MARXISM*, Vol.11, No. 2 (Summer 1999); Jason Read, "From the Proletariat to the Multitude: Multitude and Political Subjectivity," *Postmodern Culture*, Vol. 15, No. 2 (January 2005).

⁸⁵ Jason Read, "The *Potentia* of Living Labor: Negri and the Practice of Philosophy" in *The Philosophy of Antonio Negri – Volume Two: Revolution in Theory*, edited by Timothy S. Murphy and Abdul-Karim Mustapha (Ann Arbor, MI: Pluto Press, 2007), p. 28.

lack of interest is surprising, especially given Negri's curious, nonetheless frequent, recourse to love in the closing pages of many of his most recent books, including the ones that are under consideration in this chapter.

For example, Negri concludes *Insurgencies: Constituent Power and the Modern State* by arguing that the revolutionary task of our day is to find a way to accelerate the strength of constituent power (*potentia*) and “to recognize its necessity in the love of time.”⁸⁶ Hardt and Negri's collaborative work *Empire* ends on a somewhat hopeful note suggesting that the revolution undertaken by the multitude will be “a revolution that no power will control –because biopower and communism, cooperation and revolution remain together, in love, simplicity, and also in innocence.”⁸⁷ Finally, in *Multitude: Democracy in the Age of Empire*, the highly anticipated sequel to *Empire*, Hardt and Negri bring their argument to a close by underlining the need for the transformation of multitude's desire for democracy through a “strong event, a radical insurrectional demand.” In the very last sentence of their book, the authors of *Multitude* identify that event as “the real political act of love.”⁸⁸

I argue that the similar endings of these different books cannot be explained away as mere coincidence. Nor can they be disregarded as examples of an overzealous revolutionary rhetoric. For although it is true that in all these instances love remains a mere addition, which is invoked but theorized no further, the supplementary role of love does not diminish the concept's theoretical significance. On the contrary, taking Derrida's notion of “logic of supplementarity” as an interpretive insight, I suggest that

⁸⁶ Antonio Negri, *Insurgencies*, p. 335

⁸⁷ Hardt and Negri, *Empire*, p. 413.

⁸⁸ Hardt and Negri, *Multitude*, p. 358.

insofar as it functions as a supplement, the concept of love not only enriches Negri's account but also, and at the same time, points to a lack, more specifically, a normative gap, within the broader structure of his political thought. It is my argument that this normative gap emerges from Negri's attempt to theorize revolutionary democratic politics in terms of "direct," that is to say, unmediated hence immediate, forms of popular action.

Filling in this gap with the concept of love, however, comes at a price. First, the introduction of love as a supplement calls into question the self-sufficiency of Negri's political theory. Second, and more importantly, identifying love as the creative force and the normative content of democratic forms of popular action undermines Negri's own theoretical and political commitments since it leads him to succumb to a form of analysis that filters out the existence of conflict among different actors who create the movements that it claims to analyze. Such a form of analysis not only results in oversimplified accounts of moments of popular action that are under scrutiny but also forces Negri to rely on external standards of judgment to distinguish democratic forms of popular action from non-democratic ones.

I elaborate these points in three sections. The first part of the chapter provides an account of the development of Negri's political thought in the late 1960s and 70s. To reconstruct the trajectory of Negri's intellectual development, I analyze his early political and scholarly works by situating them within the tradition of Italian *autonomist* Marxism and the political context of the rise and fall of Italian extra-parliamentary left in the second half of 20th century.

In the second section of the chapter, I argue that Negri's philosophical turn, which dates back to the early 1980's, in general and his recourse to the concept of love in his more recent work in particular, can be best understood as part of an attempt to resolve certain theoretical tensions he has inherited from his autonomist Marxist past. The third and final part of the chapter focuses on the unintended consequences of Negri's recourse to the concept of love. Here, I demonstrate how Negri's attempt to supplement his democratic theory with a conception of love leads him to ignore, if not to erase, the existence of differences and political struggles among actors who create the moments of popular action that he analyzes. It is due to this lack of engagement with the dynamics of democratic popular action that Negri's accounts, which deem certain forms of political action democratic and hence normatively desirable, remain open to the charge of arbitrariness.

I. Antonio Negri in Context

Extra-parliamentary Politics, Italian Far Left and the Legacy of *Operaismo* Movement

From its early beginnings, Antonio Negri has been one of the central figures of the Italian autonomist Marxism which has its roots in the *operaismo* movement of the 1960s.⁸⁹ *Operaismo*, or translated literally, "workerism" is a distinctively Italian Marxist theoretical current. As an intellectual movement it emerged with the avowed intention of developing an alternative to the politics of the leftist parties and trade unions that enabled the successful reconstruction of Italian capitalism in the post-war era. Aimed to create a productive relationship between intellectuals and workers,

⁸⁹ For a detailed historical account of the development of Italian autonomist Marxism see Steve Wright, *Storming Heaven: Class Composition and Struggle in Italian Autonomist Marxism* (London, UK: Pluto Press, 2002). My discussion in this chapter heavily draws on Wright's brilliant historical study.

workerism brought together a set of activist thinkers, including but not limited to Mario Tronti, Sergio Bologna and Antonio Negri. Despite their differences, all these thinkers underlined the necessity of direct examination of workers' struggles to substantiate their claim that "working-class struggles repeatedly surged forward autonomously from, and often against, the influence of either trade unions or the Party."⁹⁰ The resultant empirical studies⁹¹ that focused on the everyday experience of the workers in large factories during the early 1960s constituted the basis of the theoretical framework of *workerism*, which was first developed in the writings of Mario Tronti.

Tronti's work is important not only because it lays down the foundations of *workerism* but also because it contains a number of ambiguities and tensions that have burdened Italian *autonomist* Marxism ever since. Tronti's writings on the relationship between the factory, working class struggles and society are complex and full of conceptual innovations developed through a highly original, and controversial, reading of Volume II of Marx's *Das Kapital*. Within the scope of this chapter, it is impossible to give a detailed account of Tronti's arguments. With this in mind, and instead of opting for a broad overview of his major works, in what follows, I will focus on three of Tronti's major points, which, I argue, constitute the core tenets of *workerism*.

⁹⁰ Harry Cleaver, *Reading 'Capital' Politically* (Austin, Texas: University of Texas Press, 1979), p. 52.

⁹¹ The empirical works in question were first published in the journal *Quaderni Rossi*, which was founded in 1961. According to Bologna, "the 'novelty' of *Quaderni Rossi*, [was] the *inchiesta operaria* (worker's enquiry)," which emphasized the importance of "joint research" bringing together workers and researchers. See Sergio Bologna, "A review of *Storming Heaven: Class Composition and Struggle in Italian Autonomist Marxism* by Steve Wright," *Strategies: Journal of Theory, Culture & Politics*, Vol. 16, No.2 (2003), p. 98. The main figure behind worker's enquiry was Romano Alquati whose work focused on the workers' experiences in the Italian companies Fiat and Olivetti.

First, and perhaps the most important, theoretical contribution of Tronti to Marxist debates was his attempt to establish the primacy of labor over capital. Challenging the structuralist Marxism of his time, Tronti emphasized the importance of the subject over structure and highlighted that whereas capital is completely dependent upon labor's productivity for its existence, labor can, and does, create value independently of capital. In other words, in Tronti's account, labor was theorized as an autonomous force, that is, as the only measure of value and the condition of capital.

Establishing the primacy of labor in this manner is not a simple rhetorical move. For this particular conceptualization of labor as an independent creative force also implied that capitalist development is the *outcome*, and not the determining factor, of the ongoing struggle between the working class and capital. Tronti elaborated this point in his article "Lenin in England," which, according to many commentators, "opened up the 'strong' phase of *operaismo*."⁹² In this seminal article, Tronti called for a move away from an analysis of the laws of development of the capitalist society so as to focus on the laws of development of the working class. He wrote,

"We too have worked with a concept that puts capitalist development first, and workers second. This is a mistake... now we have to turn the problem on its head, reverse the polarity, and start again from the beginning: and the beginning is the class struggle of the working class."⁹³

⁹² Sergio Bologna, "A review of *Storming Heaven*," p. 99.

⁹³ Mario Tronti, "Lenin In England," available online at <http://www.marxists.org/reference/subject/philosophy/works/it/tronti.htm>. This article was first published in *Classe Operaia*, No.1, (January, 1964), p. 1.

Tronti considered this a crucial theoretical move since it enabled one to see that at both national and international level, “it is the specific, present, political situation of the working class that both necessitates and directs the given forms of capital’s development.”⁹⁴

Tronti’s second major theoretical contribution emerged from his analysis of working class struggles. Highlighting the importance of direct action, Tronti identified the immediate process of production, that is, the factory, as the privileged realm of struggle. Thereby, he undermined the dominant leftist position, which assigned different roles to the party and trade unions on the basis of a postulated distinction between political and economic spheres of struggle. The factory is the privileged realm of struggle, Tronti argued, because it provides the workers with a space where they can directly, that is, without the mediation of political parties or trade unions, confront the power of capital. A direct confrontation of this kind can take many different forms; since the process of production is completely dependent upon the labor of the workers, production can easily be stopped or interrupted through simple, yet coordinated, acts of resistance ranging from wildcat strikes to fragmentary refusals to work by way of desertion and/or sabotage. According to Tronti, only by focusing on these “organizational miracles,” which are “always happening, and have always been happening,” would it become possible to reach an adequate understanding of the revolutionary history of the working class struggles.⁹⁵

⁹⁴ Tronti, “Lenin In England,” p. 2.

⁹⁵ Tronti, “Lenin In England,” p. 6.

Finally, and this is the third core tenet of *workerism*, Tronti argued that the development of the Keynesian welfare state as a way to control the revolutionary potential of the “mass worker” of Fordist system of production, resulted in the creation of a new form of society characterized by a new form of domination. Put differently, according to Tronti, workers’ struggles during the years that immediately followed the Second World War forced capitalists to reorganize production in such a way that society itself was reorganized along the lines of factory life. The goal of this reorganization was to enable the complete control of the lives of workers who had revolted within the factory. Tronti called this society “social factory,” where, to use his own words, “the whole society exists as a function of the factory and the factory extends its exclusive domination over the whole society.”⁹⁶ In such a society, relations of production, which were, in Tronti’s account, always considered to be power relations, diffuse into every aspect of life rendering the distinction between economy and politics obsolete.

As Harry Cleaver suggests, through this notion of “social factory,” Tronti incorporates many insights of Frankfurt School thinkers’ analyses of the culture industry.⁹⁷ Yet, he also distinguishes his position from that of Critical Theorists by arguing that insofar as capital’s attempt to establish total social control is a strategy to deal with the working-class insurgency in the factory, “social factory” remains

⁹⁶ This article originally appeared in Italian as "Poscritto di Problemi," in Mario Tronti, *Operai e Capitale*, second edition (Turin, 1971), pp. 267-311, cited in Steve Wright, *Storming Heaven*. Also available online at <http://libcom.org/library/workers-and-capital-mario-tronti>.

⁹⁷ Cleaver, *Reading 'Capital' Politically*, pp. 57-8.

vulnerable to, and is increasingly threatened by, the possibility of new forms of insurgencies.

These extremely influential arguments served, if only for a short while, to unite different strands of Italian extra-parliamentary left under the banner of *workerism*. And yet, it is possible to argue that they also gave rise to two major points of tension within the movement both of which relate to Tronti's theorization of political struggle in terms of "immediate and direct" action. The first point of tension was about the issue of how to evaluate subversive practices such as sabotage and desertion within the context of working class struggle. For intellectuals associated with *workerism*, these autonomous acts of resistance were crucial since they enabled workers to challenge the power of capital "directly," that is to say, without having recourse to the mediation of any institutional mechanisms such as trade unions or political party. However, there was a great deal of disagreement with respect to the question of when such activities stopped being legitimate forms of resistance and turned into merely destructive forces. To put it simply, Tronti's theoretical framework lacked the conceptual resources to assess the normative desirability of direct forms of political action. As a result, while certain intellectuals gave their unconditional support to immediate action of workers, others argued that these kinds of activities could become meaningful, and normatively desirable, only as a part of a coherent strategy, which strives for a clearly defined ethico-political goal, such as the constitution of a free and equal society through a radical revolution.

The second point of tension within *workerism* emerged from Tronti's analysis of "social factory." In light of Tronti's suggestion that the factory has subsumed the whole

society, it was difficult to understand what gave validity to the movement's almost exclusive focus on the struggles of workers in large factories. If Tronti was indeed correct in claiming that in the current stage of capitalist development the whole social production has become industrial production, then the struggle could no longer be limited to the factory. The need to expand the realm of struggle beyond the boundaries of the shop floor implied that the definition of the working class had to be broadened as well. What is more, since Tronti's account of "social factory" stipulated that capital has become a diffused form of power, it became necessary to rethink what it meant to "directly" oppose the power of capital.

These theoretical tensions soon turned into major lines of fissure within the political movement. In response to the above-mentioned challenges, some intellectuals, including Tronti himself, argued that although spontaneous, direct action is crucial, under current conditions it needs to take an explicitly political form so as to become effective and gain legitimacy. With this in mind, in 1966, Tronti called for "a new use for old institutions" and decided to return to the Italian Communist party (PCI) soon after.⁹⁸ Others, like Negri, retained their belief in the revolutionary potential of autonomous working-class struggles and tried to find ways to maintain and generalize the fight within production.⁹⁹ These intellectuals, who soon became the leading figures of what came to be known as *Autonomia* movement (*Autonomia Operaia*) of 1970s,¹⁰⁰

⁹⁸ Wright, *Storming Heaven*, pp. 69-70.

⁹⁹ *Ibid.*, p. 57.

¹⁰⁰ As Steven Wright writes "[m]aking sense of *autonomia* as whole is no simple matter;" as political movement *autonomia* was composed of numerous collectives which "were [i]deologically heterogeneous, territorially dispersed, organizationally fluid, [and] politically marginalized" (*ibid.*, p. 152). Despite this, by the middle of 1970s organizations associated with *autonomia* managed to attain hegemony within the Italian extra-parliamentary far left.

heavily drew on Tronti's theoretical framework while recognizing the need to rethink and revise its certain aspects.

Beyond Operaismo? Negri and *Autonomia Operaia*

During this period, Negri wrote a number of seminal essays and pamphlets, which established him as one of the most influential thinkers of *Autonomia*. Among these writings, perhaps the most crucial and at the same time controversial one was *Proletari e Stato* (1976).¹⁰¹ Many commentators, such as Sergio Bologna, detect in *Proletari e Stato* clear signs of Negri's departure from *workerism*. Unlike this interpretation and drawing on Steven Wright's account, I argue that this short work should rather be read as Negri's first, and in many ways unsuccessful, attempt to further develop *workerism* and to overcome its problems by addressing the theoretical tensions that emerged from Tronti's analysis of "social factory." Negri's introduction of the notion of "social worker" (*operaio sociale*) in this piece can be best understood in these terms; through the figure of "social worker" Negri tries to re-define and broaden the scope of the concept of working-class to make it congruent with the contemporary realities that are deftly pointed out in Tronti's account of "social factory."

Thus, in *Proletari e Stato*, taking Tronti's sociological analysis of Fordism one step further, Negri argued that the reorganization of capitalist production as a response to the workers' struggles in the late 1960s led to a change in the class composition of

¹⁰¹ While many activists hailed *Proletari e Stato* as the "new programme of *Autonomia*," others harshly criticized it for being an expression of Negri's flight to theory. Sergio Bologna was perhaps one of the most prominent critics of Negri's analysis in *Proletari e Stato*. According to Wright's account, Bologna argued that the problematic conceptual innovations presented in this work signaled that "Negri...preferred to ply the traditional trade of the theorist in possession of some grand thesis" rather than coming to grips with the "disarray and confusion" that surrounded the workers' movements in 1970s (ibid., p. 170).

the proletariat.¹⁰² The “mass worker” of the Fordist system of production left its place to the “social worker.” Unlike the “mass worker,” Negri wrote, “social worker” could not be tied to a particular industrial sector. Instead, it referred to all actors whose productive potential, i.e. their capacity to create value through their labor, is essential for the continued existence of capital.

Hence, building on Tronti’s notion of “social factory” and by giving it a positive twist, Negri claimed that although it was true that now “a single law of exploitation [is] present over the entire process of planning of capitalist society,”¹⁰³ this was not necessarily a negative development. On the contrary, to the extent that capitalist power relations diffused into every aspect of life, they opened up the possibility for the constitution of a new political subject that could bring together what used to be considered disparate political struggles. With his conception of “social worker,” Negri tried to highlight this possibility and underlined that as a new social figure with “massive revolutionary potential,”¹⁰⁴ “social worker” included not only industrial workers but also other marginalized groups such as the unemployed, gays and lesbians, and women, among others. However, simply broadening the scope of the proletariat in

¹⁰² In Italy the student revolt of 1967-8 triggered a massive wave of workers’ struggles which culminated in the “Hot Autumn” of 1969. In the fall of 1969, more than five million Italian workers, that is, “more than a quarter of the entire labor force,” participated in strikes. The new contracts won in 1969 and early 1970 represented considerable gains for the Italian working class, including but not limited to, the reduction of the working week to forty hours, limits on overtime, the right to hold up to ten hours of assemblies each year during working time inside plants, the right of workers to defend themselves in the event of disciplinary action etc). These gains tipped the balance of power in large factories in favor of workers. For a detailed historical account that focuses on the role of the PCI in Italian politics during this period, see Tobias Abse, “Judging the PCI,” *The New Left Review*, 1/153 (1985), pp. 5-43. In response, management of large factories sought ways to move away from the large factory model, which put a great number of workers into close contact with one another, and disperse the production process. According to Negri, these efforts constituted the basis of the shift from Fordism to post-Fordist “flexible production.”

¹⁰³ Antonio Negri, *Proletari e Stato* (Milano: Feltrinelli, 1976), pp. 36-7; cited in Wright, *Storming Heaven*, p. 164.

¹⁰⁴ *Ibid.*

this manner did *not* resolve the tensions of *workerism*. On the contrary, I suggest that the concept of “social worker” made it even more difficult for Negri to give an account of what it means to “directly” challenge the power of capital in a “social factory.”

In his response to the question of how the figure of social worker, an amalgam of diverse groups of marginalized subjects, could directly attack capital, Negri took a controversial turn. By the middle 1970s, Negri’s writings frequently gave voice to an increasing need for armed struggle. During this period, Negri highlighted the crucial significance of newly emerging forms of direct political action such as practices of ‘housing occupations,’ ‘self-reduction,’ which involved a collective refusal to pay for the increases in certain service fees such as bus fares, and ‘organized looting,’ through which demonstrators forced supermarket managers to sell merchandise at reduced prices. However, notwithstanding his support for these innovative forms of direct action, which carried the revolutionary struggle beyond the boundaries of the shop floor, Negri argued that a new form of political organization was necessary to unite these ongoing autonomous acts of resistance.

For, according to his account, only a new form of political organization could enable the figure of “social worker” to directly, and effectively, confront the power of capital and challenge its most concrete expression, i.e. the state. The need for organization, Negri continued, became essential especially in the face of the Italian state’s growing eagerness to use force to put down any form of social protest.¹⁰⁵ More

¹⁰⁵ Due to his continued emphasis on the need to unite different political struggles through the creation of a workers’ party, Negri came to be known as “the most Leninist of the *Autonomists*.” And yet, as Cleaver underlines—and Negri’s reading of Lenin’s writings in *Insurgencies* attests—Negri uses the term “party” rather loosely, and deploys it mainly to refer to workers’ self-organization. For this reason, to put

importantly, he argued that insofar as capital has evolved into a system of pure command, the use of violence and “armed struggle represent[s]...the only possibility of achieving a recomposition of the proletariat and a consolidation of the struggles.”¹⁰⁶

As Wright correctly argues, and many leftist thinkers, including Callinicos, concur, at a time when militant organizations like Red Brigades (*Brigate Rosso*) were gaining power, Negri’s emphasis on violence was particularly troubling.¹⁰⁷ Moreover, by 1978, it became evident that, despite his claims to the contrary, Negri was unable to distance his own position from that of radical militant organizations in unequivocal terms. In many ways, Negri’s inability to establish a clear-cut distinction between his militancy and the militancy of the underground armed organizations was even more problematic, and consequential, than his stress on violence as a necessary, if dangerous, means for the formation of the revolutionary subject. Negri’s failure to differentiate the extra-parliamentary left’s political struggle from the Red Brigades’ campaign of armed terror clearly demonstrated that, just like Tronti, Negri lacked conceptual means to adequately assess, and account for, the normative value of direct forms of political action. In comparison to Tronti’s case, however, the consequences of Negri’s theoretical failure proved to be much more dire.

it in Cleaver’s words, it would be major mistake to suggest that Negri was “committed to a Leninist Party in the usual sense of a Soviet-style communist party of professional revolutionaries.” See Harry Cleaver, “From *Operaismo* to ‘Autonomist Marxism’: A Response,” (2003), p. 41. available online at <http://www.eco.utexas.edu/Homepages/Faculty/Cleaver/AufhebenResponse2.pdf>

¹⁰⁶ Antonio Negri, 1974 cited in Steve Wright, *Storming Heaven: Class Composition and Struggle in Italian Autonomist Marxism*, p. 157.

¹⁰⁷ Wright, *Storming Heaven*, p. 174; Alex Callinicos, “Toni Negri in Perspective,” *International Socialism Journal*, Issue. 92 (Autumn, 2001), p. 3.

Escalation of violence, followed by the kidnapping and murder of Christian Democrat Aldo Moro by the Red Brigades in 1978,¹⁰⁸ unleashed a wave of severe state repression that swept many activists and leading figures of *Autonomia*, including Negri, into prison. The criminalization of extra-parliamentary movements isolated the entire far left and led to its eventual demise. This significant weakening of leftist opposition enabled the management of large factories to go on the offensive. By the end of 1980, factory workers lost many of the rights and benefits that they had gained in the late 1960s.¹⁰⁹ It is possible to suggest that more than anything else it was this decisive political defeat which convinced Negri of the necessity of undertaking a theoretically more rigorous engagement with the inherent tensions of Italian autonomist Marxism. I argue that Negri's writings after the 1980's, starting with his first book written in prison, namely, *The Savage Anomaly* (1981),¹¹⁰ which provides an innovative interpretation of Spinoza's philosophy, can be read as his attempt to resolve these tensions by providing a philosophical grounding to *workerism's* theoretical insights.

II. From Autonomist Marxism to Democratic Theory: Negri's Philosophical Turn

¹⁰⁸ The militants of the Red Brigades kidnapped Aldo Moro, the President of the National Council of Christian Democrats, and killed his five bodyguards, in the morning of March 16, 1978. The discovery of the lifeless body of Moro in the baggage compartment of a red Renault on May 9, 1978, brought an end to his 55 days in captivity. For a detailed chronological account of these series of events, see Leonardo Sciascia and Peter Robb, *The Moro Affair* (New York: New York Review Book Classics, 2004), pp. 7-12.

¹⁰⁹ In 1980, Fiat –once a stronghold of workers' movements- succeeded in laying off a total of 23,000 workers, many of whom were political activists. According to Callinicos, Fiat's success in crushing the power of labor movements "set the stage for the resurgence of Italian capitalism in the 1980's whose greatest symbol would be the rise of Silvio Berlusconi." See Callinicos, "Toni Negri in Perspective," p. 4.

¹¹⁰ Antonio Negri, *The Savage Anomaly: The Power of Spinoza's Metaphysics and Politics*, translated by Michael Hardt (Minneapolis: University of Minnesota Press, 2000). As we will see, Negri's theory of democracy heavily relies on *The Savage Anomaly's* creative reappropriation of several of Spinoza's concepts including, but not limited to, multitude, striving (*conatus*), strength (*vis*), desire (*cupiditas*) and love (*amor/cupiditas*).

Negri's philosophical turn finds its most sophisticated and directly political expression in *Insurgencies*. Published in 1992, this work is marked by Negri's effort to deal with the problems he faced as an activist thinker in the late 1970s by developing a theory of democracy. To develop this theory, Negri utilizes an eclectic approach. Accordingly, he combines his distinctive interpretations of Marx's notion of 'living labor' and Spinoza's ontology with a peculiar understanding of revolution, which purports to synthesize two alternative accounts, namely Hannah Arendt's conception of revolution as a radical event and a new beginning, and Carl Schmitt's description of the same phenomenon as a moment of decision on the part of a political subject. Negri deploys this Spinozian-Marxist approach to revolutionary democratic politics to argue against existing theories of constitutionalism.

In what follows, I will first provide an analysis of Negri's criticism of constitutionalism to demonstrate how, and to what extent, Negri's theory of democracy is an attempt to overcome the inherent problems and tensions of Italian *autonomist* Marxism while retaining its gains. Second, through a detailed engagement with Negri's understanding of revolution, I will argue that Negri's efforts to combine Arendt's and Schmitt's opposing conceptions of revolution leads to an account that inadvertently brings back all the problems of *autonomist* Marxism that he aims to overcome in the first place. Understanding this failure, which is closely tied to Negri's critical appropriation of Schmitt's constitutional thought, is essential in fully grasping the significance of the supplementary role that the concept of love plays within the broader structure of Negri's democratic theory.

Re-thinking Democracy: *Insurgencies* and Negri's critique of Theories of Constitutionalism

According to Negri, throughout history, democracy, which is nothing more and nothing less than the “rule of all by all,” has always been experienced as, to use a word coined by Sheldon Wolin, an “aconstitutional” mode of being that came about during revolutionary times, characterized by the emergence, or rather resurgence, of “constituent power.”¹¹¹ Thus, Negri begins *Insurgencies* with the claim that “to speak of constituent power is to speak of democracy.”¹¹² The concept of “constituent power,” which is so central to Negri’s understanding of democracy, has a long history in modern constitutional thought. And precisely for this reason is Negri’s criticism of theories of constitutionalism an integral part of his democratic theory.

Negri argues that theories of constitutionalism rightly highlight the importance of a conceptual distinction between “constituent” and “constituted” power. In fact, he continues, ever since the American Revolution,¹¹³ many different thinkers, including but not limited to Georg Jellinek, Hans Kelsen, Max Weber, and Carl Schmitt, have accurately identified constituent power both as “an all powerful and expansive principle producing the constitutional norms of any juridical system” and as “the subject of this

¹¹¹ Both Wolin and Negri share the view that the notion of an institutionalized “constitutional democracy” is “an ideological construction” designed not to realize democracy in modern complex societies, as thinkers such as Habermas argue, but rather to repress it. See Wolin, “Norm and Form,” pp. 36-7. Despite this crucial similarity, however, as we will see below, Negri’s conception of democracy is significantly different from that of Wolin’s to the extent that he adamantly rejects Wolin’s characterization of democracy as a “rebellious moment,” which is “doomed to succeed only temporarily” (ibid, p. 56).

¹¹² Negri, *Insurgencies*, p. 1.

¹¹³ Ibid., p. 23. There is some degree of disagreement with respect to the accuracy of this claim. Hannah Arendt, for instance, suggests that the distinction between constituent and constituted power [*pouvoir constituant* and *pouvoir constitué*] was first introduced by Sieyès, one of the “best” theorists “among the men of the French Revolution”, who tried to overcome the problem of the legality of the new laws by delineating “the will of the nation, which itself remained outside and above all governments and all laws” as the “origin of all legality”(Hannah Arendt, *On Revolution*, p. 162; p. 160).

production.”¹¹⁴ And yet, for Negri, these theories take a deeply anti-democratic turn once they limit the political role and significance of constituent power by way of defining it as the legitimating principle of the constituted order.

When the relationship between constituent and constituted power is established in these terms –that is to say, when constituent power is relegated to a principle whose only role is to give legitimacy to the constituted order- this crucial conceptual distinction loses all its radical quality, and instead turns into a mere means to justify the seeming superiority of the institutionalized structures of power over the power of the praxis of a constituting act. Or to put it in different terms, by suggesting that constituent power realizes its potential in the creation of constituted power, existing theories of constitutionalism support their depiction of the modern state as a higher power presiding over people, and legitimate its hierarchical structure as the actualization of the revolutionary power of the people. Thus, in these accounts, the constituting praxis is reduced to a temporal force that becomes meaningful only insofar as it creates an institutionalized power structure. For constitutional theorists, then, the existence of constituent power is dependent upon the “successful” creation of a new constitutional order. Theorizing the relation between constituent and constituted power in this manner and by giving primacy to the institutionalized order, existing theories of constitutionalism establish an inseparable link between these two terms.

I suggest that in *Insurgencies* Negri tries to counter constitutional thought’s conservative stance by attempting to break up this seemingly inherent and unbreakable conceptual link between constituent and constituted power. The goal of this theoretical

¹¹⁴ Negri, *Insurgencies*, 1999, p. 1.

move is not to render these two terms irrelevant to one another, but rather, to theorize constituent power as an ongoing, independent, productive force. To support this interpretive shift in perspective, Negri draws on a terminological distinction that many languages mark between “two kinds of power –*potestas* and *potentia* in Latin, *pouvoir* and *puissance* in French, *potere* and *potenza* in Italian.”¹¹⁵ In each case, the first term refers to an institutionalized authority of a centralized and already structured capacity, whereas the second term, as the Latin word *potentia* suggests, carries within it implications of potentiality and “decentralized and mass conception of strength and force.”¹¹⁶

Grafting this terminological distinction onto debates in constitutional thought, Negri proposes to rethink the relationship between constituent power, understood as an expansive productive force (*potentia*), and constituted power, that is, the kind of power “shaped by and into existing State and political institutions” (*potestas*).¹¹⁷ According to Negri, in contrast to the accounts of constitutionalism, an accurate description of the relationship between constituent and constituted power, or as he frequently calls them, between *potentia* and *potestas*, has to reveal that the apparent superiority and priority of constituted power embodied in the hierarchical order of the State is in fact nothing but the work of the ever expansive productive potential of constituent power, *potentia*.

Negri argues that for the purposes of grasping the primacy of constituent power, it is necessary to move away from an ontology of transcendence, which relies on

¹¹⁵ Ibid., p. 32.

¹¹⁶ For this definition see Vincenzo Binetti and Cesare Casarino’s translator’s note to Giorgio Agamben’s use of the Italian words *potere* and *potenza* in *Means Without Ends: Notes on Politics*. (Giorgio Agamben, *Means Without Ends: Notes on Politics*, translated by Vincenzo Binetti and Cesare Casarino (Minneapolis, MN: The University of Minnesota Press, 2000), p. 143 #1).

¹¹⁷ *Insurgencies*, See translator’s note p. 337 #3.

notions of mediation and representation in order to legitimate hierarchical relations of power, towards an ontology of immanence which “sets power in immediacy and singularity.”¹¹⁸ In other words, it is necessary to follow the path taken by Baruch Spinoza in his *Ethics*¹¹⁹ where, to put it in Read’s words, he “demonstrated how the appearance of God’s law, of the order of *potestas*, was nothing other than *potentia*, human practice, desires, and imagination struggling in the world.”¹²⁰

Following this very path in *Insurgencies*, Negri criticizes constitutional thought’s “ideological” move to privilege institutionalized and hierarchical structures of power by turning the state into a mystical and omnipotent entity that supposedly exists independently of the people and rules over them. Spinoza’s ontology of immanence, Negri states, uncovers what the theorists of monarchic absolutism (such as Hobbes) as well as the theorists of republicanism (such as Rousseau) try to hide; namely, the parasitic nature of the sovereign state (*potestas*) as the instrument of order which lives off of the power of “immanent, constructive, creative forces” (*potentia*).¹²¹ In opposition to this “anti-democratic” line of thinking, which defines the state as a mediatory

¹¹⁸ Antonio Negri, “Spinoza’s Anti-Modernity,” translated by Charles Wolfe, *Graduate Faculty Philosophy Journal*, Vol.18, No.2 (1995) (also available at <http://www.generation-online.org/p/fpnegri10.htm>), p. 3.

¹¹⁹ In *Insurgencies* Negri acknowledges his indebtedness to Spinoza in the following manner: “Here our recalling of Spinoza’s thought will not appear strange. The process of constitution of strength that we have hitherto been defining is in fact fully illustrated in *The Ethics*” (p. 322).

¹²⁰ Read, “The *Potentia* of Living Labor,” p. 42. A detailed analysis of Negri’s interpretation of Spinoza is beyond the scope of this paper. Suffice it to say that Negri’s theory of democracy relies heavily on his analysis in *The Savage Anomaly* where he creatively reappropriates several of Spinoza’s central concepts including, but not limited to, multitude, striving (*conatus*), strength (*vis*), desire (*cupiditas*) and love (*amor*). According to Pierre Macherey, in *Savage Anomaly*, through his interpretative strategy, Negri drags Spinoza away from what he considers the “bad path of the thinkers of mediation and the doctrines of *potestas*—Hobbes/Rousseau/Hegel—and puts him back into his authentic genealogy—Machiavelli/Spinoza/Marx—which situates him...on the side of the thought of *potentia* endowed with a new logic of constitution.” See Pierre Macherey, “Negri’s Spinoza: From Mediation to Constitution,” in *Philosophy of Antonio Negri*, p. 8.

¹²¹ For this point also see Hardt and Negri, *Empire*, p. 76.

mechanism, a higher level of unity that supposedly synthesizes the creative forces of the collective, Negri asserts the priority of the power of human practice by constantly underlining one crucial point: While institutionalized power of the state is completely dependent upon, what constitutional theories call, “the power of the people” for its existence, people’s power is productive independently of institutionalized power.

To sum up, in *Insurgencies*, building on his interpretation of Spinoza’s ontology, Negri tries to establish the primacy of constituent power over constituted power. I argue that in doing so he provides not only a powerful criticism of existing theories of constitutionalism, but also a reworking of the main tenets of *workerism* with a view to overcome the inherent tensions of *autonomist* Marxism. For, by asserting the *conceptual* priority of constituent power over constituted power, Negri both reiterates Tronti’s idea of the primacy of labor over capital in *political* terms *and* gives that idea a philosophical, or more precisely, an ontological grounding. Moreover, bringing Marx’s conception of “living labor” into this political discussion, he also reformulates constituent power as a social concept that refers to “the pervasive force of the entire society...that absorbs and configures all other power, State power first of all.”¹²²

According to this formulation, in contrast to the constituted power which presents itself as a fixing of constituent power by taking different forms such as law, sovereignty, and the constitution of the state, constituent power is a *continuous* “creative act,” and a “*free praxis*” that can never be destroyed.¹²³ As “an absolute

¹²² Negri, *Insurgencies*, p. 251.

¹²³ Negri, *Insurgencies*, p. 22.

process [which is] all-powerful and expansive, unlimited and unfinalized,”¹²⁴ constituent power retains its existence even when it is blocked by the institutional mechanisms of the State as well as the market which are in turn completely dependent upon constituent power for their existence. Once turned into a socio-political notion in this manner, constituent power, which is both a productive principle and a subject, enables Negri to revise the problematic aspects of Tronti’s account of *workerism* in three ways.

First, this reformulation of constituent power provides a theoretical grounding to Tronti’s sociological observation that in a “social factory” the distinction between economic and political spheres becomes obsolete. Understood as an “inseparable social and political activity,”¹²⁵ Negri’s conception of constituent power implies that what Tronti’s historically specific diagnosis points to is in fact an ontological condition, which has traditionally been obscured by constitutional thought. Thus, unlike Tronti, who, at least implicitly, accepts the possibility of a separate political sphere, Negri argues that, throughout history the so-called independence, or relative autonomy, of the “political” from other spheres of life has been celebrated only as a part of an ideological project to “block, order and dominate the omnipotence of the living labor.”¹²⁶ And precisely for this reason, for Negri, providing a theoretically grounded account that eliminates the formal independence of the political sphere is of crucial practical significance.

¹²⁴ Ibid., p. 13

¹²⁵ Ibid., p. 267.

¹²⁶ Ibid.

Second, theorized as a socio-political concept, constituent power provides a solution to Tronti's unanswered question of what it means to "directly" oppose capital given that in the current stage of capitalist development it has become a diffused form of power. By highlighting the inseparability of the social and the political, Negri's Marxian appropriation of constituent power as living labor provides every productive action with an immediate and direct political significance. For example, laboring activities performed in factories and service sector as well as in families, such as housework and childcare, take on a political meaning in Negri's account. This enables Negri to convincingly argue that even though constituent power can be blocked through the creation of a hierarchical system embodied in the State, it continues to operate as a social force, as an undercurrent without which constituted power cannot exist.¹²⁷ That institutionalized order's existence is completely dependent upon constituent power for its existence makes it possible for Negri to retain *workerism*'s emphasis on certain kinds of direct action, such as sabotage, exodus of the subordinated and refusal to participate in systems of command, without signing onto *workerism*'s limiting idea that the factory is the privileged realm of struggle.

Hence, both in *Insurgencies*, and in his other more recent writings, such as *Empire* and *Multitude*, over and over again, Negri underlines the crucial significance of

¹²⁷ In his intriguing essay, "Legality and Resistance: Arendt and Negri on Constituent Power," Miguel Vatter, challenges Negri by arguing that in his account the constituent power is an absolute process only in social terms. See Miguel Vatter, "Legality and Resistance: Arendt and Negri on Constituent Power," in *The Philosophy of Antonio Negri*, pp. 52-87. What Vatter fails to acknowledge is that one of the crucial features of Negri's account of revolutionary politics is his attempt to collapse that distinction between the social and the political; for Negri, unlike what Vatter seems to think and as I have tried to demonstrate, constituent power's social continuity is deeply political.

“refusal, subtraction, or exodus, of the subordinated”¹²⁸ as revolutionary forms of resistance against the controlling and domineering effects of constituted power either in its incarnation as the overbearing mechanisms of the “free” market system or as the modern sovereign state. For instance, in his co-authored work *Multitude*, underlining sovereign power’s absolute dependence on the creative force of constituent power, Negri, along with Hardt, reminds his readers that “without the active participation of the subordinated” sovereignty cannot but “crumble.”¹²⁹

By making this point, Negri appropriates Tronti’s claim that rather than being mere expressions of resignation, refusal, desertion and exodus are effective forms of direct action. By shifting the focus of revolutionary action from factory to “sovereignty” he also finds a way to broaden the scope of what counts as “direct” action. For Negri, the effectiveness of such acts of resistance result from the fact that instead of trying to take control of the State and its auxiliary establishments, these forms of political action directly confront them by aiming to destroy the very possibility of such institutional structures, all of which are based on a system of command and characterized by rigid and vertical ruler-ruled distinction.

And yet, although he constantly highlights their crucial role in a revolutionary project, Negri is quick to note that refusal, subtraction and exodus are only “the beginning of a liberatory politics.”¹³⁰ What is required is to find a way to go beyond refusal so as to be able to “construct a new mode of life and above all a new

¹²⁸ Hardt and Negri, *Multitude*, p. 334, see also p. 132-2, 332, 347; Hardt and Negri, *Empire* p. 204, pp. 212-3; Negri, *Insurgencies*, p. 23.

¹²⁹ Hardt and Negri, *Multitude*, p. 334.

¹³⁰ *Empire*, p. 204.

community.”¹³¹ And, according to Negri, the solution to that problem lies in “identifying a subjective strength adequate to this task.”¹³²

Negri’s theorization of constituent power as a revolutionary subject constitutes his third and final revision of Tronti’s theoretical framework of *workerism*. By suggesting that construction of a new community is a revolutionary task that can be undertaken only by an adequate subject, Negri follows the lead of constitutional thought which defines constituent power both as an all powerful principle producing the constitutional norms and as the subject of that production. Through his discussion of the revolutionary potential of this productive subject, Negri also holds onto Tronti’s emphasis on the subject over structure. However, at the same time, he modifies *workerism*, and by extension *autonomist* Marxism, by refusing to identify the working-class as the embodiment of constituent power. Thus, in *Insurgencies*, revising his former conception of ‘social worker,’ which was, in spite of its broadened scope, still a strictly class concept, and liberally borrowing from Spinoza, Negri argues that the adequate subject of democratic political action can be nothing but what Spinoza called the “multitude.”

Unlike Spinoza, who, to put it in Étienne Balibar’s words, considered multitude to be both the “matter” of politics and a “contradictory power” whose most frequent passion is fear,¹³³ Negri identifies multitude as a purely revolutionary power. Thus,

¹³¹ Ibid.

¹³² *Insurgencies*, p. 25, see also p. 96.

¹³³ Étienne Balibar, *Spinoza and Politics*, translated by Peter Snowdon (London, New York: Verso, [1998] 2008), p. 118, see also p. 71. Although interpretations vary, most readers of Spinoza agree with Balibar in that Spinoza had an ambivalent attitude toward the power of the multitude. In *Savage Anomaly*, Negri refuses to sign onto this “orthodox” reading of Spinoza’s conception of multitude.

erasing the ambivalence characterizing Spinoza's use of the term,¹³⁴ he constructs the meaning of multitude by putting it in direct opposition to competing accounts of constituent power that set either "the people" or "the proletariat" as the revolutionary subject.

In Negri's account, "the people," which is the name given to constituent power by "democratic" theories of constitutionalism, is a deeply problematic notion of social subject since it is never far apart from the concepts of nation and race. Negri argues that the concept of the people always tends towards "identity and homogeneity internally while posing its difference from and excluding what remains outside of it."¹³⁵ This exclusionary logic of identity, which often times translates into practices of "racial subordination and social purification" on the practical plane, is facilitated by the "eclipse of internal differences through... *representation*."¹³⁶ Negri argues that the transformation of a diversified population into a unified people, which "speaks with one voice and acts with one will,"¹³⁷ takes a heavy toll. The result of this reliance on the mediating mechanisms of representation and transcendence is nothing less than the eradication of freedom. This is the case because for Negri freedom is an *immediate* constitutive activity that can never be delegated.

¹³⁴ For the ambivalent quality of the *multitude*, see also Paulo Virno, who, unlike Negri, argues that "The multitude is a mode of being, the prevalent mode of being today: but, like all modes of being, it is *ambivalent*, or, we might say, it contains within itself both loss and salvation, acquiescence and conflict, servility and freedom." Paulo Virno, *A Grammar of the Multitude: For an Analysis of Contemporary Forms of Life*, translated by Isabella Bertolotti, James Cascaito, Andrea Casson (Cambridge, Mass.: The MIT Press, Semiotext(e), 2004), p. 27.

¹³⁵ Hardt and Negri, *Empire*, p. 103.

¹³⁶ *Ibid.*, pp. 103-4.

¹³⁷ *Ibid.*, pp. 242-3.

In Negri's account, multitude is also carefully differentiated from a Marxist notion of the proletariat. There are two reasons for this. First, whereas the working class is an exclusionary concept defined in opposition to owners of means of production, multitude is an "open, inclusive concept."¹³⁸ Second, as opposed to such a notion of a revolutionary subject, which, at least in its Leninist formulation, points to the necessity of collective will formation through the conscious efforts of a vanguard, multitude is an ever existing potentiality that "comes to recognize its own strength"¹³⁹ through self-organization.

Unlike these problematic conceptions of the revolutionary subject which, as we have seen, imply fixity and imposed unity,¹⁴⁰ Negri argues that the multitude never lends itself to a totality, but rather remains as "a set of singularities, an open multiplicity" in its continuous activity.¹⁴¹ Yet, the claim that multitude is not a macro-subject with one will, Negri suggests, does not relegate it to a "fragmented, anarchical, or incoherent"¹⁴² form of social being; instead, it calls for a new conception of subject which moves beyond "the traditional Cartesian model of the mind autonomous from and capable of ruling over body."¹⁴³ According to this new understanding, a subject is not a unitary agent with a single center of control located in the mind; it is rather a material being, a body, composed of a set of singularities organized on a plane of

¹³⁸ Hardt and Negri, *Multitude*, p. xiv.

¹³⁹ Ibid.

¹⁴⁰ Negri, *Insurgencies*, pp. 25-6.

¹⁴¹ Ibid., p. 13; see also pp. 304-5, p. 318, p. 320, and p. 331.

¹⁴² Hardt and Negri, *Multitude*, p. 99.

¹⁴³ Ibid., p. 337.

immanence.¹⁴⁴ It is in this sense that Negri defines the multitude as “an internally different, multiple social subject whose constitution is based not on identity or unity...but on what it has in common.”¹⁴⁵

And yet, to use an old Marxist idiom, although multitude is a subject *in* itself, it is not yet a subject *for* itself.¹⁴⁶ Put differently, in his writings, Negri makes it clear that despite its massive revolutionary potential, multitude is not yet the subject of democratic action. For Negri, democracy requires the “reactivation of a singular event.”¹⁴⁷ According to this account, in all insurgencies from the Renaissance to our day we observe the sudden, and yet all-powerful democratic praxis of the multitude, which has always been repressed and crushed down by the fixed power of formal constitutions and central authority embodied in the State.¹⁴⁸ Given this history of repeated failures, what is necessitated for democracy to come true is to find a way to form a social

¹⁴⁴ Ibid. Citing the work of Antonio Damasio, Hardt and Negri argue that this view of the subject is supported by the recent scientific studies in the field of neurobiology. For an account that points to the controversial status of Damasio’s work within the field of cognitive science, see John G. Gunnell, “Are We Losing Our Minds? Cognitive Science and the Study of Politics,” *Political Theory* 35, no.6 (2007). In his informative essay, highlighting the importance of the vibrant debates in cognitive science, Gunnell criticizes certain political scientists’ uncritical appropriation of particular accounts of scientific research, including the one purported by Damasio, for the purpose of supporting their arguments.

¹⁴⁵ Hardt and Negri, *Multitude*, p. 100. This is a crucial addition to Negri’s elaboration of the concept of the multitude in *Insurgencies* but also in *Empire*. In both of these earlier books, Negri and Hardt direct the reader’s attention to the multitude’s difference from such concepts as the people and the nation, which has traditionally been considered to be the subject of constituent power. In many ways, in *Multitude* Hardt and Negri try to respond to criticisms directed to *Empire* by arguing that though it is not a unifying concept, the multitude still necessitates organization and to that extent is different from unorganized, and mostly destructive, masses. For critical accounts, among many others, see especially Ernesto Laclau, “Can Immanence Explain Social Struggles,” pp. 21-31, and Kam Shapiro “The Myth of Multitude,” pp. 289-315 in *Empire’s New Clothes*, edited by Paul A. Passavant and Jodi Dean (New York, NY: Routledge, 2004).

¹⁴⁶ Negri uses these precise words in his conversation with Raf Valvola Scelsi. See, for instance, “Genoa: Epiphany of the New” in *Goodbye Mr. Socialism*, in conversation with Raf Valvola Scelsi, translated by Peter Thomas (London, UK: Seven Stories Press and Serpent’s Tail, 2008) where he argues that “This multitude is in itself, but not for itself, and the transition isn’t easy. It is an alteration of moments, of taking conscience of some and not of others, of a totality of transitions, interruptions of tendencies and of drifts,” p.102.

¹⁴⁷ Negri, *Insurgencies*, p. 312.

¹⁴⁸ Negri, *Insurgencies*, pp. 312-3; see also Hardt and Negri, *Empire*, 2000 p. 81.

multiplicity that can manage, as Hardt and Negri put it in *Multitude*, “to communicate and act in common while remaining internally different.”¹⁴⁹ Only this way can the multitude become a political subject and begin to mature so that through “its networks of communication and cooperation, through its production of the common,” it can “sustain an alternative democratic society on its own.”¹⁵⁰

Yet, Negri underlines that it would be unrealistic and naïve to think that the maturation of the multitude will gradually and automatically lend itself to democracy. A radical revolutionary change of this kind can come about only when the self-organization of the multitude reaches “a threshold and configure[s] a real event.”¹⁵¹ For Negri, then, revolution is a moment of rupture, a new beginning when “a decision of action is made”¹⁵² to create a new world and a new humanity.

Rethinking Revolution: A New Beginning or a Moment of Decision?

I argue that Negri’s depiction of the revolutionary event both as a new beginning and as a moment of decision is as controversial as it is important for two reasons. First, insofar as Negri defines revolution as a rupture that bursts apart any possible continuity, he moves away from a dialectical Marxist conception of revolution. For unlike the Marxist tradition of thought, which considers revolution to be an overcoming (*Aufhebung*) of the existing social relations of domination, Negri rejects the idea that the terms of the revolutionary change can in any way be determined by the present conditions of existence. In Negri’s account, revolution is not a moment of

¹⁴⁹ Hardt and Negri, *Multitude*, p. xiv.

¹⁵⁰ Hardt and Negri, *Multitude*, p. 357.

¹⁵¹ Hardt and Negri, *Empire*, p. 411.

¹⁵² Hardt and Negri, *Multitude*, p. 357.

transcendence that resolves the problems of contemporary society by preserving its gains. It is, instead, a new beginning which constitutes a radical break with the past. Such a conception of revolution puts Negri at odds not only with more traditional Marxist schools of thought but also with *autonomist* Marxism. Despite its emphasis on subject over structure, *autonomist* Marxism still holds on to the idea that revolutionary change cannot be thought independently of the conditions of the current stage of capitalist development.

But Negri's break from *autonomist* Marxist tradition is not the only controversial aspect of this decidedly non-dialectical conception of revolution. I suggest that what makes Negri's conception unusual and ultimately problematic is his attempt to combine two opposing theorizations of revolution, namely that of Hannah Arendt and Carl Schmitt. As we will see, Negri finds it necessary to have recourse to a concept of love to overcome the problems that emerge from this peculiar understanding of revolution. Before addressing the question of whether or not Negri succeeds in overcoming these problems by supplementing his theory with the concept of love, however, it is necessary first to provide a brief account of how and to what effect he brings together Arendt's and Schmitt's respective understandings of the revolutionary event.

In many respects, it is possible to argue that Arendt is the hidden interlocutor of Negri in *Insurgencies*. Yet, Negri's relation to Arendt's political thought is far from being simple. On the one hand, the structural and methodological similarities between Negri's *Insurgencies* and Arendt's *On Revolution* suggest that, although he never openly acknowledges it, Negri owes much to Arendt's analysis. With the exception of

his brief discussion of the Glorious Revolution, in *Insurgencies* Negri more or less strictly follows Arendt's account and, just like her, traces the historical thread that links modern revolutions through a comparative analysis of the appearance of the radical events that took place in the American, French, and Russian contexts.

On the other hand, Negri is highly, and openly, critical of various aspects of Arendt's thought. For instance, he argues that Arendt's criticism of Lenin and her appreciation of Rosa Luxemburg's approach to council system is a clear sign of her "linear and spontaneist,"¹⁵³ line of thinking which ignores the crucial role of organization in revolutionary politics. Combined with her strict distinction between the political and the social, Negri continues, Arendt's emphasis on spontaneity leads her to reduce constituent power to a force that can come into being only unexpectedly, rarely and ultimately temporarily. For Negri, such a theoretical account, which fails to come to terms with constituent power's ordinary and ontological capability to operate continuously as living labor, is deeply ideological: By relegating constituent power to "an exteriority," Arendt's account of revolution neutralizes constituent power even in moments of insurgency when it "triumphs over every inhibition, exclusion, or repression."¹⁵⁴

¹⁵³ Negri, *Insurgencies*, p. 18. Negri's criticism of spontaneity is part and parcel of his effort to re-assert his Marxist identity in opposition to the charges of anarchism that come from Marxist circles. For such a critical account and a very insightful reading of Empire as "the latest incarnation of spontaneity," see Emanuelle Saccarelli, "Empire, Rifondazione Comunista, and the Politics of Spontaneity," *New Political Science* 26, no 4, (2004), pp. 577-591.

¹⁵⁴ Ibid., p. 325. Within the scope of this chapter, I cannot address the question of whether or not this is an accurate description of Arendt's thinking. Suffice it to say that a brief look at Arendt's own critique of anarchism in *On Revolution* (see *On Revolution*, p. 265) is enough to complicate Negri's easy association of Arendt with, as he puts it, "anarchist thought," see *Insurgencies*, p. 326.

Despite these major disagreements, however, as Miguel Vatter rightly argues, in *Insurgencies* Negri adopts the basic features of Arendt's conception of revolution, such as her understanding of "freedom...as beginning and antisovereign power."¹⁵⁵ One clear example of this can be found in Negri's claim that the concept of constituent power consists in the idea that "the past no longer explains the present, and that only future is able to do so."¹⁵⁶ This claim, which places constituent power into the indeterminate zone between past and future, points to the close connection between Negri's theorization of constituent act and Arendt's account of "the act of new beginning."¹⁵⁷ Just like what Negri suggests with respect to revolutionary change, for Arendt too the act of beginning emerges from an abyss characterized by the absence of determinations. The beginning, Arendt argues, has nothing to hold on to; it is as if it came out of "nowhere in either time or space."¹⁵⁸ And since it is not tied to a reliable chain of cause and effect, the very nature of a beginning carries with itself "a measure of complete arbitrariness."¹⁵⁹ The act of beginning breaks apart the existing order and retroactively changes the very coordinates into which it intervenes. And precisely for this reason, there has always been a close connection between the idea of the act of beginning and the concept of revolution.

That revolution is an act of beginning does not imply that every new beginning is in and of itself a revolution. New beginnings give rise to situations where our inherited categories of thought and standards of judgment have been destroyed. As

¹⁵⁵ Vatter, "Legality and Resistance," p. 66.

¹⁵⁶ Negri, *Insurgencies*, p. 11.

¹⁵⁷ Arendt, *On Revolution*, p. 214.

¹⁵⁸ *Ibid.*, p. 207.

¹⁵⁹ *Ibid.*

Linda Zerilli suggests, Arendt saw both “a threat and a promise” in such situations.¹⁶⁰ The promise is that acting freely, that is, without being bounded by already established rules and regulations, carries within it the possibility of founding a new form of government where “freedom can dwell.”¹⁶¹ This liberation, and the concomitant unbounded quality of action, however, also brings with it a high degree of risk. Thus, Arendt writes, “*only* where change occurs in the sense of a new beginning...where the liberation from oppression aims at least at the constitution of freedom can we speak of revolution.”¹⁶²

As we have seen, Negri’s conception of revolution as a “real event” shares a great deal with this account. There are, however, significant differences between Arendt’s and Negri’s respective understandings of revolution as well. First, due to his understanding of constituent power as free and unlimited praxis, Negri refuses to sign onto Arendt’s view that every revolution combines the act of beginning with “[t]he act of founding the new body politic, [i.e.] of devising the new form of government.”¹⁶³ As we have seen, for Negri such a view is problematic as it mistakenly presents constituted power as the actualization of the revolutionary potential of constituent power.

Negri’s account of revolution as a “real event” differs from that of Arendt’s also because it lacks the ambivalence that characterizes Arendt’s conception of the act of new beginning both as a promise and as a threat. For Negri, insofar as it is the acts of the multitude which give rise to this “event,” the new beginning implies a positive

¹⁶⁰ Linda M. G. Zerilli, “Castoriadis, Arendt, and the Problem of the New,” *Constellations*, Vol. 9, No. 4 (2002), p. 547.

¹⁶¹ Arendt, *On Revolution*, p. 28

¹⁶² *Ibid* (italics mine).

¹⁶³ *ibid.*, p. 225.

change. This reference to the multitude points to the last and most important difference between these two thinkers' lines of thinking; I suggest that that difference emanates from Negri's emphasis on the creation of a political subject as a necessary condition for revolution. For, according to Negri too, though for different reasons, revolution cannot be understood merely as an act of new beginning. In opposition to Arendt, who tries to set politics free from the idea of a macro-subject however it may be conceived, Negri holds onto constitutional thought's view that constituent power is both the act of constitutive praxis and the subject of that action. Thus, an act of beginning, Negri argues, can turn into a revolution only when it is undertaken by a revolutionary subject, who *decides* to break away from the past to create a new future.

With this theoretical move, which associates the revolutionary act with a notion of "decision," Negri tries to formulate an account of revolution which brings together an Arendtian understanding of freedom as beginning and anti-sovereign power and a notion of politics that sees the possibility of a free society in the constitution of a collective subject capable to act according to its own decisions. Although, as we have seen, Negri painstakingly differentiates his understanding of political subject from other notions of collective subjectivity, his reliance on "decision" sets him apart from Arendt and, perhaps more importantly, signals his indebtedness to another and rather controversial political theorist, namely Carl Schmitt.

Negri's recourse to one of the most controversial theorists of sovereignty is not as surprising as it appears to be at first sight. After all, there are certain similarities between Negri's and Schmitt's political theories which can hardly be ignored. For instance, both thinkers are highly critical of conflating liberalism with democracy,

which are, in their accounts, presented to be contradictory rather than complementary forms of governance.¹⁶⁴ Accordingly, both Negri and Schmitt reject the view that defines democracy in terms of the rule of law and instead point to the close connection between democracy and constituent power as an unmediated, immediate form-giving creative force. Finally, both authors agree that the revolutionary act, which comes into being through the decision of the constituent power, is a new beginning springing out of a normative nothingness. Thus, Schmitt writes, "...specific element of a decision is, from the content of the underlying norm, new and alien. Looked at normatively, decision emanates from nothingness."¹⁶⁵ Negri shares this view when he underlines that because constituent power does not derive its authority from any already existing legal system, it is devoid of any prior normative determinations that can justify it. It is for this reason that, just like Schmitt, Negri claims that constituent power emerges from a "vortex of void."¹⁶⁶

None of this means that Negri uncritically appropriates every aspect of Schmitt's theory of sovereignty, which, in direct opposition to Negri's conception of democracy, equates the state with politics and declares that "state and politics cannot be exterminated."¹⁶⁷ As a theorist of anti-sovereign power, Negri is fully aware of the fact that theorizing revolution in terms of "decision" runs the risk of undermining his own theory of democracy by bringing his appropriation of constituent power dangerously

¹⁶⁴ According to Schmitt, "liberalism destroys democracy, and democracy liberalism." For Schmitt's criticism of liberalism see Carl Schmitt, *The Concept of the Political*, translated by George Schwab (Chicago and London: The University of Chicago Press, 1996), pp. 69-79.

¹⁶⁵ Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, translated by George Schwab (Chicago and London: The University of Chicago Press, 2005), pp. 31-2.

¹⁶⁶ Negri, *Insurgencies*, p. 13

¹⁶⁷ Schmitt, *The Concept of the Political*, p. 78.

close to a decisionistic reading of the concept akin to the one presented by Schmitt. Hence, in both *Insurgencies* and *Multitude*, Negri directly addresses the apparent similarity between the two accounts and tries to differentiate his version from what he considers to be a “perverse ideological representation” of constituent power that presents itself “as a guide for the collective praxis.”¹⁶⁸

According to Negri, although Schmitt comes “very close to a materialistic definition of constituent power,”¹⁶⁹ he ultimately ends up with a disfigured, ideological account the moment he reduces the constituent event to a voluntary occurrence of power and “a praxis of negating every determination.”¹⁷⁰ Through this reductionist and negative approach, Negri suggests, Schmitt not only mischaracterizes constituent power as “a pure political act,” thereby failing to recognize its social productivity, but also equates it to “mere irrational creativity, the obscure point of some violent expression of power.”¹⁷¹ Such an equation has two effects. First, it leads Schmitt to get entrapped in a conception of sovereignty which is “no longer a pure concept of strength [*potenza*], but of power [*potere*].”¹⁷² Second, Schmitt’s equation turns constituent power into an arbitrary, “brutal act of using force,” that is, a “pure decision” with no ethical bearings.¹⁷³ And for Negri, this hollowing out of constituent power, which renders it empty of ethical content, constitutes the basis of its fascist interpretation.

Notwithstanding Negri’s critical approach and his conscious efforts to differentiate his conception of revolution from that of Schmitt’s, I suggest that Negri’s

¹⁶⁸ Negri, *Insurgencies*, p. 317

¹⁶⁹ Ibid, p. 8.

¹⁷⁰ Ibid., p. 317.

¹⁷¹ Hardt and Negri, *Multitude*, p. 351.

¹⁷² Negri, *Insurgencies*, p. 8.

¹⁷³ *ibid.*, p. 317.

theory of democracy and revolution ultimately suffers from this turn to Schmitt's theory of sovereignty. This is the case because Negri's theorization of the revolutionary event both as an act of new beginning *and* as a "decision" on the part of a collective subject, inadvertently undermines his emphasis on democracy as an ongoing constitutive praxis and more importantly brings back all the theoretical tensions of *autonomist* Marxism that he intended to overcome in the first place. More specifically, I argue that Negri's attempt to synthesize Arendt's and Schmitt's opposing conceptions of revolution so as to hold onto a notion of political subject gives rise to two major problems.

On a practical level, Negri's account begs the question of how can multitude, an amalgam of a diverse set of singularities, attain the quality of a subject which can decide and act as some sort of a unity without having recourse to mediatory and representative mechanisms such as a political party. To put it differently, Negri's suggestion that revolution requires the multitude to develop its ability to make decisions points to a move away from an ontological account of multitude that defines it as an ever existing potentiality that "comes to recognize its own strength" in untimely events. This move, which reduces multitude's "self-organization" to the development of a decision-making capacity, ties revolution to a political subject's ability to decide to act in a certain way. Concomitantly, it brings back an issue that has been a major point of tension in *autonomist* Marxism since its early beginnings in *workerism*, namely the role of institutions in the formation of the revolutionary subject, or, as Negri puts it, in the "development of a revolutionary consciousness."¹⁷⁴

¹⁷⁴ Antonio Negri, "The Monstrous Multitude," in *Empire and Beyond*, translated by Ed Emery (Cambridge, UK: Polity Press, 2008), p. 49.

Despite his clear statement that the revolutionary task of our day is nothing other than generating a revolutionary consciousness, mainly due to his emphasis on “immediate and direct” forms of action, in his more recent writings too Negri retains his political stance of the 1970s. Thus, he refuses to have recourse to a traditional notion of political party, and instead, as he does in *Multitude*, calls for the creation of loosely connected organizational networks such as “White Overalls.”¹⁷⁵ Decentralized and innovative as they are, however, the activities of such organizational networks hardly address the question of how the multitude can become a subject that can decide and act, to use Spinoza’s words, “as if by a single mind.”¹⁷⁶

Negri’s turn to ‘decision’ is problematic on the normative level as well. A decision is not, to use Derrida’s words, an “unfolding of a calculable process,” it is rather an act “in the night of...non-rule.”¹⁷⁷ As we have seen, following Schmitt, Negri acknowledges this normative indeterminacy when he suggests that constituent power does not derive its authority from any already existing legal system. And yet, the absence of pre-given standards of judgment, does not absolve the question of normativity. On the contrary, it increases the urgency of the question of how to assess the normative desirability of different forms of political action. In other words, if decision does indeed come from a normative vortex of void as Negri himself suggests, then he needs to provide an account of how to judge the acts of the multitude.

¹⁷⁵ “White Overalls” were a self-identified autonomist social network which undertook Hardt and Negri, *Multitude*, pp. 264-7.

¹⁷⁶ Baruch Spinoza, *Tractatus Politicus*, VIII, 19, cited in Balibar, *Spinoza and Politics*, p. 74.

¹⁷⁷ Jacques Derrida, “Force of Law: The Mystical Foundations of Authority,” in *Deconstruction and the Possibility of Justice*, edited by D. Cornell, M. Rosenfeld, and D.G. Carlson (New York: Routledge, 1992), p. 24; p. 26.

I suggest that it is to answer these two questions – one practical the other normative – that Negri finds it necessary to supplement his account with a notion of “love.” In what follows, I will first provide a brief account of Negri’s conception of love and highlight the ways in which he utilizes this concept to supplement his theory of democracy. I will conclude with a discussion on the unintended consequences of this theoretical move.

III. Love as a Necessary Supplement of Democracy

In almost all of his political works written after the 1980’s, including *Insurgencies*, *Empire* and *Multitude*, Negri resorts to the concept of love at a particular point (interestingly, towards the very end of each work), and to address a specific problem (i.e. the arbitrary nature of the revolutionary event) in the general structure of his argument.¹⁷⁸ In none of these writings, however, does Negri provide a straightforward account of what he means by the concept of love. Moreover, Negri’s utilization of love takes multiple forms. For example, what is referred to as “love of time” in *Insurgencies*,¹⁷⁹ becomes “intellectual love” in *Empire*,¹⁸⁰ and finally transforms into a notion of patriotism or “*amor patriae*” understood as a peculiar combination of republican *caritas* with “*amor humanitas*” in *Multitude*.¹⁸¹ Yet, insofar as they remain unexplained, such innovative appropriations of the concept of love tell us very little about Negri’s own understanding of this complex concept, which has been theorized in various and often contradictory ways and has been used for different

¹⁷⁸ To this list one can also add Antonio Negri, *Time for Revolution*, translated by Matteo Mandarini (New York, NY: Continuum, 2003)

¹⁷⁹ Negri, *Insurgencies*, pp. 334-6.

¹⁸⁰ Hardt and Negri, *Empire*, p. 78.

¹⁸¹ Hardt and Negri, *Multitude*, pp. 50-1.

political purposes throughout the history of western political thought since the 4th century BCE.¹⁸² Despite this lack of a detailed account, it is still possible to point to some defining aspects of Negri's conception of love.

As the use of concepts such as "intellectual love" attests, Negri's understanding of love is shaped by his interpretation of Spinoza first developed in *The Savage Anomaly*. To put it in Michael Hardt's words, in this book, through an interpretative analysis of Spinoza's *The Theologico-Political Treatise* and parts III and IV of the *Ethics*, Negri develops an account of "the real, immediate, and associative movements of human power, driven by imagination, love, and desire."¹⁸³ To do so, Negri turns to Part III of *Ethics* where Spinoza classifies affects according to their relation to the mind's striving for perseverance (*conatus*). For instance, whereas through joy the mind gains an increased power of striving, sadness points to a decreased power. In Negri's reading, for Spinoza, joy, sadness, and desire are primary affects. Hence, Spinoza characterizes all other affects as involving a combination of one or more of these together. Love and hate, for example, are joy and sadness coupled with an awareness of their respective causes. In *The Savage Anomaly*, Negri underlines the importance of these concepts by arguing that "The great couples "joy-sadness" and "love-hate"...[are] keys to the reading of the constitutive process of the world of the affects."¹⁸⁴

¹⁸² The similarities and differences between the conception of love in Christian tradition (where the concept of love has taken on many different meanings) and Platonic understanding of love (*eros* in distinction to *philia*) are telling in this respect. Moreover, as we will see in Chapter 4, even within the Athenian democracy the concept of love was a contested political term conceptualized and utilized by different political actors in contradictory ways for opposing political purposes.

¹⁸³ Negri, *The Savage Anomaly: The Power of Spinoza's Metaphysics and Politics*, available online at <http://www.generation-online.org/p/fpnegri17.htm> (accessed February 20, 2008)

¹⁸⁴ *ibid.*

This extremely brief discussion of Negri's interpretation of Spinoza's account of affects can, no doubt, hardly do justice to Negri's complex reading. Despite its brevity, however, it is helpful in identifying certain defining features of Negri's conception of love. Moreover, such a discussion is necessary especially in light of the fact that in neither *Insurgencies* nor *Empire* or *Multitude*, does Negri elaborate the Spinozian origins of his conception of love.

I suggest that what is crucial to note in the discussion presented above is the emphasis that Negri puts on Spinoza's conception of love as an affect rather than a relation that needs to be developed. To put it in Negri's own words, "*Cupiditas* is not a relationship, it is not a possibility, it is not an implication: It is a power...its being is full, real and given."¹⁸⁵ Thus, in Negri's reading, far from being a mode of mediation between two separate beings, love becomes, from a normative standpoint, a purely positive force, which has immediate constitutive effects. These two features of this particular conception of love, namely that it is a purely positive force and that it has immediate effects, are of crucial importance for Negri's account. For it is due to these features that Negri considers it meaningful to address the practical and normative questions that remain unanswered within the bounds of his theory of democracy by supplementing his account with the concept of love.

Not surprisingly, Negri's attempt to address the question of how to assess the normative desirability of different forms of political action begins with a criticism of Schmitt's notion of decision. Negri argues that although the revolution does require the use of the multitude's "decision making capacity," this does not necessarily lead to the

¹⁸⁵ Ibid., p.156.

conclusion that the emergent decision must be a negative force. For Negri that decision is rather a “deployment of force that defends the historical progression of emancipation and liberation; it is, in short, an act of love.”¹⁸⁶ In Negri’s account, then, unlike Schmitt’s conception, the constituent event is not empty of ethical content. By supplementing his account with a conception of love as a purely positive force, Negri suggests that although it comes from a normative nothingness, constituent power is not an arbitrary act that can be confused with other moments of direct popular action fueled by fear from “death.”

To elaborate this point, in the closing pages of *Multitude*, Negri, along with his co-author Hardt, call for a radical rethinking of love so as to move beyond a Schmittian conception of politics that points to hatred and fear of death as the foundation of political community. Following Spinoza, who, according to the reading offered in *Empire*, posed love “as the only possible foundation of liberation of singularities and as the ethical cement of collective life,”¹⁸⁷ Hardt and Negri argue that what is required for revolutionary politics is a political and material conception of love “as strong as death.” Only such a conception can counter the grip of death in our minds, replace fear as the driving force of politics, and thus serve as the basis for the construction of a new democratic society.

To sum up, Negri, who states that it is because constituent power carries within it its own “historical-philosophical and ethical values that it can be called

¹⁸⁶ Hardt and Negri, *Multitude*, p. 351

¹⁸⁷ Hardt and Negri, *Empire*, p. 78

democracy,”¹⁸⁸ identifies love as *the* ethical content of democratic forms of direct popular action. As the ethical content of the acts of the multitude, the concept of “love” presumably puts an end to the arbitrariness of the moment of decision and provides Negri with some sort of a criterion to distinguish revolutionary, and by definition, democratic moments of direct popular action from non-democratic ones.

Filling up the normative gap in his account of constituent moments, however, is not the only role that love plays in Negri’s democratic theory. The concept of love is not only the ethical content of constitutive praxis; it is at the same time a creative force and a motivating source enabling multitude’s organization as a revolutionary subject. In other words, by having recourse to the concept of love, understood as an affect with immediate constitutive effects, Negri also attempts to address the practical question of how multitude, an amalgam of a diverse set of singularities, can attain the quality of a subject which can decide and act as a unity. Thus, in *Multitude* Hardt and Negri call for a revival of the tradition of *amor patriae*, “a love that has nothing to do with nationalisms and populisms,” so as to make it “real and concrete today and find a way for it to oppose all the mercenary... appropriations of the idea of love of country.”¹⁸⁹ They suggest that this “renewal” of the tradition of patriotism, which goes all the way to Machiavelli, is necessary to enable the move toward “decisions through the common desire of the multitude.”¹⁹⁰ Patriotism, then, is a practical call for action as well as a motivating “sentiment” and an ethical bond that makes it possible for the multitude to

¹⁸⁸ Negri, *Insurgencies*, p.322.

¹⁸⁹ Hardt and Negri, *Multitude*, p. 50.

¹⁹⁰ *Ibid.*, p. 51.

become a revolutionary subject whose “primary decision” is to create a new humanity.¹⁹¹

Thus, though a supplement, in Negri’s political theory the concept of love plays a crucial double role, both as the normative content and the motivational force of democratic action. And yet, invoked but theorized no further, love becomes, to use Derrida’s words, a *dangerous* supplement to Negri’s theory – dangerous because it undermines Negri’s own theoretical goals and political commitments. I suggest that Negri’s attempt to supplement his account with a concept of love gives rise to three closely related problems.

First, it is possible to argue that with this last minute turn to the concept of love, Negri opens his account to a criticism that was directed to him in the late 1970s. As we have seen, during that period, many activist thinkers were critical of Negri’s notion of “social worker” conceptualized as a newly emerging political subject that included, among others, the proletarian youth, unemployed people, women, gay and lesbian groups. Negri’s critics suggested that through this notion, Negri tried to resolve one of the major tensions of *workerism*, namely the question of who constitutes the revolutionary subject in “social factory,” with a theoretical sleight of hand. According to them, in Negri’s account, the formation of a new class figure, which is “a project that required considerable care and time, had been accomplished simply by collapsing tendency into actuality.”¹⁹²

¹⁹¹ Ibid., p. 356.

¹⁹² Wright, *Storming Heaven*, p. 172. According to Wright’s account these critics included Alquati, Roberto Battaglia, and Vittorio Dinni.

In many ways, the same point can be made about Negri's recourse to love as a creative and motivating force that enables the development of revolutionary consciousness. By delineating the transformation of the multitude into a political subject as an act of love that immediately yields revolutionary consciousness, Negri, to put it in Bradley J. Macdonald's words, moves away from his former "genealogical characterization of... the constitution of the political subject, in which there is an emphasis on the importance of struggle and contestation" to an "ontological characterization" of insurgency.¹⁹³ I argue that it is this particular aspect of Negri's philosophical turn, which relies on a notion of love as an immediate creative force, that renders his most recent account equally vulnerable to the criticism that he received in the late 1970s. By having recourse to an ontological conception of love and highlighting its immediate transformative capacity, Negri, once again, though in a much more philosophically grounded manner, tries to resolve crucial political questions with a purely theoretical move.

The second problem is related to the conspicuous absence of any sustained theoretical discussion on the meaning of love in Negri's more directly political writings. Insofar as love remains so undertheorized, however, contrary to what Negri claims, it fails to provide an adequate answer to the question of normativity that it purports to address. For, at least in its current formulation, Negri's conception of love remains empty of content. As a vacuous concept, love can hardly save Negri's normative

¹⁹³ Bradley J. Macdonald, "Thinking Through Marx: An Introduction to the Political Theory of Antonio Negri," *Strategies: Journal of Theory, Culture & Politics*, Vol. 16, No. 2 (2003), p.94.

assessment of different kinds of direct popular action from the charge of arbitrariness. This is especially the case given the ambivalent quality of the concept of love.

In this respect, what Balibar says for the concept of freedom is equally true for the concept of love. Balibar writes, “With very few exceptions, no philosophy, no political ideology (even those which are, in reality, forms of domination), has ever been presented as anything other than an exercise of liberation.”¹⁹⁴ Not unlike the concept of freedom, love has been utilized as a political concept by many ideologies, including different forms of nationalism, whose power, in reality, as Negri himself would suggest, depend on their successful manipulation of people’s “negative affects” such as fear and hatred. Precisely for this reason, in the absence of a careful attempt to distinguish his notion of the concept of love from such “perverted” utilizations of the same term, Negri, not unlike Schmitt, runs the risk of reducing the constituent event, which is in his account an “act of love,” into a “pure decision” with no ethical bearings.

To sum up, it is possible to argue that because it remains so undertheorized, “love” can hardly provide Negri with meaningful conceptual resources to assess the normative desirability of “direct” forms of popular action. And this is a crucial failure that demonstrates Negri’s failure to overcome one of the major problems of *workerism* in particular and *autonomist* Marxism in general. Moreover, Negri’s inability to adequately address the question of normativity, combined with his continuing stress on

¹⁹⁴ Balibar, *Spinoza and Politics*, p. 3.

the insurgents' need "to use weapons" even if only to "defend themselves,"¹⁹⁵ brings him dangerously close to his problematic political stance in the late 1970s.

In light of these two problems, it becomes clear that Negri's attempt to supplement his account with the concept of love undermines his goal of overcoming the tensions of *autonomist* Marxism by providing a philosophical grounding to *workerism's* intellectual insights. But this is not all. Negri's recourse to love also, and more importantly, undermines his theoretical and political commitment to multiplicity and diversity as positive attributes of a truly democratic form of political action.

As we have seen, in Negri's recent works, love, understood as an affect with immediate effects, takes the place of his former emphasis on the importance of conflict and contestation in the formation of political movements. I suggest that this theoretical shift comes at a price. In his analyses of contemporary moments of popular action, Negri constantly, and perhaps inadvertently, resorts to surprisingly simplistic accounts coming from a theorist who was formerly known for his detailed and meticulous empirical studies of working-class struggles.¹⁹⁶ This is especially the case in Negri's various discussions on the "international cycle of struggles" that emerged around the issues of globalization in the late 1990s.

According to Negri, this new political cycle, which became the first international cycle to follow the 1968 "global explosion of struggles of industrial

¹⁹⁵ For this point see Negri's controversial account of the riots that shook France in 2005. "Toni Negri: Finally a Little Revolt," interviewed by Jacopo Iacoboni, *La Stampa*, (December 11, 2005). Available online at http://www.long-sunday.net/long_sunday/2005/11/negri_on_france.html

¹⁹⁶ Harry Cleaver, "From *Operaismo* to 'Autonomist Marxism': A Response," (2003), p. 55-57.

workers, students, and anti-imperialist guerrilla,”¹⁹⁷ began with the protests at the WTO summit in Seattle in 1999, two years later moved to the protests against G-8 meeting in Genoa and came to an end with the antiwar movement of 2003. Negri underlines that although this global cycle is now “finished,”¹⁹⁸ it is of crucial significance because the cycle, in all of its above mentioned instances, demonstrated that within modernity there lives “an alternative, an explosive potential”¹⁹⁹ that can come to recognize its own strength despite all the repressive forces of global capitalism and state sovereignty. In other words, what makes anti-war demonstrations as well as the protests in Genoa and Seattle important for Negri is that notwithstanding their differences, all of these events can be delineated as expressions of the multitude’s self-organization and its capacity to directly challenge institutionalized forms of power.

Negri tries to demonstrate this point through his analyses of each of these moments of direct popular action and ends up with uninterestingly similar accounts of these different events. Consider, for instance, the following account of the 1999 Seattle protests from *Multitude*. Highlighting the “carnival like” nature and the “peaceful even festive” atmosphere of the protests in Seattle, in their analysis of the events, Hardt and Negri point to the sheer diversity of the protestors. “The real importance of Seattle,” they write, “was to provide a “convergence center” for all grievances against the global system. Old oppositions between protest groups seemed suddenly to melt away.”²⁰⁰ This “sudden” disappearance of conflicts between groups such as “trade unionists and

¹⁹⁷ Hardt and Negri, *Multitude*, p. 214.

¹⁹⁸ Antonio Negri, “The Left, Peace, and Non-Violence: The Cruxes of an Unresolved Debate,” in *Goodbye Mr. Socialism*, p. 62.

¹⁹⁹ Antonio Negri, “Seattle: The Arrival of the Multitude” in *Goodbye Mr. Socialism*, pp. 66-7.

²⁰⁰ Hardt and Negri, *Multitude*, p. 287.

environmentalists, church groups and anarchists, and so forth”²⁰¹ constituted “the magic of Seattle.” For Hardt and Negri, Seattle, and the following summit protests, signaled the beginning of something new as they brought together innumerable groups expressing their grievances against many different manifestations of the global system such as the practice of multi-national corporations, the prison system, the crushing debt of African countries, “the permanent state of war, and so on *ad infinitum*.”²⁰² And in doing so, these protests demonstrated that “these many grievances were not just a random haphazard collection, a cacophony of different voices but a chorus that spoke in common against the global system.”²⁰³

Such a description, which, in its utter lack of detail, is so generic that it can easily be applied to other protests, is deeply problematic for two reasons. I argue that an account of this kind not only overshadows the singularity of each struggle, and thereby undermines the importance of the differences among them, but also erases the multiplicity within each struggle even when it praises the diversity of its participants.

The issue here is not simply an empirical problem. When Hardt and Negri, in their op-ed piece published in *The New York Times* on July 20, 2001, describe the demonstrations that took place in Genoa by using exactly the same phrases that they utilized to delineate the protests in Seattle, they do more than merely point out the similarities between these events; they also, and more importantly, present a particular political interpretation as the accurate description of both of these moments of popular action. In doing so, not only do they efface the singularity of each event, but also

²⁰¹ Ibid., p. 217.

²⁰² Ibid., p. 288.

²⁰³ Ibid.

sidestep crucial questions such as how to evaluate the ethico-political significance of these demonstrations.

Thus, after claiming that one of the most remarkable characteristics of the movements in Seattle and Genoa “is their diversity: trade unionists together with ecologists together with priests and communists,” Hardt and Negri argue that protests in Genoa are a part of “an alternative globalization movement—one that seeks to eliminate inequalities between rich and poor and between powerful and powerless, and to expand the possibilities of self determination.”²⁰⁴ Even if we leave aside the highly paternalistic tenor of such a statement, which presumes to speak in the name of the protestors so as to give an account of what *they* want, this description is still highly problematic. For, as Emanuele Saccarelli rightly suggests, and powerfully argues, even a cursory assessment of these movements would make it clear that “what Hardt and Negri take as already solved by the virtue of their own assumptions *remains an open political question that can only be solved through actual struggle.*”²⁰⁵

Similarly, such a cursory assessment would also show that through their depiction of the protests in Seattle and Genoa as acts of multitude fueled by love and desire for democracy, Hardt and Negri oversimplify the inner dynamics of these moments of popular action. Put differently, by identifying love as the shared motivational source of the protests, and delineating the “magic” of Seattle as the sudden disappearance of conflict among opposing groups, Hardt and Negri assume the *immediate* unity of the differences among the participants. This emphasis on the

²⁰⁴ Hardt and Negri, “What the Protesters in Genoa Want,” *The New York Times* (July 20, 2001).

²⁰⁵ Saccarelli, “*Empire*, Rifondazione Comunista, and the Politics of Spontaneity,” p. 584 (emphasis is in the original text).

immediacy of political action, along with Negri's longstanding view that any form of mediation is anti-democratic, result in an account that erases all the coalition building efforts among different groups – such as environmentalists and trade unionists – and the process of political contestation and mediation that such efforts involve. Thus, in Hardt and Negri's account such instances of insurgency are represented as moments of pure “cooperation” akin to the harmony “of an orchestra that through constant communication determines its own beat” without any contestation among its players or “the imposition of a conductor's central authority.”²⁰⁶

In many ways, this reference to the creation of musical harmony by multiple and diverse participants is apt, even though it is hardly original. The music produced by an orchestra powerfully demonstrates that different voices and sounds need not plunge into cacophony. Precisely for this reason, throughout history, many thinkers have had recourse to musical analogies to describe how different people can act in concert. In fact, even the phrase “acting in concert” is suggestive in this regard. For indeed, the term “concert” shares the same etymological origin with the musical term “concerto.” Both words come from the Italian word *concerto*, whose meaning is of crucial help in understanding in what is lost in our current understanding of “acting in concert” in general and in Negri's conceptualization of democratic popular action in particular.

First used in the early 1500s, the term *concerto* embodied two opposing and seemingly mutually exclusive meanings. On the one hand, *concerto* referred, as it still does in Italian and in English, to “agreement,” or the state of being “in concert.” On the other hand, the term also had the meaning of “competing” or “contesting,” from the

²⁰⁶ Hardt and Negri, *Multitude*, p. 338.

Latin *concerto*, -are, -atus (“to contend”).²⁰⁷ By bringing together conflicting meanings of agreement and contestation, the original use of the term *concerto*, as well as the musical form which took that very name around the same time, demonstrated that rather than an inert state of being, concord or agreement is a dynamic process, a struggle which depends on continuing efforts in negotiating differences.

I suggest that in his accounts of contemporary moments of popular action, by turning to love so as to account for the so-called “immediacy” and “directness” of such instances, Negri reduces action in concert to mere agreement. Thus, in his attempt to resist the temptation to resort to the mediating mechanisms of a hierarchical organization for the purposes of creating a coherent political subject from diverse set of people, Negri theorizes popular action in such a way that it becomes an immediate act of pure cooperation. And more than anything else, it is this aspect of Negri’s recent work which undermines his main contribution to democratic theory, namely his emphasis on the difficult work of politics, that is, struggle and contestation, required for the constitution of a common among a diverse of group of people who act together. Put differently, what is lost in Negri’s account, to use the words of an activist who participated in the most recent protests against G20 in London, is the recognition of the time-consuming and contentious efforts of building unlikely coalitions, creating “networks, and making friends.”²⁰⁸ And the effacement of such mediating practices is a crucial loss, for, as I will try to demonstrate in Chapter 4, only by analyzing those

²⁰⁷ “Concerto,” in *Encyclopædia Britannica*, (2008). Retrieved January 31, 2008 from Encyclopædia Britannica Online: <http://www.search.eb.com/eb/article-27503>

²⁰⁸ Deen, “G20: The cake and bunting revolution.”

practices, can we adequately describe *and* evaluate contemporary moments of democratic popular action.

Conclusion

In this chapter, I demonstrated that despite his criticism of Rousseau's conception of popular sovereignty, as a thinker who comes from the tradition of *autonomist* Marxism, Negri shares one of the major aspects of Rousseau's thought, namely his emphasis on immediacy. Negri's theorization of democracy in terms of so-called immediate and direct forms of popular action requires him to supplement his account with a notion of love. In Negri's theory of democracy, love, in a manner similar to Rousseau's conception of patriotism, plays a double role and becomes both the normative content and the motivational source of democratic forms of popular action.

And yet, as we have seen, Negri's attempt to supplement his democratic theory with the concept of love comes at a price. Identifying love as the creative force and the normative content of democratic forms of popular action, leads Negri to succumb to a form of analysis that filters out the existence of conflict among different actors who create the movements that it claims to analyze. Such a form of analysis not only forces Negri to rely on external standards of judgment to distinguish democratic forms of popular action from non-democratic ones but also results in oversimplified accounts of moments of popular action that ignore, if not erase, the multiplicity and diversity of their participants.

Ironically, then, Negri's theory of democracy shares many of the shortcomings of Rousseau's conception of popular sovereignty. In fact, I argue that neither Negri's turn to the concept of love nor the concomitant erasure of the mediatory practices

among political actors who create democratic moments of popular action is surprising. After all, Negri's criticism of Rousseau's understanding of politics is directed to Rousseau's reliance on representative mechanisms and processes of mediation in his account of popular sovereignty. Given that both Negri and Rousseau value immediacy, it is not difficult to understand why they give a central place to "direct and immediate" forms of popular action in their theories of democracy and popular sovereignty, respectively.

In the next chapter, I will focus on a very different democratic theorist, Jürgen Habermas, who, in contrast to both Rousseau and Negri, theorizes democratic politics as a constant process of mediation. Here I will demonstrate that even though he puts emphasis on the importance of mediatory mechanisms, contrary to what one might expect, Habermas too conceptualizes the radical core of democracy in terms of "direct and immediate" forms of popular action. I argue that it is due to this aspect of his theory of democracy that Habermas finds it necessary to supplement his account with the notion of "constitutional patriotism."

CHAPTER 3

Habermas and the Radical Core of Democracy: Constitutional Patriotism as a Necessary Supplement

By arguing that there is a parallel between Habermas's and Negri's radically different theories of democracy, this dissertation is making a highly controversial claim. After all, the importance of the differences between two thinkers' respective notions of democracy cannot be underestimated. As he states in the preface of *The Savage Anomaly*, for Negri, the line of thought which suggests that "democracy lies in the rule of law (Rechtsstaat), that the general interest 'sublimates' particular interests in the form of law, that the constitutional functions of the State are responsible before the generality"²⁰⁹ is nothing but the expression of a series of "absurdities," and mystifications. Drawing attention to the deeply hierarchical organization of any constitutional order, Negri argues that it is necessary to move away from such "absurdities" embodied in what he mockingly calls "the holy doctrine" of constitutional democracy.²¹⁰ As we have seen in Chapter 2, Negri takes this point one step further in *Insurgencies* and attempts to countervail the tendency that equates democracy with the rule of law by developing an alternative conception of democracy which refuses to give into any form of mediation. According to this conception, rather than being an institutional arrangement, democracy is a continuous praxis which relies on the immediacy of direct popular action.

²⁰⁹ Negri, *The Savage Anomaly*, p. xxi.

²¹⁰ Ibid.

In direct opposition to Negri's understanding, which views every form of mediation as detrimental to democracy, Habermas underlines the indispensability of law, which is, above all, a mediating mechanism between civil society and the state, for modern democratic politics. Accordingly, he rejects Negri's claim that constitutionalism is the prison of democracy. In contrast, Habermas seeks to find a way to move beyond this imposed binary opposition between a constitutional state and *a*constitutional moments of democracy by arguing that rather than being antithetical principles, the rule of law and democracy are conceptually, and not just contingently, linked to one another.

Through this argument, Habermas not only holds on to the emancipatory potential of basic constitutional principles but also suggests that without what he calls the "anarchic" and "wild" moments of radical democracy those constitutional principles cannot remain true to their promises of freedom and equality. As I will demonstrate below, it is this commitment to anarchic moments, which are theorized in terms of spontaneous and direct forms of popular action enabling citizens to act "directly" in their "sovereign capacity," that brings Habermas closer to Negri's position and opens the door for his turn to "constitutional patriotism" as a way to supplement his account of procedural democracy.

The term "constitutional patriotism" is one of Habermas' least theorized concepts. Throughout his wide-range of writings, Habermas neither provides a clear definition of the concept nor specifies how this particular conceptual innovation fits into his general theoretical framework. Exactly for this reason, many scholars take "constitutional patriotism" to be a term that is used by Habermas *only* in his role as a

public intellectual. Thus, they suggest that rather than being integral to Habermas's theoretical model of deliberative democracy, "constitutional patriotism" is at most an addition to it.²¹¹

Accordingly, the burgeoning literature on "constitutional patriotism" focuses on Habermas's deployment of the term as an alternative to nationalism in different public debates, ranging from the Historian's debates of mid-1980's, to debates around German unification after 1989 and finally to the recent discussions on the feasibility of creating a European people under the rubric of EU. Asking whether "constitutional patriotism" can provide a meaningful substitute for national identity, Habermas's critics, to put it in Clarissa Hayward's words, raise two distinct sets of objections; they either claim that "constitutional patriotism is too thin –i.e. that it cannot perform the integrative work it demands from civic identity" or suggest that "it is too thick –i.e. that even principled forms of civic identity always implicitly rely on ethno-cultural particularistic solidarities and allegiances."²¹²

²¹¹ Among others see Martin Beck Matušík, *Jürgen Habermas: A Philosophical-Political Profile* (Lanham, MD: Rowman & Littlefield Publishers, 2001), Max Pensky, "Editor's Introduction" in *The Postnational Constellation: Political Essays*, edited by Max Pensky, (Cambridge, Mass: The MIT Press, 2001) and Patchen Markell, "Making Affect Safe for Democracy? On 'Constitutional Patriotism'," *Political Theory*, Vol. 28, No. 2 (2000). It is crucial to note that Markell also tries to provide an account of constitutional patriotism by way of analyzing *Between Facts and Norms*, though his emphasis is still on Habermas' identity as a public intellectual.

²¹² Clarissa Rile Hayward, "Democracy's Identity Problem: Is 'Constitutional Patriotism' the Answer?" *Constellations*, Vol. 14, No. 2 (2007), p. 183. For those who find Habermas's conception of constitutional patriotism too thin to be a viable alternative to nationalism see Margaret Canovan, "Patriotism is Not Enough," *British Journal of Political Science*, Vol. 30, No. 3 (July 2000), pp. 413–32; David Miller, *On Nationality* (Oxford: Oxford University Press, 1995). For those who criticize Habermas by arguing that constitutional patriotism is a highly concrete concept, which is hardly any different from other forms of nationalism, among many others, see Frank. I. Michelman, "Morality, Identity and 'Constitutional Patriotism' ", *Ratio Juris*, Vol. 14, No. 3 (September 2001); Cécile Laborde, "From Constitutional to Civic Patriotism," *British Journal of Political Science*, Vol. 32, No. 4 (October 2002); Dora Kostakopoulou, "Think, Thin, Thinner Patriotisms: Is this All there Is?" *Oxford Journal of Legal Studies*, Vol. 26, No. 1 (2006). Surely, there are thinkers who respond to such objections by trying to make a case for the claim that Habermas's conception of constitutional patriotism can indeed become a viable

In what follows, instead of intervening into this debate which, as Hayward rightly argues, relies on the disputable but shared assumption that “because modern democracies have relied upon nationalist forms of identification, civic identity cannot be decoupled from nationality”²¹³ –an assumption which can be validated only through empirical study- I will propose to change the terms of the debate so as to raise the *theoretical* question of what role “constitutional patriotism” does play within Habermas’s deliberative theory of procedural democracy.

By raising this question, I do not intend to challenge the generally accepted view that “constitutional patriotism” is an addition to Habermas’s democratic theory. In fact, in agreement with this interpretation, I suggest that even when it is deployed in Habermas’s theoretical writings, such as *The Postnational Constellation* and *The Inclusion of the Other*,²¹⁴ “constitutional patriotism” functions as an appendage that is invoked but theorized no further. In my reading, however, this almost ad-hoc addition of “constitutional patriotism” does not reduce the term’s theoretical significance, nor does it imply that the concept remains external to Habermas’s theory of democracy. On the contrary, once again, drawing on Derrida’s notion of the “logic of supplementarity” and using his ontological insights for interpretive purposes, I suggest that such an invocation of “constitutional patriotism,” which turns it into a supplement, is of crucial importance.

alternative to nationalism. For such accounts see Jan-Werner Müller, “Three Objections to Constitutional Patriotism,” *Constellations*, Vol. 14, No. 2, (2007); Ciaran Cronin, “Democracy and Collective Identity: In Defense of Constitutional Patriotism,” *European Journal of Philosophy*, Vol. 11, No.1 (2003).

²¹³ Hayward, “Democracy’s Identity Problem,” p. 183.

²¹⁴ Jürgen Habermas, *The Inclusion of the Other: Studies in Political Theory*, edited by Ciaran Cronin and Pablo De Greiff (Cambridge, Mass: The MIT Press, 1998).

I argue that as a supplement constitutional patriotism not only enriches Habermas's account but also serves to fill in two crucial, and often unnoticed, gaps within his theory of deliberative democracy, elaborated most fully in *Between Facts and Norms*. It is my argument that these two gaps, one motivational the other normative, emerge from Habermas's attempt to theorize the radical core of deliberative democracy in terms of spontaneous, and so-called "direct and immediate" forms of popular action. Filling in these gaps with "constitutional patriotism," however, comes at a price. Not unlike what is the case in Negri's attempt to supplement his account of democratic popular action with the concept of "love," Habermas's introduction of constitutional patriotism as a supplement calls into question the self-sufficiency and coherence of his theory of democracy. At the same time, the turn to constitutional patriotism risks undermining Habermas's powerful criticism of the "philosophy of the subject," which constitutes the basis of his deliberative theory of procedural democracy.

This chapter begins with an account of Habermas's deliberative theory of democracy. Here, through a detailed analysis of *Between Facts and Norms*, I argue that Habermas's rejection of the republican and liberal variants of the philosophy of the subject not only constitutes the foundation of his reformulation of popular sovereignty in intersubjective terms but also plays a defining role in his conceptualization of the radical core of procedural democracy. According to this conceptualization, dispersed popular sovereignty's "weak" publics constitute deliberative democracy's radical core. Habermas insists that such publics must be devoid of decision-making powers and placed at the periphery of the political system. Many of his critics have been troubled by this attempt to push autonomous public spheres to the margins of the political system.

Exploring the reasons behind this potentially conservative move, I demonstrate that it is because he theorizes them in terms of “direct and immediate” forms of popular action that Habermas finds it necessary to find ways to relieve spontaneously emerging social movements of the ‘burden of decision making.’ This, however, is not in and of itself, a conservative move. In opposition to his critics, I suggest that insofar as Habermas holds on to the democratic potential of the “wild and anarchic” character of spontaneous movements, his conceptualization of deliberative democracy, despite its emphasis on institutional structures and procedural mechanisms, does indeed retain a radical core.

The second section of the chapter demonstrates how Habermas’s theorization of radical democracy in terms of so-called “direct and immediate” forms of popular action gives rise to two problematic issues. First, the emphasis on immediacy pushes Habermas into a position where he must identify the motivational factors that may lead people to engage in popular democratic movements. Second, because these direct forms of popular action are not the outcomes of communicative “processes” of opinion- and will-formation, it becomes necessary for Habermas to find an alternative way to account for their normative status so as to determine their democratic character. Because neither of these issues is fully resolved in *Between Facts and Norms*, they remain gaps within Habermas’s deliberative theory of procedural democracy. In his more recent writings, such as the essays in *The Inclusion of the Other* and *The Postnational Constellation*, and his 2004 essay “Religious Tolerance: The Pacemaker for Cultural Rights,”²¹⁵ Habermas tries to overcome this problem. I argue that it is to fill in the gaps of his

²¹⁵ Jürgen Habermas, “Religious Tolerance: The Pacemaker for Cultural Rights,” *Philosophy*, Vol. 79, (2004).

theory that Habermas reintroduces “constitutional patriotism” –a term he first used in 1986—into his account.

In the final part of the chapter, I point out the ways in which Habermas’s recourse to constitutional patriotism as a supplement opens up the way for both the liberal and republican variants of the philosophy of the subject to resurface in his general theoretical framework. I suggest that what suffers most from this unintended resurgence of the philosophy of the subject is nothing other than Habermas’s account of the radical core of constitutional democracy.

To substantiate this last point, the chapter critically engages with Habermas’ account of “civil disobedience,” which serves, for Habermas, as an ideal-typical example of the forms of popular action that constitute the radical core of democracy. Here, heavily drawing on Hannah Arendt’s theorization of the same political phenomenon, I argue that by defining civil disobedience in terms of political actors’ identification with constitutional principles Habermas not only turns civil disobedience into an unmediated, intensely personal, moral act but also undermines his own emphasis on the constitutive ambiguity of the wild and anarchic core of procedural democracy. I conclude the chapter with a call for rethinking radical moments of democracy beyond the binary of direct versus mediated forms of political action.

I. Habermas and the Radical Core of Deliberative Democracy

Democratic Theory Beyond the “Philosophy of the Subject”

Habermas devotes the first four chapters of *Between Facts and Norms* to a highly abstract discussion that focuses on “the tension between facticity and validity

inside the law.”²¹⁶ For Habermas this tension, which takes multifarious forms, such as the tension between the positivity (legality) and the legitimacy of law or the tension between the materialism of the legal order and the idealism anchored in our constitutional principles, is not something that can be, or should be, overcome. The permanent tension between facticity and validity, in all of its forms, is a constitutive and productive one that keeps constitutional democracy alive.²¹⁷ This is the case because, in Habermas’s account, under the conditions of complex societies, the discrepancy between facts and norms is the only reliable source of political action that may spur citizens on to directly engage with politics, and thereby, to performatively show that they are not only the addressees but also the authors of the law.²¹⁸ With this in mind,

²¹⁶ Jürgen Habermas, *Between Facts and Norms*, p.136. Further references will be given in the body of the text.

²¹⁷ By suggesting that for Habermas’s the tension between facticity and validity is *permanent*, I depart from several powerful interpretations of Habermas’s work such as that of Lasse Thomassen and Bonnie Honig. Thomassen claims that for Habermas, although the constitutional principles “have not yet been realized, they may be realized tomorrow or at some point in the future” when the gap between legality and legitimacy is closed; see Lasse Thomassen, “Within the Limits of Deliberative Reason Alone: Habermas, Civil Disobedience and Constitutional Democracy,” *European Journal of Political Theory*, Vol. 6, (2007), p. 205. Unlike Thomassen, I argue that for Habermas the gap between legality and legitimacy can never be fully closed; at most the tension between the two can be stabilized temporarily through democratic decisions which are themselves nothing but fallible interruptions of the on-going constitution-making process. In a similar vein, I disagree with Bonnie Honig’s argument that “Habermas legitimates constitutional democracy by way of a promised future reconciliation.” See Bonnie Honig, “Dead Rights, Live Futures: A Reply to Habermas’s ‘Constitutional Democracy,’” *Political Theory*, Vol. 29, No. 6 (December 2001), p. 797. In opposition to this view, and following Camil Ungureanu, I suggest that although Habermas does indeed idealize ‘ultimate consensus’ as a foundation which is then projected into the future, he also makes sure that this foundation “becomes unreachable and unrepresentable” while it still preserves “an orienting power (a ‘weak normativity’ in Habermas’s words) that works as a sort of final *telos*.” Camil Ungureanu, “Derrida on Free Decision: Between Habermas’ Dialecticism and Schmitt’s Decisionism,” *The Journal of Political Philosophy*, Vol. 6, Issue 3 (2008), p. 300. When understood this way, its progressive teleological tone notwithstanding, Habermas’s references to “self-correcting learning process” of constitution making gain a more contingent and an open-ended meaning than Honig and Thomassen give Habermas credit for.

²¹⁸ Habermas makes this point with great clarity in the “Postscript” of *Between Facts and Norms* where he argues that what urged him to focus on the tension between facticity and validity was to find an answer to the difficult problem of “how a demanding self-understanding of law that, pace Kant, is not designed for a ‘race of devils’ is at all compatible with the functional conditions of complex societies” (*BFN*, p. 462). The problem in question emerges from Habermas’s attempt to move beyond a Kantian

Habermas begins his analysis by claiming that “in the age of completely secularized politics, the rule of law cannot be had or maintained without radical democracy” (*Between Facts and Norms*, (*BFN* hereafter), p. xlii). To establish this point, he embarks on a conceptual analysis, which substantiates the *intuition* that there is a *conceptual*, and not a contingent, link between the rule of law and democracy. It is only after establishing the point that the rule of law and democratic self-determination are two inextricably linked and co-original principles that Habermas forms his own conceptualization of democratic politics.

As it is well known, in order to develop a discourse theoretical model of procedural democracy, Habermas, first, provides the reader with a rather stylized rendition of two opposing models of democracy. The liberal model, he argues, going back to John Locke, has always highlighted the importance and the fragility of classical rights to life, liberty and property, and invoking the threat of the tyranny of majority, postulated a priority of human rights in relation to political autonomy of citizens. In direct contrast, the republican model, reaching all the way back to Aristotle, has always given priority to the practice of self-legislation over the individual freedoms of the members of society (*BFN*, p. 454; see also pp. 100-1). For Habermas, what is significant is that even Rousseau and Kant, who tried to move away from this supposed

understanding of constitution-making which relies on a strict and hierarchal distinction between morality and politics. This distinction, which puts morality above politics, is crucial because it implies that to be a “good citizen” one does not have to be a morally “good man.” Hence, Kant suggests that even a “race of devils” could solve the problem of establishing a constitution, “if only they were intelligent.” Habermas rejects this view of politics which is, to the extent that it is defined *only* in terms of self-interest, empty of normative content. And yet, by rejecting it, he also finds himself in the difficult position of explaining why people would engage with politics if their goal were not to pursue their own interests. The permanent tension between facts and norms, at least potentially, serves to solve this problem. As we will see below, however, Habermas himself finds this solution highly unsatisfactory for several reasons.

binary opposition between democracy and human rights through their radical reconceptualization of autonomy as an amalgamation of sovereign will and practical reason, were not able to integrate the idea of human rights and popular sovereignty in a balanced manner. On the whole, Habermas writes, “Kant suggests more of a liberal reading of political autonomy, Rousseau a republican one” (*BFN*, p. 100). I suggest that *Between Facts and Norms* is best understood as Habermas’s attempt to do what Rousseau and Kant failed to achieve.

To achieve this ambitious goal, Habermas first acknowledges that both liberal and republican models offer valuable insights. And yet, he argues, neither of them can provide a satisfactory account of democracy that can effectively deal with the normative and factual challenges of complex societies. Thus, highlighting several shortcomings of each model, in a dialectical fashion, Habermas tries to overcome the problems of these two opposing views while retaining their gains. In what follows, rather than trying to provide a general overview of this complex theoretical operation, I will focus on Habermas’s engagement with what he considers to be the most crucial shortcoming of both liberal and republican models, namely their reliance on a “philosophy of the subject,” even though that “philosophy of the subject” takes different forms in each model.

In many ways, the strength of Habermas’s critical engagement with liberalism and republicanism lies in nothing other than his determination to show the shortcomings of these two models of democracy in their most powerful versions, which are articulated eloquently by Kant and Rousseau. For Habermas, the most striking similarity between liberal and republican models is their attempt to reach a conception of political

autonomy “only by ascribing the capacity for self-determination to a subject,” be it Kant’s “transcendental ego” or “the people” in Rousseau’s *Social Contract* (BFN, 103). Such a reliance on a philosophy of the subject is problematic in many respects. The philosophy of the subject, in its Kantian form, leads to an impoverished understanding of politics as it relegates political issues into judgments of isolated individuals. Accordingly, Habermas suggests that even in Kant’s *re*-formulation of the liberal tradition, politics can still be considered as a form of competition between isolated private subjects, who try to pursue their personal interests.²¹⁹ This competition is checked and controlled by the application of the rule of law that embodies the system of natural rights, which, in Kant’s formulation, belongs inalienably to each human being.

In theorizing natural rights in this manner, Kant legitimates them prior to their concretization in the positive law, thereby locating the source of legitimacy in moral principles. In doing so, Kant also, and perhaps inadvertently, ends up with a conception of the rule of law that remains external to the *political* autonomy of citizens. In this conception, classical liberties enjoy the validity of moral rights, and are, as such, above the realm of politics and accessible to every single individual who is capable of moral reasoning. Thus, although Kant, unlike many other liberal thinkers, refuses to think of human rights as a constraint on popular sovereignty, in his account too the rights that protect “the human being’s private autonomy, precede the will of the sovereign lawgiver” (BFN, p. 101).

²¹⁹ For this point, see also Jürgen Habermas, “Three Normative Models of Democracy,” in *Democracy and Difference: Contesting the Boundaries of the Political*, edited by Seyla Benhabib (Princeton, New Jersey: Princeton University Press, 1996), p. 25.

The republican model moves beyond this limited view of politics, which gives popular sovereignty a secondary role, by underlining the importance of citizens' opinion- and will- formation in the constitution of society as a political whole. By emphasizing the indispensability of active citizenship in the processes of collective decision making, the republican view makes it clear that political autonomy "can be realized not by the single individual privately pursuing his own interests but only by all together in an intersubjectively shared practice" (*BFN*, p. 498). Thus, in Rousseau, unlike what is the case in Kant, political will formation is no longer dependent upon the existence of morally based innate rights. For Rousseau, to the extent that "the people" can express its will *only* through general and abstract laws, the normative content of the principle of law can be found in "the semantic properties of *what* is willed" (*BFN*, p. 103).

Put simply, according to Habermas's reading of Rousseau, the grammatical form of general laws ensures that the law, which is nothing but the expression of the sovereign will, also embodies human rights. Yet, although this is a crucial attempt to show that there is an internal connection between democracy and human rights, the link that Rousseau establishes between the two is far from satisfactory for Habermas. For indeed, the republican tradition is *also* embedded in a philosophy of the subject according to which society is considered as a "social whole centered in the state and imagined as a goal oriented subject writ large" (*BFN*, p. 298). Consequently, the republican view ascribes the citizens' practice of self-determination to "a macro-social subject," which putatively represents the whole and acts on its behalf. In this sense, in opposition to the liberal view, republicanism eradicates the distinction between the

society and the state. It also, in a very problematic and normatively suspect way, erases the differences of social actors so as to construct a unity by having recourse to a notion of an ethical, and more or less homogenous, community integrated through shared cultural traditions.

According to Habermas, such a view is highly deficient since it can hardly provide an adequate understanding of politics within complex societies due to two reasons. First, the republican view cannot take into account the fact that far from being homogenous communities, complex societies are extremely diversified. Second, it fails to recognize that these societies are at the same time *decentered* as they are composed of different action systems, such as an economic system and public administration as well as the political system which is “but just *one* action system among others” (*BFN*, p. 302; see also p. 299).²²⁰

Given these crucial shortcomings of liberal and republican views, Habermas puts special emphasis on purging his account of deliberative democracy of the premises of the philosophy of the subject. He argues that discourse theory, in comparison to liberal and republican models, works with “the *higher-level intersubjectivity* of processes of reaching understanding that take place through democratic procedures or in the communicative network of public spheres” (*BFN*, p. 299). This intersubjective

²²⁰ With this argument, Habermas appropriates Niklas Luhmann’s view that complex societies are composed of different action systems. Yet, at the same time, he departs from Luhmann’s systems theoretical approach by suggesting that these more or less self-referential units can be connected to one another (social integration) only through the efforts of the political system. Despite his emphasis on the central role of the political system, Habermas’s critical appropriation of “systems theory” and his claim that public administration can *only* “steer” the market as it operates “objectively” behind the back of participants (*BFN*, p. 39), generated a great deal of dismay within Marxist circles. Not surprisingly, this point also constitutes one of the major points of disagreement between Habermas and Negri, who, as we have seen, considers the distinction between the political and the social an ideological construct.

understanding of opinion- and will- formation, Habermas argues, no longer requires a “visibly identifiable gathering of autonomous citizens” (*BFN*, p. 136). It is partly for this reason, and partly because the burden of normative expectations shifts from individuals’ capability to make rational decisions to democratic procedures’ ability to produce reasonable outcomes, that Habermas suggests that the forms of communication circulating through political forums and legislative bodies are “subjectless” (*ibid.*). And because of these subjectless forms of communication, popular sovereignty, in its intersubjective interpretation, attains an “anonymous” character whereby “the ‘self’ of the self-organizing legal community disappears” (*BFN*, p. 301).

Thus, Habermas corrects the overly individualistic understanding of politics that is presented by liberalism by way of introducing the notion of *intersubjective* democratic self-legislation elaborated in the republican view. Through his procedural interpretation of popular sovereignty according to which “the symbolic location of discursively fluid sovereignty remains *empty*” (*BFN*, p. 443), Habermas also moves away from a republican conception of politics, which considers society as a totality, a macro-subject constituted by an undifferentiated “people.” With this move, Habermas holds on to a pluralistic conception of society so as to guard individual differences that liberalism adamantly tries to protect through constitutional rights.

More importantly, by suggesting that legitimate law can be produced only through the constitutionally regulated circulation of power nourished by communications of an “unsubverted” public sphere (*BFN*, p. 408), Habermas makes it clear that in his conception practical reason “no longer resides in universal human rights or in the ethical substance of a specific community” (*BFN*, p. 297). Precisely for this

reason, he rejects that “the rational will” can take shape either in the individual subject as the liberal view purports, or only in the macrosubject of a people as the republican view claims. In his discourse theory of democracy, then, normative content arises not from a subject, be it an individual or a macro-social one, but rather from the structure of linguistic communication. Accordingly, Habermas explains the legitimacy of law in terms of the “procedures and communicative presuppositions that, once they are legally institutionalized, ground the supposition that processes of making and applying law lead to rational outcomes” (*BFN*, p. 414).

To the extent that democratic procedure, that is to say the question of *how* and not *what* is made into law, grounds the presumption of rationality of the law, the burden of normative expectations shift from a subject’s “qualities, competences, [and] opportunities” (*BFN*, p. 408) to the form of communication that takes place in the process of opinion- and will- formation. For Habermas, only this way can reason and will be brought together in an even and balanced way under a conception of autonomy, which claims that human beings become free subjects only when they “obey just those laws they give themselves in accordance with insights they have acquired intersubjectively” (*BFN*, pp. 445-6).²²¹

²²¹ I want to suggest that this redefinition of autonomy is of crucial theoretical significance not only because it involves a radical rethinking of the concept of autonomy itself but also because it relies on a different conception of subjectivity. Through his intersubjective reformulation of autonomy, Habermas rejects the view that takes the subject to be an already constituted being with a pre-given will, an intentionality which is subsequently expressed in action. Instead, by highlighting the intersubjective nature of will formation, Habermas emphasizes the importance of social interaction in the ongoing constitution of the subject. In this sense, Habermas’s criticism of the philosophy of subject is not a rejection of idea of subject as a whole; it is rather an attempt to think of opinion and will formation as an ongoing interactive process.

How Radical is the Radical Core of Habermas's Constitutional Democracy?
Spontaneous, "Wild," and "Anarchic" Movements

The introduction of the notion of intersubjective self-legislation through subjectless forms of communication helps Habermas to move beyond the philosophy of the subject in his reformulation of popular sovereignty. This theoretical move also implies a criticism of an understanding of radical politics akin to the one advocated by Negri. Arguing against a notion of revolutionary politics, which calls for the formation a collective subject to transform the society as a whole, Habermas suggests that democratic movements emerging from civil society should give up "holistic aspirations" of the sort that constituted the basis of Marxist ideas of social revolution (*BFN*, p. 372). This particular understanding of radical politics is deeply problematic for Habermas because it sets a goal which is neither practically feasible nor normatively desirable.

From a practical point of view, Habermas argues that in a decentered society, where the political system transforms communicative power into administrative power through the workings of formal public spheres, social movements that spring from informal publics *cannot* have a direct impact on the transformation of the political system. At most, these "weak publics" can have, and indeed should have (for the reasons we will see below), "influence" on the personnel and the programming of the system. In this sense, to form a political project with the aim of changing the society as a whole is doomed to failure since it fails to come to terms with "the social facticity of the political processes" in complex, decentered societies (*BFN*, p. 288).

Habermas rejects such an understanding of politics on normative grounds as well. At the beginning of *Between Facts and Norms*, Habermas reminds his readers of the experience of state socialism and its subsequent collapse, and argues that these past events have clearly demonstrated that mistaking the socialist project for “the design – and the violent implementation- of a concrete form of life” comes with great costs (*BFN*, p. xlii). The all too close and painful histories of the totalitarian societies of bureaucratic socialism make it amply clear that these costs include the repression of social groups, networks, and associations as well as the destruction of cultural identities. Under such conditions, where political system takes on the role of controlling the society as a whole, “the suffocation of spontaneous public communication” becomes inevitable (*BFN*, p. xlii). For Habermas, the stifling of public freedom is both deeply anti-democratic and highly perilous since it opens up the possibility for party organizations or charismatic political leaders to turn “the mutually estranged and isolated actors into a mass that can be directed and mobilized in a plebiscitarian manner” (*BFN*, p. 369) as it has historically been the case in reactionary, and often times violent, forms of popular movements.

In response, Habermas develops an alternative conception of political action and theorizes the radical core of democracy in terms of “more or less spontaneously emergent associations” (*BFN*, p. 367; see also 130; 307; 358). These spontaneous movements are not the outcome of institutionalized, or proceduralized, processes of collective will-formation. They neither aim to change the society as a whole nor require the workings of a mediating mechanism, such as a party organization, to make themselves heard. Instead, they “spring from autonomous public spheres” (*BFN*, p.

186), which are arenas formed by “subjectless communications,” and directly confront and surround the political sphere “without intending to conquer it” (*BFN*, p. 442).²²²

For many readers of Habermas, this particular account of radical democracy constitutes a deeply problematic, if not an outright conservative, shift in Habermas’s political thought. Thus, for instance, in similar ways, both James Bohman and William Scheuerman criticize Habermas for giving in too much to social complexity and thereby risking to “eliminate any vestige of radical democracy”²²³ from his democratic theory. Scheuerman detects signs of “resignation” in *Between Facts and Norms*’ relative silence on the detrimental effects of socio-economic inequalities on unfettered public communication.²²⁴ Moreover, for Scheuerman, to the extent that Habermas limits the scope of communicative power to mere influence, the “deliberative democratic processes within Habermas’s overall model seem substantially reduced.”²²⁵

Bohman shares Scheuerman’s dissatisfaction with the limited role that Habermas assigns to informal publics. Unlike Scheuerman, however, he does not consider Habermas’s lack of systematic engagement with social inequalities of capitalist democracy as the main threat against the radicalism of his theory. For Bohman, the radical core of Habermas’s theory is undermined the moment he “dissolves”

²²² With this description, Habermas qualifies his earlier suggestion that “communicative power is exercised in the manner of a siege.” See Appendix 1: “Popular Sovereignty as Procedure” (1988), in *Between Facts and Norms*, p. 486. This is important for Habermas because he wants to underline that, although they can and should influence decisions of the formal public sphere, spontaneous popular movements must never aspire to take on decision-making powers themselves for the reason I will elaborate below.

²²³ James Bohman, “Complexity, Pluralism and The Constitutional State: On Habermas’s *Faktizität Und Geltung*,” *Law and Society Review*, Vol. 28, No. 4 (1994), p. 925.

²²⁴ William E. Scheuerman, “Between Radicalism and Resignation: Democratic Theory in Habermas’s *Between Facts and Norms*,” in *Habermas: A Critical Reader*, edited by Peter Dews (Oxford: Blackwell, 1999), p. 162.

²²⁵ *Ibid.*, p. 163.

sovereignty into ‘anonymous’ communicative networks. Popular sovereignty, Bohman argues, relies on the will of the people and to be politically meaningful that “will” must have more than “an indirect influence on institutions;” more significantly, it must be endowed with “real decision-making powers.”²²⁶

In her critical account, Bonnie Honig too shares Bohman’s and Scheuerman’s concerns about the potentially anti-democratic effects of Habermas’s attempt to push autonomous public spheres to the margins of the political system. Unlike them however, she argues that the emphasis on spontaneously emergent associations, which, in her reading, is a part of an effort to move away from a binary opposition between, to use Wolin’s terms, constitutional versus *a*constitutional democracy, does indeed open up a space for radical democracy in Habermas’s account. For Honig, the problem of Habermas’s theory of democracy emerges from his failure to strike the right balance between constitutional democratic order and *a*constitutional moments of democracy. On Habermas’s account, Honig writes, “constitutionalism and democracy as *a*constitutionalism exist side by side and worlds apart.”²²⁷ Habermas’s use of spatial metaphors, which place the institutionalized political system at the center and spontaneous publics at the periphery, turn wild and anarchic moments of democracy into a mere “nutritional source”²²⁸ that feeds the constitutional order “through the discriminating sources.”²²⁹ According to Honig, it is this aspect of Habermas’s theory

²²⁶ Bohman, “Complexity, Pluralism and The Constitutional State,” p. 925.

²²⁷ Honig, “Dead Rights, Live Futures,” p. 799. Although I agree with Honig’s powerful account, as I will demonstrate below, I suggest that for Habermas rather than a failure to be accounted for keeping democracy as *a*constitutionalism apart from constitutional democracy is necessary to hold on to the radical nature of *a*constitutional democracy.

²²⁸ *Ibid.*, p. 800.

²²⁹ *Ibid.*, p. 799.

which points to his problematic overemphasis on constitutionalism and demonstrates his failure to put equal emphasis on both democratic agency and constitutional order.

Although these critics provide important criticisms, I suggest that their accounts are misleading insofar as they hold Habermas accountable to the standards of their own conceptualizations of radical democracy. It is for this reason that while Scheuerman detects a move away from radicalism in Habermas's reluctance to critically engage with socio-economic inequalities, Bohman suggests that Habermas bids farewell to radical democracy the moment he concedes to social complexity by theorizing popular sovereignty on the basis of an "'anonymous' public and its 'subjectless' communication."²³⁰ Finally, Honig's account diverges from both Bohman and Scheuerman as she argues that, despite his admirable attempt to "give participation its due," Habermas's theory of democracy loses its radical quality due to his overemphasis on rights-centered constitutionalism. A politics, Honig argues, "too focused on the realization...of promised and implied rights" cannot but fail to acknowledge the radical demands for "new forms of life."²³¹ In light of his critics' disagreements on the meaning of radical democracy, it becomes necessary to address the question of why Habermas chooses to denote the "weak" publics of the periphery as the radical core of his deliberative theory of procedural democracy in the first place.

Habermas incessantly underlines the fact that a discourse theoretical model of democracy requires an energetic civil society. A vibrant civil society is composed of an "open and inclusive network of overlapping, subcultural publics having *fluid, temporal,*

²³⁰ Bohman, "Complexity, Pluralism and The Constitutional State," p. 926.

²³¹ Honig, "Dead Rights, Live Futures," p. 801.

social and substantive boundaries” (*BFN*, p. 307, emphasis added). The structures of a pluralistic public sphere, Habermas argues, develop more or less spontaneously. Given that Habermas considers “a suspicious, mobile, alert and mobilized public sphere” the only safeguard against the “growth of independent and illegitimate power” (*BFN*, pp. 441-2), it is not surprising to see him suggesting that spontaneously emerging social movements are essential for democracy. Habermas argues that spontaneous social movements attain an important role particularly in crisis periods. Under those circumstances, the institutions of freedom can be kept alive only when individuals, by actively engaging in politics, performatively make it clear that they are not simply the addressees but also the authors of the law.

Unlike what Bohman and Scheuerman suggest, I argue that for Habermas what makes spontaneous popular movements radical is neither their demand for socio-economic equality nor their desire to shape -rather than merely influence- political decisions. Habermas, as Scheuerman concedes, does recognize the negative effects of socio-economic inequalities on the possibility of generating free public communication. Yet, he rejects the view that socio-economic equality is the necessary condition for, or the sole demand of, a radical democratic politics. People can, and indeed do, become part of radical democratic movements, such as the civil rights movement, to give voice to many different political demands even in the face of extreme forms of inequality. What is more, unlike Bohman, Habermas does not consider the social movements’ lack of decision-making power as a shortcoming that needs to be overcome. On the contrary, I suggest that Habermas seeks to relieve informal publics from “the burden of decision making” (*BFN*, p. 362) for two reasons both of which, as we will see, relate to his

theorization of radical democracy in terms of direct and immediate forms of popular action.

First, according to Habermas, once informal publics acquire decision-making capacities, they lose their spontaneous quality and take an organizational form. This transformation of spontaneous associations into institutionalized movements renders them vulnerable to the undesired effects of organizational corruption and power relations.²³² For Habermas, then, autonomous forms of popular action are radical to the extent that they form a “wild” complex that resists “organization as a whole” (*BFN*, 307). Located outside the institutionalized processes of democratic decision-making and refusing to give in to any form of institutionalization, they retain their direct, fluid and temporal character. Habermas’s insistence on the need to keep spontaneous associations free from, what Wolin calls, “the requirements of organization”²³³ such as bureaucratization, professionalization, introduction of internal hierarchies and centralization of decision-making, does, as Honig rightly suggests, point to an important similarity between Habermas’s notion of the radical core of democracy and Wolin’s account of democracy as an *aconstitutional* moment.

This, however, is not the only similarity between the two accounts. Habermas also seems to share Wolin’s view that *aconstitutional* moments of democracy are “inherently unstable, inclined toward anarchy, and identified with revolution.”²³⁴ For indeed, as he repeatedly suggests in *Between Facts and Norms*, spontaneous

²³² Stephen Grodnick makes this point in a very convincing way in his essay “Rediscovering Radical Democracy in Habermas’s *Between Facts and Norms*,” *Constellations*, Vol. 12, No. 3 (2005), p. 398.

²³³ Wolin, “Norm and Form,” p. 37.

²³⁴ *Ibid.*

associations that constitute the radical core of democracy are not only “wild”; they are also “anarchic.” Operating outside the bounds of the institutional structures and procedures of constitutional democracy, spontaneously emerging social movements are not bounded, and cannot be controlled, by the current understandings of the existing norms and rules. To that extent, the radical core of democracy remains “*unrestricted*” and indeterminate. Habermas’s provocative suggestion that radical democracy cannot be contained or tamed even through legality finds its best expression in his praise of civil disobedience (*BFN*, pp. 380-1).²³⁵

The indeterminate and unrestricted quality of anarchic and informal publics constitutes the second reason behind Habermas’s insistence that spontaneous social movements, which spring from the public sphere, must remain devoid of decision-making powers. Put differently, not unlike what he calls “anarchist social criticism,” Habermas theorizes radical democratic politics in terms of “direct and immediate” forms of popular action that can come into being only at the level of face-to-face interactions. In opposition to anarchist thought, however, Habermas is wary of the risks involved in such horizontal associations. In the absence of mediating mechanisms, such as legally institutionalized procedures and communicative presuppositions, there is no guarantee that spontaneous political action will lead to rational and normatively desirable outcomes. Precisely for this reason, that is to say, in order to keep the dangers

²³⁵ Writing on Hannah Arendt’s discussion of civil disobedience, Étienne Balibar argues that Arendt’s discussion of civil disobedience enables her “to paradoxically locate a principle of ‘an-archy’ at the very heart of *arche* itself, the authority of the political.” Étienne Balibar, “(De)Constructing the Human as Human Institution: A Reflection on the Coherence of Hannah Arendt’s Practical Philosophy,” *Social Research*, Vol. 74, No. 3 (2007), p. 730. I suggest that to a certain extent this is true for Habermas’s account of civil disobedience as well. As we will see, however, unlike Arendt, who emphasizes and accepts that these movements run the political risk of misjudging the situation, Habermas attempts to eradicate that risk by having recourse to the authority of constitutional principles.

of direct popular action in check, it is essential for Habermas to resist the tendency to endow informal publics of dispersed popular sovereignty with real decision making-powers. Thus, instead of rejecting what he considers to be the anarchist “idea of council democracy” as a whole, Habermas incorporates it into his account. But he does so by limiting its role and turning it into an unrestricted and subversive, yet still essential, aspect of, and resource for, constitutional democracy.

To sum up, in Habermas’s account, the radical quality of popular movements cannot be determined by their adherence to a set of pre-given political goals (such as economic equality) or by their ability to directly shape socio-economic or political policies. Spontaneously emerging social movements are radical, for Habermas, because they resist requirements of organizations and remain unrestricted and free in formulating their demands. Thus, I suggest that so long as Habermas holds on to the democratic potential of the wild and anarchic character of spontaneous movements, his conceptualization of deliberative democracy, despite its (over)emphasis on the important role that institutional arrangements play in the normal business of politics, does indeed retain a radical core.

II. Filling in the Gaps: Constitutional Patriotism as a Necessary Supplement

Habermas’s theorization of this radical core in terms of direct and immediate forms of popular action, however, sits rather uneasily with his broader account of deliberative theory of procedural democracy, giving rise to two problems that remain unresolved within the general structure of his theory. Of these two problems, the first, to use a word frequently employed by Habermas himself, relates to “motivational” issues, while the second one is strictly “normative.”

For Habermas spontaneous political movements play an indispensable role in the survival of a constitutional democracy. Because they are spontaneous and non-institutionalized, however, such movements cannot be produced or formed. What is more, given their unorganized character, they are “more vulnerable to repressive and exclusionary effects of unequally distributed social power” than institutionalized political organizations such as political parties (*BFN*, p. 380). For this reason, they can easily be crushed and eliminated by their opponents. Given these weaknesses of direct forms of political action, Habermas finds himself in the difficult situation of pointing out certain motivational factors that may lead individuals to undertake such risky activities. This is a difficult task for Habermas because, as he himself suggests, even though it is true that in a perceived crisis period social actors *may* act in ways to regenerate and reinterpret the constitutional principles that are at risk, it is highly probable that they will not do so. Habermas has two concerns here. First, as he forcefully articulates in *Legitimation Crisis*, under such circumstances citizens can respond by way of a total withdrawal from the political system.²³⁶ Second, and this point is closely related to the other problem in Habermas’s theory of procedural democracy, in the absence of democratically motivated political actors, crisis periods can lead to “the accumulation of indoctrinated masses that are seduced by populist leaders” (*BFN*, p. 382).

Habermas’s claim that crisis situations carry the risk of generating anti-democratic populist movements is based on an implied distinction between democratic moments of popular action and populist social movements. Such a distinction can be

²³⁶ See Habermas’s account of “motivation crisis” in *Legitimation Crisis*, esp. pp. 75-94.

made only on the basis of a normative criterion. As we have seen earlier, for Habermas, the normative content of political action resides in the structure of linguistic communication. Accordingly Habermas writes, “To the degree that practical reason is implemented in the very forms of communication and institutionalized procedures, it need not be embodied exclusively or even predominantly in the heads of collective or individual actors” (*BFN*, p. 341). And although this crucial point substantiates the presumption that democratic procedures and institutionalized means of law making lead to rational outcomes, it is hardly of any use in Habermas’s attempt to adjudicate the democratic character of autonomous political movements, which spontaneously spring from the public sphere and by definition remain outside the institutionalized procedures of the formal political system. It is this problem of normativity that requires Habermas to seek an alternative means to justify his depiction of spontaneous and unrestricted forms of popular action as radical democratic movements.

And yet, in *Between Fact and Norms* Habermas does not pay adequate attention to these motivational and normative issues. Undertheorized and unresolved, they turn into gaps within the general structure of Habermas’s deliberative theory of procedural democracy. It is my argument that insofar as constitutional patriotism is introduced to fill in these theoretical gaps, it becomes, to use Derrida’s term, a “necessary supplement” for Habermas’s theory of democracy. Thus, constitutional patriotism adds to Habermas’s account. At the same time, however, it highlights its gaps. For indeed, as Derrida reminds us, a supplement never simply adds; it adds to replace, take-the-place-of something else. In doing so, rather than remaining a mere appendage contributing to

the positivity of presence from outside, the supplement becomes an integral part which alters the structure of the whole that it is introduced into.

In the final part of this chapter, I will explore in what ways and to what extent Habermas risks undermining his own theoretical and political commitments by supplementing his account with constitutional patriotism. Before doing that, however, it is first necessary to further elaborate the supplementary role of constitutional patriotism through an analysis of Habermas's references to this term in different contexts, such as his accounts of the meaning and significance of civil disobedience in constitutional democracies, and his discussions about the question of collective identity in postnational societies. I begin that analysis with an account of Habermas's various attempts to deploy constitutional patriotism as a "motivational anchoring" which can supplement, that is to say, take the place of, the motivational force of nationalism.

Supplementing Nationalism: Constitutional Patriotism as the Motivational Force of Democracy

While discussing the radical core of deliberative democracy, Habermas touches upon the question of motivation and argues that the emergence of spontaneous movements depends on "the motivations of a population *accustomed* to liberty, motivations that cannot be generated by administrative measures" (*BFN*, p. 461; see also 130; 513). But, nowhere in *Between Facts and Norms*, does Habermas give an account of what these motivations might be. Instead, he argues that since the spontaneity of these direct forms of popular action cannot be compelled simply through law or state indoctrination, it can only be "regenerated from traditions preserved in the

associations of liberal political culture” (*BFN*, pp. 130-1).²³⁷ Yet, although it is not hard to understand why a robust civil society requires a context of a liberal political culture to thrive, it is not at all clear how a liberal political culture by itself can motivate people to come together so as to engage in collective political action in times of crisis.

To put it differently, in *Between Facts and Norms*, Habermas does not establish a clear link between “a liberal political culture” and “the motivations of a population accustomed to freedom.” Without a clear link, however, he cannot succeed in providing the reader with a convincing account of a “motivational anchoring” that can engender the high level of civic engagement required by direct and spontaneous forms of popular action that he considers necessary in reinvigorating democratic politics. In this sense, it is possible to suggest that there remains a theoretical gap in Habermas’s model of deliberative democracy as it is elaborated in *Between Facts and Norms*. I argue that both in *The Inclusion of the Other*, which further develops the points presented in “Citizenship and National Identity”—the second appendix of *Between Facts and Norms*²³⁸—and in *The Postnational Constellation* Habermas tries to fill in this theoretical gap by turning to constitutional patriotism.

Habermas first used the term “constitutional patriotism” in 1986, in the course of what came to be known as the “Historian’s debate” (*Historikerstreit*).²³⁹ From

²³⁷ As we have seen in Chapter 1, this question, that is, the question of how to generate “immediacy” is one of the central paradoxes of Rousseau’s political thought. Habermas shares Rousseau’s view that popular sovereignty cannot be compelled by law, and in a manner similar to Rousseau, seeks the solution in a “political culture.” Unlike him, however, Habermas underlines that the culture in question must be a liberal one which cannot be created through indoctrination.

²³⁸ For this point see Habermas’s preface to *Inclusion of the Other*, p. xxxvi.

²³⁹ Habermas contributed to this debate through a number of essays which have been collected and translated in Jürgen Habermas, *The New Conservatism: Cultural Criticism and the Historians’ Debate*, edited by Shierry Weber Nicholsen (Cambridge, MA: MIT Press, 1989). See especially “Apologetic

Habermas's perspective, the Historian's debate was strictly about making a choice between a blind form of nationalism, which has "no insight into the deep ambivalence of every tradition," and a more "sober" form of political identity.²⁴⁰ According to Habermas a sober form of political identity could be attained only through, what Dolf Sternberger called, "constitutional patriotism," that is to say, through a "readiness to identify with the political order and the principles of the Basic Law."²⁴¹ In other words, by appropriating Sternberger's phrase, Habermas called for a more abstract form of patriotism that relates not to "the concrete totality of a nation but rather to abstract procedures and principles."²⁴² In this formulation, constitutional patriotism was simply thought of as a more temperate form of political identity, which aimed to prevent the emergence of a virulent form of nationalism.

In Habermas's later writings, including the essays in *The Inclusion of the Other* and *The Postnational Constellation*, constitutional patriotism is no longer simply a preventive measure. It is at the same time a productive force, an emotional motive that

Tendencies," pp. 212–28; "On the Public Use of History," pp. 229–40; "Closing Remarks," pp. 241–8; and "Historical Consciousness and Post-Traditional Identity: The Federal Republic's Orientation to the West," pp. 249–67. During the course of the debate historians like Ernst Nolte and Joachim Fest argued that perhaps it was time to disburden Germany of the 'past that won't go away' by placing the Holocaust in the broader context of the history of totalitarianism. As a response, Habermas criticized these "neoconservative historians" by arguing that they were downplaying the uniqueness of the Holocaust so as to construct a national history of Germany that could become an object of pride. For Habermas, it was clear that such a debate on Germany's recent history was more than an academic dispute between social theorists and historians. He suggested that beneath the debate over the uniqueness of Nazi mass crimes "lay the deeper question of what attitude we [Germans] want to take toward the continuities of German history" (*New Conservatism*, p. 193). To put it differently, according to Habermas, the debate raised the question of whether or not Germans could, or were willing to, "give up the comforts and the dangers of a conventional identity that is incompatible with a *critical* appropriation of traditions" (ibid.).

²⁴⁰ Habermas, *New Conservatism*, p. 257.

²⁴¹ Ibid., p. 256-7.

²⁴² Ibid., p. 256; 261.

can “take the place originally occupied by nationalism.”²⁴³ According to Habermas, nationalism played a crucial, though historically contingent, role in the formation of democratic constitutional state. For, Habermas writes, if such a new legal-political formation “lacked driving force,” it would have failed to regenerate itself; political mobilization necessitated for the survival of the newly emerging constitutional state called for a “vivid and powerful” idea that could not only shape people’s convictions but also appeal “more strongly to their heart and minds than the dry ideas of popular sovereignty and human rights.” This “gap,” as Habermas puts it, was “filled by the modern idea of the nation.”²⁴⁴

I argue that constitutional patriotism is proposed by Habermas to take the place of nationalism for the purposes of filling this very gap in “postnational societies.” Habermas acknowledges the achievements and power of nationalism as a source of motivation as well as a modern form of consciousness capable of founding new and abstract bonds of solidarity among persons who had been strangers to one another. Yet, highlighting nationalism’s deep ambivalence that results from its reliance on a highly particularistic and exclusionary notion of “prepolitical...quasi-natural people,” he also suggests that in today’s complex and multi-cultural societies what is required is an even more abstract conception of a shared identity.²⁴⁵ Accordingly, constitutional patriotism moves away from particularistic accounts of national culture. Instead, it finds its common denominator in the notion of a liberal political culture, which, being “made up

²⁴³ Habermas, *Inclusion of the Other*, p. 118.

²⁴⁴ Ibid., p. 113. For another formulation of the same point see “The Postnational Constellation and the Future of Democracy” in *The Postnational Constellation*, especially pp. 64-5. Also see “On the Public Use of History,” in *The Postnational Constellation*, where Habermas refers to nationalism as a cultural matrix composed of “traditions that once formed such a disastrous motivational background” (p. 31).

²⁴⁵ Habermas, *Inclusion of the Other*, p. 131.

of a delicate fabric of mentalities and convictions,” can “neither be invented nor manipulated through administrative measures.”²⁴⁶

In Habermas’s account, a liberal political culture is shaped by a legal community’s historically specific interpretation of the same constitutional rights and principles, which form “a fixed point of reference” for any constitutional patriotism. Thus, taking its reference from the universalistic content of the constitution, this particular form of patriotism aims to link these rights and principles with the motivations and convictions of the citizens. Constitutional patriotism, then, is a “motivational anchoring,” that, not unlike nationalism, enables the “political integration of citizens” ensuring their “loyalty to the common political culture.”²⁴⁷

The discussion above suggests that Habermas conceives constitutional patriotism not as a completely new form of identity but rather as an overcoming (*Aufhebung*) of nationalism. Through constitutional patriotism he aims to divest nationalism from its problems while retaining its gains. Thus, in his account, however “weak” and “abstract” it might be, constitutional patriotism is still thought of as a bond that unites and constitutes a legal community.

For Habermas, to be effective and permanent, such a bond requires the active participation of the citizens. In this regard too, constitutional patriotism is designed to assume a crucial role similar to that of nationalism. Appealing to people’s hearts and minds, Habermas’s constitutional patriotism is a bond that depends on “an emotional

²⁴⁶ Jürgen Habermas, *Vergangenheit als Zukunft*, (Zurich Verlag, 1990) cited in Max Pensky, “Universalism and the Situated Critic” in *The Cambridge Companion to Habermas* (Cambridge University Press, 1995), p. 85.

²⁴⁷ Habermas, *Inclusion of the Other*, p. 225. For Habermas’s account of common political culture as a new form of “background consensus” see “The Postnational Constellation,” p. 73-4.

identification”²⁴⁸ and a motivational source necessary to ensure the political mobilization of citizens without which, as the historical examples like the end of the Weimar republic demonstrate, the constitutional democratic state cannot remain true to its principles. It is this aspect of constitutional patriotism, which makes it a viable, if practically challenging, alternative to various forms of nationalism. But perhaps more importantly, it is also this same feature which turns constitutional patriotism into a necessary supplement for Habermas’s deliberative theory of procedural democracy by filling in one of the theoretical gaps in *Between Facts and Norms*, namely the “motivational” gap between the liberal political culture, which serves as a background consensus for constitutional democracy, and the motivations of citizens whose political activities are essential for its regeneration.

Navigating the Grey Zone: Constitutional Patriotism as the Normative Content of Radical Democracy

Habermas’s discussions on civil disobedience and his utilization of constitutional patriotism within these writings underline the other –this time normative—lack within the general structure of his theory of democracy. Since the early 1980’s, now and again, Habermas turns to the issue of civil disobedience and highlights its importance in constitutional democracies.²⁴⁹ In his 1983 essay “Civil Disobedience: Litmus Test for the Democratic Constitutional State,” Habermas refers to civil disobedience as a crucial and essential element of a mature political culture. Every

²⁴⁸ Jürgen Habermas, “Globalism, Ideology and Traditions: Interview with Jürgen Habermas,” *Thesis Eleven*, Vol. 63, No. 1 (2000), p. 4.

²⁴⁹ For a very informative and thought provoking account of Habermas’s account of civil disobedience see Lasse Thomassen’s essay “Within the Limits of Deliberative Reason Alone.”

constitutional democracy that is “sure of itself,” he argues, considers this political act, which rests on the use of extraordinary means during extraordinary times, “as a normalized –because necessary—component of its political culture.”²⁵⁰ In *Between Facts and Norms*, Habermas repeats this view and argues that civil disobedience constitutes the self-consciousness of a vibrant civil society which is confident that “at least in a crisis situation it can increase the pressure of a mobilized public on a political system” (*BFN*, p. 383).

Given its extraordinary quality and the crucial role it plays during crisis periods, it is possible to suggest that, for Habermas, civil disobedience, to use Max Weber’s terms, serves as an ideal-typical example of the forms of popular action that constitute the radical core of democracy. As the manifestation of procedural democracy’s radical core, civil disobedience prevents the institutionalized political sphere from becoming a hermetically sealed action system that is totally independent from the influence of civil society from which it has originated. For Habermas, the political role of civil disobedience is clear: it is an extraordinary means of direct popular action that is essential for a constitutional state that wishes to remain true to itself.²⁵¹ This is an important, but hardly a controversial, point from a democratic theory perspective.²⁵² What is controversial and central for the purposes of this chapter is Habermas’s account of what constitutes an act of civil disobedience.

²⁵⁰ Jürgen Habermas, “Civil Disobedience: Litmus Test for the Democratic Constitutional State,” *Berkeley Journal Of Sociology*, Vol. 30, ([1983] 1985), pp. 98-9.

²⁵¹ “Civil Disobedience,” p. 103.

²⁵² Many thinkers, including but not limited to Hannah Arendt, John Rawls and Ronald Dworkin, share Habermas’s view that civil disobedience is of crucial importance for democracy. Despite this shared view, however, they have significant disagreements with respect to the content of the concept.

Habermas defines acts of civil disobedience as “expressions of protest against binding decisions that, their legality notwithstanding, the actors consider illegitimate” (*BFN*, pp. 382-3). In this sense, civil disobedience relies on two closely related ideas. First, acts of civil disobedience underline that a modern constitutional state can expect its citizens to obey its laws *only* when those laws “rest on principles worthy of recognition, in the light of which that which is legal can be justified as legitimate.”²⁵³ Second, and this directly flows from the first point, civil disobedience is based on the idea that the legitimacy of a democratic constitutional state cannot be grounded in sheer legality.²⁵⁴ Civil disobedience is intimately tied to, and emerges from, the tension between facticity and validity that exists both *within* the democratic constitutional state and *inside* the law. Thus, it not only brings to light “the tense relationship between the law-and-order guarantee of the state...and the claim to legitimacy of the democratic legal procedure,”²⁵⁵ but also points to the gap between legality and legitimacy. Civil disobedience, Habermas argues, is, and “must remain suspended between legitimacy and legality.”²⁵⁶

Located in the grey zone between legitimacy and legality, however, civil disobedience brings with it a considerable degree of ambiguity and uncertainty.²⁵⁷

²⁵³ “Civil Disobedience: Litmus Test for the Democratic Constitutional State,” p. 102.

²⁵⁴ *Ibid.*

²⁵⁵ Jürgen Habermas, “Right and Violence: A German Trauma,” *Cultural Critique*, Vol. 1 (Autumn, 1985 [1984]), p. 125.

²⁵⁶ Habermas, “Civil Disobedience: Litmus Test for the Democratic Constitutional State,” p. 106.

²⁵⁷ In his essay “Within the Limits of Deliberative Reason Alone,” Thomassen makes a similar point and argues that “civil disobedience exposes an ambiguity in Habermas’s work” (p. 201). According to him, Habermas’s account of civil disobedience demonstrates that “Habermas is ultimately unable to carry through the shift from the ‘philosophy of consciousness’ to a communicative paradigm where rationality is located not in the subject, but in the quality of intersubjective relations of communication” (*Ibid.*). Although I agree with this crucial point, my analysis differs from that of Thomassen’s to the extent that he suggests that for Habermas the gap between legitimacy and legality is a gap that needs to be

Unlike the law, which carries the presumption of rationality insofar as it comes about through democratic procedures, the normative content of the acts of civil disobedience remains indeterminate. To the extent that they emerge spontaneously, protests, which challenge the validity of a legislated public decision, are not the end result of a process of opinion formation. Instead, as Habermas clearly states in his essay “Right and Violence: A German Trauma,” they are moments of direct political action by citizens, who “intercede *directly* in their role as sovereign and give notice that corrections and revisions are overdue.”²⁵⁸ Thus, theorized as immediate and unmediated forms of action, acts of civil disobedience are devoid of the legitimating source of a communicative structure that can ground their claim to rationality.

In the absence of such a ground, Habermas finds it necessary to stipulate two criteria to distinguish civil disobedience from other acts of resistance, which do not deserve a tolerant attitude from the state. First, he argues that, to be justified, the dissidents must express their dissent “by non-violent, i.e. symbolic means.”²⁵⁹ Yet, from a normative point of view, non-violence, by and of itself, does not justify a political act. What justifies acts of civil disobedience is the normative content of the claims that “disobedient” citizens uphold. For Habermas, that normative content, which turns a

ameliorated through the installation of rational law. As I have briefly mentioned above, unlike what Thomassen suggests, I argue that according to Habermas the tension between validity and facticity is constitutive of democratic constitutional state. It is in this sense, to use Habermas’s own words, that “a constitution articulates the horizon of expectation opening on an ever-present future” (*BFN*, 384). This, however, does not change the fact that the gap between legitimacy and legality, which is so essential to Habermas’s conception of constitutional democracy, also constitutes a problem in his theorization of radical democratic politics as immediate and direct forms of popular action, that is, a problem which forces Habermas to have recourse to constitutional patriotism as a necessary supplement.

²⁵⁸ Habermas, “Right and Violence,” p. 136 (italics mine); see also “Civil Disobedience: Litmus Test for the Democratic Constitutional State,” where Habermas talks about civil disobedience as the moment when citizens “assume the original right of sovereign” (p. 105).

²⁵⁹ Jürgen Habermas, “Religious Tolerance,” pp. 8-9. See also *Between Facts and Norms*, pp. 382-3; and “Civil Disobedience: Litmus Test for the Democratic Constitutional State,” p. 99.

non-violent but still questionable act of resistance into a justified form of civil disobedience, comes from actors' complete "identification with the constitutional principles of a democratic republic."²⁶⁰ Habermas repeats this point in his 2004 essay "Religious Tolerance: The Pacemaker for Cultural Rights" by suggesting that only by citing constitutional principles and recognizing the democratic legality of the existing order, can the citizens show that rather than mere rebels, they are actually "the true patriotic champions of a constitution that is dynamically understood."²⁶¹

By bringing constitutional patriotism into his discussion of civil disobedience in this manner, Habermas makes two theoretical moves. First, he introduces the notion of identification with constitutional principles as the normative criterion to distinguish democratic forms of direct popular action from non-democratic ones. Second, in an indirect way, i.e. through a re-conceptualization of "constitution" as an unfinished project, he qualifies his own understanding of constitutional patriotism, which, unlike Sternberger's version, cannot be reduced to an attachment to the principles that are already stated in the existing constitution.

For Habermas constitution is "a delicate and sensitive—above all fallible and revisable—enterprise," whose aim is to interpret basic constitutional rights and principles "*anew*" in changing circumstances so as to institutionalize them better and draw out their content more radically (*BFN*, p. 384). This understanding of constitution, which highlights the constitutional state's precarious and fallible nature, implies that neither due process nor the authority of scientific jurisprudence offers a guarantee

²⁶⁰ Habermas, "Civil Disobedience: Litmus Test for the Democratic Constitutional State," p. 99.

²⁶¹ Habermas, "Religious Tolerance," p. 9.

against the possibility of injustice taking a legal form. For Habermas, there is no doubt that “even in the democratic constitutional state, legal regulations can be illegitimate.”²⁶²

These forms of injustice can be ameliorated only by citizens who, “in transitional and extraordinary ordinary situations,” have the ability to “recognize legal offences against legitimacy and, if need be, to act illegally out of moral insight.”²⁶³ Constitutional patriotism, which emerges from the background of a liberal culture, provides the citizens with this very capacity by giving them two things: first, a “willingness to take risks,” and second “the measure of judgment” necessary to discern legal injustices.²⁶⁴ It is in this sense that, for Habermas, constitutional patriotism becomes both an activating force that makes spontaneous and direct moments of popular action possible and a normative source that ensures their democratic nature. As such the concept becomes a necessary supplement, which fills in, and in so doing, also marks the motivational and normative gaps in Habermas’s account of democracy in general and his theorization of democratic moments of popular action in particular.

Habermas’s attempt to deal with the unresolved problems of his account in *Between Facts and Norms* by utilizing constitutional patriotism as a supplement, does not only underline the existence of normative and motivational gaps in his theory. The turn to constitutional patriotism to fill in those gaps also risks the theoretical coherence of Habermas’s model of democracy. More specifically, I argue that by having recourse to constitutional patriotism, Habermas, perhaps inadvertently, ends up bringing

²⁶² Habermas, “Civil Disobedience: Litmus Test for the Democratic Constitutional State,” p. 104.

²⁶³ *Ibid.*, p. 103.

²⁶⁴ *Ibid.*, 103; see also “Right and Violence,” p. 136.

philosophy of the subject, in its both republican and liberal guises, back into his theory, thereby undercutting his meticulous effort to purge the negative effects of such a philosophical position from his deliberative theory of procedural democracy. As we will see, what suffers most from the unintended consequences of this inadvertent turn to philosophy of the subject is nothing other than Habermas's account of the radical core of constitutional democracy.

To elaborate these points, in what follows I will first focus on the problems that result from Habermas's turn to constitutional patriotism as a new and safer form of collective identity appropriate to postnational societies. Then, focusing on the role that the notion of "identification with constitutional principles" plays in Habermas's discussion of civil disobedience, and drawing on Arendt's account of the same phenomenon, I will demonstrate how and to what extent constitutional patriotism as a supplement undermines the radical core of Habermas's theory of deliberative democracy.

III. The Dangers of a Necessary Supplement

Constitutional Patriotism: A Macro-Subject in a New Guise?

That Habermas presents constitutional patriotism as an alternative to nationalism by theorizing it as the *Aufhebung* of nationalist forms of solidarity has generated some concern even for those commentators who are sympathetic to general premises of his project. Thus, for instance, Patchen Markell, who tries to hold on to the concept of constitutional patriotism, warns that as long as the concept is theorized as "a kind of

affectively charged identification with a set of universal principles,”²⁶⁵ it also runs the risk of becoming an exclusionary form of identity. For Markell, the move to redirect affective attachments from quasi-natural, pre-political conceptions of the people towards *political* concepts such as a liberal political culture, is a crucial but ultimately problematic strategy that constitutional patriotism shares with other versions of civic nationalism. This is the case because in their attempt to make “affect safe for democracy” both civic nationalism and this particular formulation of constitutional patriotism, fail to recognize that any notion of common identity, even when it is a decidedly *political* one, “has the capacity to inspire violence and exclusion.”²⁶⁶

In her essay “Democracy’s Identity Problem,” Hayward gives voice to a similar concern when she argues that forming a civic identity based on liberal and democratic principles will necessarily lead constitutional patriotism “to define “others” of that identity (the illiberal, the anti-democratic).”²⁶⁷ For Hayward, it is this aspect of constitutional patriotism that makes it suspect by giving it a potential for aggressiveness toward those others –a potential which can then be exploited by elites who have strategic incentives to do so. By making this point, Hayward does not try to eradicate the difference between ethnic nationalism and constitutional patriotism along with other forms of civic nationalism. Just like Markell, she also argues that there are good reasons to prefer civic forms of solidarity to ethnic notions of membership to political community. However, she continues, even though it is true that there are good reasons to think of constitutional patriotism as a better form of identity, it is necessary not to

²⁶⁵ Markell, "Making Affect Safe for Democracy?" p. 54.

²⁶⁶ Markell, "Making Affect Safe for Democracy?" pp. 52-3.

²⁶⁷ Hayward, “Democracy’s Identity Problem,” p. 183.

overlook the dangers that any form of identity formation involves. Precisely for this reason both Markell and Hayward call for an attitude characterized by a healthy degree of suspicion towards “any settled sense of having achieved a democratically legitimate identity.”²⁶⁸ Thus, Markell proposes to rethink constitutional patriotism not as a means for forming safer common identities, but rather as a practice that “*resists* the very identifications on which citizens also depend.”²⁶⁹

None of this is against the main tenets of Habermas’s theory of democracy. To the contrary, I suggest that as sympathetic readers of Habermas, both Markell and Hayward are wary of the unintended consequences of Habermas’s attempt to supplement nationalism with constitutional patriotism and to use it as the motivational force of democratic political action. Demonstrating that this theoretical move inadvertently entails the creation of some form of a macro-subject, they try to countervail this unwarranted effect by having recourse to Habermas’s own emphasis on the radical democratic potential of a suspicious, alert and mobilized public sphere. What such accounts miss, however, is the way in which the supplement of constitutional patriotism undermines the radical core of Habermas’s model of democracy itself. It is my argument that the introduction of constitutional patriotism as the normative source of spontaneous moments of “direct” popular action, which can then be used to ensure their democratic content, not only opens up the way for the liberal variant of philosophy of the subject to resurface in Habermas’s deliberative theory of procedural democracy, but also undermines Habermas’s own emphasis on the unrestricted quality of radical

²⁶⁸ Ibid.

²⁶⁹ Markell, “Making Affect Safe for Democracy?” p. 54.

democratic events. In what follows, I elaborate these points through an analysis that puts Habermas's account of civil disobedience in "Civil Disobedience" and "Right and Violence" into conversation with Hannah Arendt's discussion of the same subject in her essay "Civil Disobedience."

Playing It Safe: Constitutional Patriotism versus "Wild" and "Anarchic" Moments of Democracy?

The similarities and differences between Habermas's and Arendt's writings on civil disobedience are as striking as they are crucial. In their essays, both Habermas and Arendt approach the topic as public intellectuals, participating in the current debates generated by the contemporary political developments of their times.²⁷⁰ Thus, while Arendt's "Civil Disobedience" critically engages with the public response to the demonstrations of the late 1960's, carried out by civil rights and anti-war movements, Habermas's essays provide the reader with his reflections on the German peace movement's mass demonstrations of the early 1980's. In this sense, the essays in question are political interventions directly addressing the common public.

Through their essays, both thinkers argue against the tendency to treat the protestors as common criminals. Accepting the charge that one can never be sure whether or not the breaking of the law in public protests will prove to be legitimate in the future, both Habermas and Arendt argue that this ambiguity is one of the defining features of civil disobedience. For these thinkers, it is due to this ambiguity, and not in

²⁷⁰ Arendt's essay "Civil Disobedience" originally appeared, albeit in a somewhat different form, in the September 12th issue of *New Yorker Magazine* in 1970. Likewise, Habermas's "Civil Disobedience: Litmus Test for the Democratic Constitutional State" was first delivered as a speech at a meeting of the Cultural Forum of the German Democratic Party in 1983.

spite of it, that civil disobedience is a necessary guarantee against the rise of tyrannical majorities.²⁷¹ Thus, Habermas and Arendt concur that a democratic society, which wishes to remain true to its principles of equality and freedom, must embrace the “dangers inherent in the right of free association”²⁷² and hence acknowledge “the ‘right’ to civil disobedience”²⁷³ by maintaining respect towards “even those who act illegally today and perhaps remain in the wrong tomorrow.”²⁷⁴ Despite these crucial similarities, which place civil disobedience at the center of both Arendt’s and Habermas’s accounts, there are also significant differences between these two thinkers’ theorizations of radical political action.

In “Civil Disobedience,” intervening into an ongoing discussion among legal theorists, Arendt points to two problematic aspects of the legalistic conception of civil disobedience. First, she argues against the tendency of jurists to justify civil disobedience on moral and legal grounds by way of construing the case of the civil disobedient in terms of “either the conscientious objector or the man who tests the constitutionality of a statute.”²⁷⁵ Second, Arendt objects to the generally accepted view, which stipulates that to be legitimate the civil disobedient must respect “the frame of established authority and the general legitimacy of the system of law.”²⁷⁶ Since, in his writings on the subject, Habermas adopts both of these aspects of the legalistic

²⁷¹ Habermas, “Right and Violence,” p. 139.

²⁷² Hannah Arendt, “Civil Disobedience” in *Crises of the Republic* (A Harvest/HBJ Book: Harcourt Brace Jovanovich Publishers, 1972), p. 97.

²⁷³ Habermas, “Civil Disobedience: Litmus Test for the Democratic Constitutional State,” p. 112.

²⁷⁴ *Ibid.*, p. 105.

²⁷⁵ Arendt, “Civil Disobedience,” p. 55.

²⁷⁶ *Ibid.*, p. 77.

conception of civil disobedience Arendt's two objections serve as valid points of criticism for Habermas's position as well.

According to Arendt, the "political" nature of the phenomenon called civil disobedience cannot be comprehended unless the distinction between the conscientious objectors and the civil disobedients is clarified. To this effect, Arendt provides an analysis of the widely cited case of Henry David Thoreau. For many legal theorists, as well as for Habermas, who refers to Thoreau as a crucial part of the civil disobedience tradition,²⁷⁷ Thoreau's refusal to pay his poll tax so as not to support a government that permitted slavery and his willingness to face imprisonment serve as one of the most illustrious examples of civil disobedience. Although Arendt acknowledges that it is none other than Thoreau who made the term civil disobedience a part of our political vocabulary, she rejects the view that the incident, which gave rise to his famous essay "On the Duty of Civil Disobedience," can be understood in political terms.

This is the case because in Arendt's reading Thoreau tries to support his case "not on the ground of a *citizen's* moral relation to law, but on the ground of individual conscience and conscience's moral obligation."²⁷⁸ Thoreau, who is well aware of the fact that acting individually one can hardly change the world, suggests that although one may not be able to remedy "any, even the most enormous, wrong," he has a duty, at least, to "wash his hands off of it."²⁷⁹ For Arendt, in justifying his unlawful act in this manner, Thoreau makes it clear that what is at stake in his actions is nothing less and nothing more than the moral well-being of his inner self. By making this point, Arendt

²⁷⁷ Habermas, "Civil Disobedience: Litmus Test for the Democratic Constitutional State," p. 107.

²⁷⁸ Arendt, "Civil Disobedience," p. 60.

²⁷⁹ Cited in Arendt, "Civil Disobedience," p. 60.

underlines that, like all the conscientious objectors who act to defend their personal integrity, Thoreau aims to retain the moral unity of his own self and acts strictly on his own terms as a single individual without ever becoming a part of a group.

In direct contrast, the civil disobedient, Arendt states, can “never exist as a single individual; he can act and survive only as a member of a group.”²⁸⁰ For, in her account, civil disobedience is a form of concerted action among individuals who collectively decide to publicly go against the government’s decisions even when those decisions are backed by a majority. Civil disobedients constitute an “organized minority” who are bound by common opinion. Arendt underlines that the agreement, which gives rise to the common opinion that holds together these different individuals, also constitutes the source that “lends credence to their opinion, no matter how they may originally have arrived at it.”²⁸¹

There are two points that are worthy of notice here. The first point is Arendt’s emphasis on the mediated quality of civil disobedience. In Arendt’s account, an act of civil disobedience can never be understood in terms of an immediate personal reaction that emanates from some sort of a moral indignation. Instead, in her account, acts of civil disobedience are theorized as forms of concerted action which require political actors to engage in, as Arendt puts it elsewhere, a “discourse” whose object is to constitute a common concern which they publicly declare.²⁸² Civil disobedients relate to one another through the mediation of this common opinion, this “*inter-est*” which

²⁸⁰ Arendt, “Civil Disobedience,” p. 55.

²⁸¹ *Ibid.*, p. 56.

²⁸² Hannah Arendt, “On Humanity in Dark Times: Thoughts about Lessing,” *Man in Dark Times* (New York, NY: Harcourt, Brace & World, INC., 1968), p. 24.

enables them act together while retaining their individuality. Understood as an “*interest*,” which literally means “between them” or “in-between,” the agreed purpose in question fulfills “the double function of binding men together *and* separating them in an articulate way.”²⁸³ By making this point, Arendt makes it clear that, for her, the common opinion, which makes civil disobedience possible, is not something that merely expresses the shared beliefs and needs of its disparate participants. Common opinion is not something to be discovered but, to put it in Lisa Disch’s words, to be “constructed, determined by a process of disputation that ‘links and separates’ people, thus accomplishing the ‘double function’ of uniting the individual and separating them.”²⁸⁴

The second crucial aspect of Arendt’s discussion of civil disobedience is the stress that is put on the activity of reaching an agreement among different individuals. By suggesting that it is their agreement which gives credence to the public demands of the civil disobedients, Arendt refuses to seek external sources of authority to justify acts of civil disobedience. According to Arendt, the attempt to justify one’s acts by having recourse to norms or a set of learned or innate rules turns politics into a matter of rule-application. In doing so, it undermines the contingency as well as the freedom and novelty of such acts. For, to use the words of Bryan Garsten, who quotes Arendt to make his point, “if an act is justified, the justification ‘will have to show the act as the continuation of a preceding series, that is, renege on the very experience of freedom and

²⁸³ Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1998), p. 182.

²⁸⁴ Lisa Disch, “‘Please Sit Down, but Don’t Make Yourself Feel at Home’: Arendtian ‘Visiting’ and the Prefigurative Politics of Consciousness Raising,” in *Hannah Arendt and the Meaning of Politics*, edited by Craig Calhoun and John McGowan (Minneapolis: University of Minnesota Press, 1997), p. 142.

novelty’.”²⁸⁵ As Garsten suggests, Arendt’s refusal to justify political actions by having recourse to moral norms was also closely related to the issue of responsibility. For Arendt, the fact that war criminals, such as Eichmann, defended their actions by claiming that they were only following orders or laws pointed to one thing: “insofar as we think ourselves as following rules, we can pass off responsibility for our actions to those rules.”²⁸⁶ Thus, Arendt insisted that the contingency of political actions demanded from civil disobedients not only to dare to judge, in the absence of pre-given rules and norms, but also to take responsibility of their collective acts. It is for this reason that Arendt identifies the political actors’ agreement, which, as we have seen, involves a process of disputation that links and separates people, as the only source of the normative validity of acts of civil disobedience.

I suggest that it is these two points, that is, Arendt’s insistence on the mediated quality of civil disobedience and her emphasis on agreement as the only normative source of validity, that most decidedly differentiate Arendt’s account of civil disobedience from that of Habermas. For indeed, although it is true that Habermas considers “private convictions”²⁸⁷ and “arbitrary standard[s] of private morality”²⁸⁸ irrelevant to his account, he still theorizes civil disobedience in terms of *individual* citizens who act “out of moral insight” to protest “the transgression of valid constitutional principles.”²⁸⁹ As we have seen, in this view, what lends credence to the

²⁸⁵ Bryan Garsten, “The Elusiveness of Arendtian Judgment,” *Social Research*, Vol. 74, No. 4 (2007), p. 1082.

²⁸⁶ *Ibid.*, p. 1078.

²⁸⁷ Habermas, “Civil Disobedience: Litmus Test for the Democratic Constitutional State,” p. 107.

²⁸⁸ *Ibid.*, p. 103.

²⁸⁹ *Ibid.*, p. 103; p. 107.

unlawful acts of citizens, who “intercede directly in their role as sovereign,”²⁹⁰ is their “identification with the constitutional principles of a democratic republic.”²⁹¹ I argue that insofar as constitutional principles are theorized as objects of identification rather than critical reflection, despite the intersubjective and dynamic understanding of constitution developed in *Between Fact and Norms*, Habermas’s account of civil disobedience risks turning constitutional principles into external sources of authority, or to use Arendt’s terms, a secular and non-fictitious version of “higher law” which is used to justify the individual acts of citizens. And yet, as Arendt reminds us, such appeals to higher law “are inadequate when applied to civil disobedience” for a number of reasons.

As Arendt suggests, “on this level, it will be not only ‘difficult,’ but impossible ‘to keep civil disobedience from being a philosophy of subjectivity’” which turns it into an “intensely and exclusively personal” form of action.²⁹² In this sense, it is possible to argue that through his recourse to a notion of identification with constitutional principles as the normative source of civil disobedience, and by suggesting that acts of civil disobedience are individual’s reactions to transgressions of valid constitutional norms, Habermas inadvertently relegates political issues to moral judgments of isolated individuals. In doing so, despite his efforts to the contrary, he signs onto the impoverished understanding of politics that he himself identifies with the Kantian version of the philosophy of the subject. Moreover, by turning to constitutional principles to justify the acts of civil disobedients, Habermas also runs the risk of

²⁹⁰ Habermas, “Right and Violence,” p. 136.

²⁹¹ Habermas, “Civil Disobedience: Litmus Test for the Democratic Constitutional State,” p. 99.

²⁹² Arendt, “Civil Disobedience,” pp. 56-7.

reducing political action to rule-following, and thereby undermining the novelty as well as the contingency of political acts.

This last point is important. It gives rise to another set of unintended consequences in Habermas's attempt to interpret the civil disobedient in the image of a man who questions the compatibility of a given law with the constitutional principles that undergird a democratic republic. Habermas's emphasis on the civil disobedients' identification with constitutional principles leads him to argue that an unlawful act can be considered as civil disobedience only if it "does not place the existence and fundamental significance of the constitutional order into question."²⁹³ This argument enables Habermas to differentiate the acts of protest undertaken by the German peace movement of the early 1980's from the "acts of resistance" that took place during the years of, what Habermas calls, "student revolts" of the late 1960's. For Habermas, unlike the students of the 1960's who took their inspiration from "false revolutionary ideas" and thus lacked identification with constitutional principles, the protestors of the peace movement are civil disobedients since their acts are "carried out with the appeal to the legitimating foundations of our democratic constitutional order."²⁹⁴

In contrast to Habermas, Arendt argues that no matter how credible it might seem at first sight, it turns out to be extremely difficult to sustain a "distinction between the revolutionary and the civil disobedient."²⁹⁵ According to her, the claim that "[t]he civil disobedient accepts, while the revolutionary rejects, the frame of established

²⁹³ Habermas, "Civil Disobedience: Litmus Test for the Democratic Constitutional State," p. 105.

²⁹⁴ *Ibid.*, p. 99.

²⁹⁵ Arendt, "Civil Disobedience," p. 77.

authority and the general legitimacy of the system of laws,”²⁹⁶ is deeply misleading because it fails to grasp that both the civil disobedient and the revolutionary are inspired by a shared wish to change the world and bring something new into it. Put differently, this view misses the point that the changes that the civil disobedient desires to achieve can be drastic in many ways. To elaborate this point, Arendt brings up the case of Gandhi, the “great example” of non-violent civil disobedience and rather polemically asks “Did Gandhi accept the ‘the frame of established authority,’ which was the rule of India? Did he respect the ‘general legitimacy of the system of laws’ in the colony?”²⁹⁷

Surely, Habermas can respond to such rhetorical questions by pointing out that from the perspective of constitutional democracy a system of law that institutionalizes existing inequalities and curtails individual liberties can hardly be considered legitimate in the first place. What is more, Habermas might object that a criticism of this kind loses sight of what he constantly underlines in his writings: Constitutional principles, which are expected to be cited by the civil disobedient, can never be reduced to what is written in an actual constitution or to their current interpretation. The constitutional state is not a finished product but rather “a susceptible, precarious undertaking” since “the realization of exacting constitutional principles with universalistic content is a long term process which historically has been by no means linear.”²⁹⁸ For Habermas, civil disobedience, despite its utilization of extra-ordinary means, is a “normal case” within this collective learning process whereby citizens, as the guardians of legitimacy, act

²⁹⁶ Ibid.

²⁹⁷ Ibid.

²⁹⁸ Habermas, “Civil Disobedience: Litmus Test for the Democratic Constitutional State,” p. 105.

against a particular interpretation of a constitutional principle in the name of that very same principle itself.

Even this strong response, however, cannot fully undermine Arendt's critical point that the distinction between the revolutionary and the civil disobedient is an ultimately unsustainable one. In fact, at this point of Habermas's argument, following Lasse Thomassen, one may ask "who decides in the face of disagreements?" After all, as Thomassen powerfully argues, "There may be disagreements over what the principles are, whether or not they are realized and whether the civil disobedient is really appealing to the principles."²⁹⁹ In many ways, it is possible to suggest that such disagreements are the very content of political struggles in crisis periods. As we have seen, Habermas' and Arendt's shared emphasis on the constitutive ambiguity of civil disobedience points precisely to this point. And yet, to the extent that Habermas tries to differentiate the revolutionary from the civil disobedient, as he does in his comparison between the student movements of the 1960's and the German peace movement of the early 1980's, by suggesting that, as opposed to the revolutionary, the civil disobedient identifies with the constitutional principles, he runs the risk of erasing the ambiguity of moments of popular action which he otherwise takes to be the defining feature of civil disobedience. In so doing, he also opens his account to a series of criticisms.

First, to use Thomassen's words, one can argue that by introducing a clear-cut distinction between different political movements, Habermas, in his capacity as a "philosopher," tries to put an end to the ongoing political contestation by "paternalistically" imposing his own interpretation of the principles in question. For

²⁹⁹ Thomassen, "Within the Limits of Deliberative Reason Alone," p. 206.

only after determining the ‘right’ interpretation of the constitutional principles, can Habermas draw on them to decide which acts are to be accepted as civil disobedience and thus deserve to be accommodated within “the limits of political tolerance in a constitutional democracy.”³⁰⁰ However, such decisions, even when they are based on a carefully examined theoretical position, carry with them a certain degree of arbitrariness. Thus, it is not surprising that for many commentators, rather than resolving the issue, Habermas’s characterization of the student movements in the 1960’s as a form of “left-fascism” and his later attempt to position them in direct opposition to the German peace movement of 1980’s remain as controversial today as they were then.

In his well-documented “philosophical-political profile” of Habermas, Martin Beck Matušík gives voice to this second strand of criticism. After approvingly citing the student leader Hans-Jürgen Krahl’s 1968 response to Habermas, where Krahl criticizes Habermas of projecting “pathological motives onto the extraparliamentary opposition,”³⁰¹ Matušík argues that whatever the shortcomings of the protesting activists might have been at the time, Habermas’s account of their “mindless actionism” is misleading insofar as it disregards the distinctions among different positions within this diverse political movement.³⁰² In his attempt to adjudicate the democratic value of political acts that took place in the 1960’s, Habermas ends up with a totalizing account that misrepresents the political phenomenon that he analyzes.

By referring to this second criticism, I do not intend to make an empirical point about the student movements of 1960’s. Nor do I want to suggest that there are no

³⁰⁰ Habermas, “Religious Tolerance,” p. 9.

³⁰¹ Matušík, *Jürgen Habermas: A Philosophical-Political Profile*, p. 103.

³⁰² *Ibid.*, p. 108.

significant differences between the German peace movement of early 1980's and 1960's student movements. Instead, my aim is to bring to light the controversial nature of Habermas's attempt to determine the legitimacy of political movements on the basis of the activists' identification with constitutional principles. I suggest that this move, which aims to define and fix the meaning of a political event once and for all, is deeply problematic because it relies on theoretically unsustainable distinctions that lead to politically unsound conclusions.

This point directly flows from Arendt's claim that it is extremely difficult to maintain a strict distinction between so-called illegitimate forms of popular action, which challenge the fundamental significance of the constitutional order in question, and acts of civil disobedience, which accept the legitimacy of the current constitutional order in a democratic republic. As Arendt reminds her readers, to the extent that a form of political action is inspired by a desire to change the world, and thus, refuses to be restricted by the existing norms so as to bring into being something entirely new, it carries with it a certain degree of uncertainty and ambiguity. Correspondingly, as Étienne Balibar argues, Arendt insists that forms of political action, which are "anarchic" in nature, always involve the political risk of error, "of actually destroying what you intend to recreate, or to continue, or to begin again, namely the *politeia* or the 'constitution of citizenship'."³⁰³ With these risks in mind, Arendt talks about civil disobedience in terms of what Tocqueville calls "the enjoyment of dangerous freedom."³⁰⁴ And yet, rather than trying to contain the dangers inherent in civil

³⁰³ Etienne Balibar, "(De)Constructing the Human as Human Institution," p. 736.

³⁰⁴ Arendt, "Civil Disobedience," p. 97.

disobedience, Arendt points to the necessity of taking those risks, which emanate from the contingency and indeterminacy of political action, to guard democracy against the looming threat of the tyranny of majority.

As noted above, Habermas shares many aspects of Arendt's account of civil disobedience. For him too, civil disobedience is essential to the survival of constitutional democracy. More importantly, Habermas also thinks that what makes civil disobedience the ideal typical example of the wild and anarchic, and to that extent, radical, core of democracy is nothing other than its "unrestricted" and indeterminate quality which cannot be controlled or tamed even through legality. Due to these constitutive aspects, civil disobedience is also a highly ambiguous phenomenon since, to put it in Habermas's words, "The fools of today are not always the heroes of tomorrow; many will remain tomorrow the fools of yesterday."³⁰⁵ Finally, and most crucially, Habermas too argues against the tendency "to do away with the ambiguity of civil disobedience" as it "renounces the human substance of the ambiguous at precisely the point that the democratic constitutional state acquires nourishment from this substance."³⁰⁶

Strikingly, however, despite his emphasis on the indeterminate quality of radical democracy, the moment Habermas utilizes the notion of identification with constitutional principles as the normative criterion to judge the legitimacy of spontaneous and direct popular action, he also erases that very ambiguity which he considers to be constitutive of civil disobedience. Put differently, by trying to sort out

³⁰⁵ Habermas, "Civil Disobedience: Litmus Test for the Democratic Constitutional State," p. 105.

³⁰⁶ *Ibid.*, p. 112.

legitimate versus illegitimate forms of popular action on the basis of their relationship to the constitutional order, Habermas, not unlike the legal theorists whom he criticizes so powerfully, gives in to the temptation to think in “black and white terms.” And yet, as Habermas himself suggests, seeking security “in the false unambiguity of forcibly constructed dichotomies” always comes at a price. The attempt to eradicate the risk involved in radical forms of political action, by theoretically differentiating political acts worthy of tolerance from those that are not, becomes a means to control, if not to tame, the wild and anarchic core of constitutional democracy. In this account, the supplement of constitutional patriotism attains a disciplinary role, which puts limits to critical thinking and thereby subdues the radical democratic potential of a suspicious, alert and mobilized public sphere. In this sense, the introduction of constitutional patriotism as the normative source of democratic moments of popular action, I argue, undermines the radical core of Habermas’s model of democracy itself.

Conclusion

In this chapter, I argued that rather than being a mere addition, constitutional patriotism is a necessary supplement for Habermas’s deliberative theory of procedural democracy. Introduced to deal with the unresolved problems that emerge from his attempt to theorize the radical core of deliberative democracy in terms of direct and immediate forms of popular action, constitutional patriotism takes on the role of a supplement which fills in the motivational and normative gaps that plague the general framework of Habermas’s theory. In doing so, however, it also calls into question the coherence of this theoretical model. Turning to constitutional patriotism to enrich his account, Habermas inadvertently undermines his own powerful criticism of the

philosophy of the subject that constitutes the very basis of his conception of deliberative democracy. The consequences of this inadvertent move are dire. For, as we have seen, what suffers most from this unexpected and unintended resurgence of the philosophy of the subject is nothing other than the radical core of constitutional democracy itself.

All of this suggests that to adequately theorize radical democracy, and fully grasp the significance of the anarchic and wild character of the forms of popular action that are constitutive of it, it is necessary not only to abandon constitutional patriotism but also to move away from a theorization that necessitates such a supplement. One way to do this is to follow Arendt's suggestion and think of the radical core of democracy in terms of "voluntary associations," which are, unlike what Habermas's account implies, neither direct nor immediate forms of popular action. Voluntary associations are, for Arendt, "organized minorities," which are formed on "the spur of a moment" and only for a limited time.³⁰⁷ As such, in contrast to political parties, voluntary associations are spontaneous and undetermined, and to that extent, fragile and fleeting. Yet, the creation of such associations does not depend on the immediate convergence and unison of different people, who immediately come together and act as one, through their shared love for or common identification with constitutional principles. Instead, they are constituted by the efforts of individuals, who create a common world, a shared *inter-est*, by "talking about what is between them."³⁰⁸ It is only through such an activity, which requires the constant mediation and negotiation of different viewpoints, that it becomes possible to articulate, develop and expand common concerns. I argue that Habermas's

³⁰⁷ Arendt, "Civil Disobedience," p. 95.

³⁰⁸ Hannah Arendt, "Socrates" in *The Promise of Politics* (New York: Schocken Books, 2005), p. 16.

turn to constitutional patriotism erases this crucial mediatory work, which, as Arendt evocatively suggests, can best be understood in terms of Aristotle's conception of "political friendship."³⁰⁹

³⁰⁹ Ibid.

CHAPTER 4

Acting Together, Becoming Friends: Aristotle, Political Friendship, and

Democratic Action in Concert

For many democratic theorists, the experience of fascism and the horrors of the World War II are the clearest examples of the profoundly problematic relationship between democracy and popular action. Sharing the view that popular action always carries the risk of turning into an irrational and potentially destructive force, many democratic theorists propose either to minimize its role in democratic politics or to “tame” and “weaken [its] destructive potential” by establishing institutions where “the potential antagonisms can be played out in an agonistic way.”³¹⁰

As we have seen in the preceding chapters, even theorists like Antonio Negri and Jürgen Habermas, who give a central place to the so-called “direct and immediate” forms of popular action in their accounts of democracy, find it necessary to have recourse to concepts like “constitutional patriotism” (Habermas) and “love” (Negri) to identify the motivational source and normative content that sets apart “democratic” forms of popular action from the potentially dangerous and violent ones.³¹¹ The turn to “love” and related concepts to theorize democratic popular action, however, opens up the way to deeply problematic accounts which assume that there is a motivational unity and some sort of normative purity in moments of democratic action in concert. Such accounts, which define popular action, to use Nadia Urbinati’s words, “in terms of

³¹⁰ Chantal Mouffe, *On the Political* (London and New York: Routledge, 2005), p. 26.

³¹¹ Negri and Habermas are not alone in highlighting the essential importance of popular action for democratic politics. There are a number of democratic theorists who share this emphasis on popular action. Just to name a few, see: Sheldon Wolin; Jacques Rancière, see especially *On the Shores of Politics*; Paulo Virno; Étienne Balibar.

*immediacy or the unity of space, time, and the object,*³¹² are misleading for two reasons. First, as we have seen, the emphasis on unity results in overly simplistic accounts, which fail to take into consideration the existence of conflict and differences among political actors who act together in moments of popular action. Second, insofar as popular action is theorized as an “instantaneous” collective act, the accounts in question lose sight of the mediatory work of politics, i.e. political struggle and the complex processes of deliberation, that goes into the creation of the so-called “direct” moments of popular action. I suggest that in order to fully understand, that is to say, to adequately describe and evaluate contemporary instances of action in concert, it is necessary to develop an alternative theorization of democratic popular action that moves away from a language that utilizes love, and attempts to bring to light democratic popular action’s mediated and temporal quality. With this in mind, in what follows, I turn to Aristotle’s conception of political friendship. Drawing on the conceptual resources that Aristotle’s discussion provides, I propose to theorize democratic popular action not as an instantaneous occurrence but rather as an arduous complex activity composed of a set of ethico-political practices that involves disagreement and reflection, a mediated practice that involves, as Urbinati suggests, “pondering and consulting, calculating and discussing, exchange of information and opinion.”³¹³

In recent years many political theorists have turned to Aristotle’s conception of “political friendship” as a resource to rethink the relationship between democratic

³¹² Urbinati, *Representative Democracy: Principles and Genealogy*, p. 79.

³¹³ *Ibid.*, p. 93.

politics, virtue ethics and citizenship. Challenging the communitarian appropriation of the concept, which interprets political friendship as a strong sense of attachment that generates the “moral unity” of a community of citizens,³¹⁴ most contemporary political theorists argue that for Aristotle political friendship is “a kind of shared advantage friendship,”³¹⁵ which brings and holds citizens together “by the expectation of a return of some good for the good they do for another citizen.”³¹⁶ Accordingly, for these theorists, rather than being an emotional bond among the citizens that aims to eliminate conflict, “political friendship” is a set of “pacifying”³¹⁷ practices which ensures cooperation by way of accommodating “not only conflict but also the means for resolving conflict.”³¹⁸

This is a powerful interpretation of political friendship, which forcefully argues that for Aristotle politics is about self-interest and conflict. In doing so, it also makes it clear that political friendship is not an archaic moral ideal, which emanates from a

³¹⁴ Alasdair MacIntyre, *After Virtue* (Notre Dame, Indiana: University of Notre Dame Press, 1984), p. 155, 166. For similar views see also Benjamin Barber, *Strong Democracy* (Berkeley and Los Angeles: University of California Press, 1984), pp. 188-9; Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982), p. 33-76

³¹⁵ Bernard Yack, *The Problems of a Political Animal: Community, Justice, and Conflict in Aristotelian Thought* (Berkeley, Los Angeles, London: University of California Press, 1993), p. 110.

³¹⁶ *Ibid.*, p.116. For similar views see also Danielle S. Allen, *Talking to Strangers: Anxieties of Citizenship since Brown and Board of Education* (Chicago and London: Chicago University Press, 2004), chap. 9; Susan Bickford, *The Dissonance of Democracy: Listening, Conflict, and Citizenship* (Ithaca and London: Cornell University Press, 1996), chap. 2; John Cooper, “Politics and Civic Friendship” in *Reason and Emotion: Essays on Ancient Moral Psychology and Ethical Theory* (Princeton: Princeton University Press, 1999), pp.356-77; Jill Frank, *A Democracy of Distinction*, pp. 150-2; Elena Irrera, “Between Advantage and Virtue: Aristotle’s Theory of Political Friendship,” *History of Political Thought*, Vol. 26, No. 4 (Winter, 2005), pp. 565-585.

³¹⁷ This term belongs to Jacques Rancière who argues that Aristotelian notion of “a politics of friendship” is tied to an understanding of politics which aims to pacify the political. See Jacques Rancière, Davide Panagia, “Dissenting Words: A Conversation with Jacques Rancière,” *Diacritics*, Vol.30, No.2 (Summer 2000), p. 119. Although I do not share Rancière’s characterization of Aristotle’s understanding of politics, I agree that this particular interpretation of “political friendship” does indeed reduce politics to management of conflicts.

³¹⁸ Frank, *Democracy of Distinction*, p. 152.

dangerous romance of *polis*, but “a fact of ordinary political life,” and as such it is relevant to our attempt to think about politics not only in 4th century BCE Athens but also in political communities of our time. Although these are all crucial points, I argue that due to its exclusive emphasis on a particular understanding of utility friendship as *the* “model” for politics, such an interpretation suffers from two major shortcomings.

On the one hand, in its attempt to counter the communitarian appropriation of political friendship, this interpretation runs the risk of reducing politics simply to a matter of cooperation in the face of conflict. On the other hand, and despite its powerful criticism of the communitarian readings of Aristotle, it repeats an interpretive gesture that undergirds those very readings that it criticizes. Both the communitarians, who consider political friendship a form of “virtue friendship” ensuring the moral unity of citizens in a community, and many political theorists, who theorize political friendship as some sort of a compact based on utility, turn to Aristotle’s discussion of political friendship in *Nicomachean Ethics* only after developing an interpretation of his account of political life in the *Politics*. Thus, instead of addressing the intriguing question of what the notion of political friendship can tell us about Aristotle’s understanding of politics, both sides of this interpretive divide ask: Given Aristotle’s view of politics elaborated in the *Politics*, how can we understand his discussion of political friendship in *Nicomachean Ethics*? Reading *Nicomachean Ethics* through the lenses of their respective interpretations of Aristotle’s *Politics*, these interpretive approaches respond to this question by arguing that political friendship serves as a model for political life. The difference in their interpretations lies in the fact that unlike the communitarian commentators, who suggest that the political life modeled on political friendship can

only be found in ideal communities, many contemporary political theorists argue that political friendship models the life in ordinary political associations.

In this chapter, I offer an alternative reading that reverses this interpretive strategy with a view to explore the ways in which *Nicomachean Ethics*' account of friendship in general, and political friendship in particular, can inform our reading of Aristotle's understanding of politics. Accordingly, I move away from the above mentioned interpretive approaches' shared attempt to search for a "model" of a particular understanding of politics in the structure of the relationship denoted by the term political friendship. Instead, I try to develop a better understanding of what constitutes political action by focusing on Aristotle's account of the practices that are necessary to create and sustain the activity of political friendship.

According to the interpretation that I advance in this chapter, political friendship is neither a model, nor a pre-condition for politics, nor does it take the form of a collective emotional experience that unites citizens and sets the stage for political life. I suggest, rather, that political friendship is a complex collective activity that is undertaken by a number of people who are in many respects different from one another. As an activity, political friendship involves a set of practices including deliberation (*bouleutikes*), which is a kind of investigation and calculation, judging (*krinein*), and, to use Arlene Saxonhouse's words, making choices (*prohairēsis*) concerning the good and the bad, the advantageous and the harmful, the just and the unjust.³¹⁹ These practices enable people with conflicting purposes and interests to create a common

³¹⁹ Arlene W. Saxonhouse, *Athenian Democracy: Modern Mythmakers and Ancient Theorists* (Notre Dame, Indiana: University of Notre Dame Press, 1996), p. 126.

concern, and a political community, enabling them to “share in a constitution”³²⁰ without setting their differences aside.

Yet, political friendship is not only a descriptive concept that reveals the dynamics of political action; I argue that it is, at the same time, a decidedly ethical concept. As we will see, in his discussion of friendship, Aristotle appropriates two of the defining ethical values of Athenian democracy of this period, namely equality and reciprocity, and turns them into defining features of his conception of political friendship. As an ethical concept defined in terms of democratic values of reciprocity and equality, political friendship embodies a set of criteria to evaluate political practices constitutive of political action without having recourse to pre-given standards of judgment.

The chapter begins with a discussion of the different kinds and understandings of friendship (*philia*)³²¹ that were frequently used in the political discourse of democratic Athens during this period. In this section, my focus is specifically on Plato’s

³²⁰ I take this phrase from Malcolm Schofield who suggests that for Aristotle what constitutes citizenship is “sharing in a constitution.” See Malcolm Schofield, *Saving the City: Philosopher-Kings and Other Classical Paradigms*, (New York: Routledge, 1999), pp. 144-49.

³²¹ The proper translation of the Greek word *philia* is a controversial issue among the scholars of Ancient Greek. In standard translations of certain passages in the *Nicomachean Ethics* (but also of certain passages in Plato’s *Lysis*) while *philia* is translated as “friendship,” *philein* –i.e. the verb form *philia*–is, depending on the context and the translator, rendered as “to love,” “to show affection,” or “to be fond of.” This is partly due to the fact that in English language the word “love” covers a wide terrain that was separated into three distinct but related categories in Classical Greek, namely *philia*, *eros*, and *agape*, which are usually translated as friendship, erotic love and love of God (though *agape* took this meaning long after Aristotle’s time). Some Greek scholars, however, object this way of distinguishing these words. For Gregory Vlastos, for instance, translating *philia* as “friendship,” to a large extent, “blunts the force of Aristotle’s Greek.” Accordingly he argues that ‘love’ is the only English word which is “robust and versatile enough” to give a sense of what *philein* means in Ancient Greek. See Gregory Vlastos “The Individual as an Object of Love in Plato” in *Eros, Agape and Philia*, edited by Alan Soble (New York: Paragon House, 1989) pp. 96-7. Others disagree with this view but qualify their use of “friendship” by suggesting that *philia* has a broader meaning than our ordinary understanding of “friendship” (see below). Taking all of this into account and following a common practice used by scholars of Ancient Greek, throughout this chapter I will try to use the Ancient Greek words in their original along with their translations.

conceptualization of *philia* and his subversive appropriation of this popular notion in his political writings. Such a discussion is necessary because, as we will see, the notion of *philia* utilized by Plato bears interesting and illuminating similarities to the form of love that characterizes Rousseau's conception of patriotism, and by extension, to the love related concepts that Negri, and Habermas have recourse to in their theorizations of popular action. In light of this, the fact that Aristotle formulates his own understanding of *philia* in conversation with, and, to a large extent, in opposition to that of Plato gains crucial significance.

In the second part of the chapter I turn to Book II of the *Politics* and provide an account of Aristotle's criticism of Plato's recourse to *philia* in the *Republic* as a way to sustain the unity of his hierarchically organized ideal political society. I argue that Aristotle's critique of Plato already points towards an understanding of "political friendship" (*politike philia*) that is quite distinct from not only Plato's notion of *philia* but also from the love-related concepts introduced by Rousseau, Negri, and Habermas, which all indicate some kind of immediacy.

The final part of the chapter further elaborates this point through a reinterpretation of Aristotle's notion of political friendship. To do so, I focus on Aristotle's discussion of *philia* in the *Nicomachean Ethics*. Here, through a detailed textual analysis, I demonstrate that, for Aristotle, as a particular species (*eide*) of *philia*, political friendship is neither an emotional bond nor a motivational force, but rather an ongoing activity.³²²

³²² I use the following translations of Aristotle's texts: Aristotle, *Nicomachean Ethics*, translated by David Ross, revised by J. L. Ackrill and J. O. Urmson (Oxford: Oxford University Press, 1980); Aristotle,

I. Citizens as Brothers: *Philia* and its Contested Role in the Political Discourse of Democratic Athens

Any interpretive analysis of Aristotle's notion of *political friendship* must begin with a caveat. As many scholars of ancient Greek suggest, and most commentators of Aristotle agree, the term *philia* has a broader meaning than our ordinary understanding of the contemporary term "friendship." For, unlike "friendship," which ordinarily refers to an emotionally charged, voluntary, and more or less intimate relationship among individuals, in the ancient Greek discourse *philia* was used to denote a wide range of relationships including those between parents and children, husbands and wives, fellow kinsmen, comrades in arms, fellow voyagers, as well as fellow citizens.³²³ Accordingly, while engaging with ancient Greek texts, it is necessary not only to resist the temptation to think of *philia* only in terms of a form of relationship based on personal feeling akin to the one that "characterizes friendship in the modern sense"³²⁴ but also to be cognizant of the fact that the terms *philos/philia* were used for "a considerable range of persons in a spectrum of different relationships."³²⁵

Nicomachean Ethics, with an English translation by H. Rackham (Cambridge, MA.: Harvard University Press, [1934] 2003); Aristotle, "Nicomachean Ethics: Book VIII & IX," in *Other Selves: Philosophers on Friendship*, edited by Michael Pakaluk (Indianapolis: Hackett Publishing Company, 1991); Aristotle, *Politics*, translated by Ernest Barker, revised by R. F. Stalley (Oxford: Oxford University Press, 1995); Aristotle, *Politics*, with an English translation by H. Rackham (Cambridge, MA.: Harvard University Press, [1944] 2005).

³²³ Just to name a few, see, for example, Allen, *Talking to Strangers*, p. 126; Bickford, *The Dissonance of Democracy*, p. 35; Irrera, "Between Advantage and Virtue," p. 565; Bernard Yack, "Community and Conflict in Aristotle's Political Philosophy," *The Review of Politics*, Vol. 47, No.1, 1985, p. 104.

³²⁴ See Hands (1968), p.33. cited in David Konstan, "Reciprocity and Friendship" in *Reciprocity in Ancient Greece*, edited by Christopher Gill, Norman Postlethwaite, and Richard Seaford, (Oxford: Oxford University Press, 1998), p. 285, n.11.

³²⁵ Lin Foxhall, "The Politics of Affection: Emotional Attachments in Athenian Society," in *Kosmos: Essays in Order, Conflict and Community in Classical Athens*, edited by Paul Cartledge, Paul Millett, and Sitta von Reden (Cambridge: Cambridge University Press, 2002), p. 53

That *philia* refers to many different relationships is important since as Aristotle reminds us in the *Nicomachean Ethics* as well as in the *Politics* (*Nicomachean Ethics*, hereafter, *NE*, 1155a25; *Politics*, hereafter *P*, 1262a40), many others before Aristotle, including Plato, turned to different kinds and conceptualizations of friendship (*philia*) to give their account of what constitutes a desirable form of relationship between citizens and *polis*. Having recourse to different conceptualizations of friendship was a convincing rhetorical move at the time because, as Alasdair MacIntyre argues, during this period it was commonly agreed that *philia* is an important virtue. Despite this commonly shared view, however, there was also an “extended disagreement” on what constitutes friendship.³²⁶ Thus, as a rich and multilayered concept, whose meaning was largely indeterminate, *philia* attained a central place in the Athenian political discourse, where, due to its elasticity, it was utilized in many different ways for many different political reasons.

For Aristotle’s contemporaries perhaps the most popular way of delineating the ideal form of relationship between citizens and city (*polis*) was to have recourse to the friendship (*philia*) of family members. According to Sara Monoson, the studies on Greek oratory suggest that in 4th century BCE “the relationship of parent, chiefly father, and male child was a common point of reference for orators’ construction of a praiseworthy account of the relations between city and citizens.”³²⁷ Correspondingly, in many funeral orations it is possible to see the orators urging citizens to honor and love

³²⁶ MacIntyre, *After Virtue*, p. 134.

³²⁷ Sara Monoson, *Plato’s Democratic Entanglements: Athenian Politics and the Practice of Philosophy* (Princeton, New Jersey: Princeton University Press, 2000), p. 82.

(*philein*) their city in the way that a dutiful son would, and should, honor and love his parent.³²⁸

Even though it is clear that such a call aims to generate a strong sense of belonging to the political community, it would be a mistake to suggest that this is *only* a sentimental appeal to the feelings of citizens. The proper form of relationship between parents and children was a clearly defined and well-established norm among the Athenian citizenry during this era. The relationship was a strictly hierarchical one where it was “a legal obligation, and not a mere moral duty”³²⁹ to ensure that parents were not only deeply respected but also provided for and looked after when they were old.

Since this was both an emotionally charged and a legally protected form of relation among family members, delineating the relationship between citizens and *polis* with reference to this particular conception of *philia* made it possible for the orators to make two different but closely related points. First, the reference to the relationship between children and their parents underlined the point that every citizen has a duty to look after his city and to obey its laws. Second, the recourse to a notion of familial *philia* implied that regardless of what they think or do, citizens are connected to each other through their shared love for the city, in the same way as brothers are connected to one another by the virtue of the fact that they are born to the same parent(s). By emphasizing these points, orators tried to bolster citizens’ attachment to their city in hard times, such as during times of war or natural disasters. In doing so, they also hoped

³²⁸ Ibid.

³²⁹ Cited by Monoson, W. K. Lacey, *The Family in Classical Greece* (London: Thames and Hudson, 1968), p. 117.

to motivate them to act for the preservation of their city even when that action required citizens to risk their own lives.

Although resilient, the link between these two intimately related points, which depict citizens both as dutiful sons and loving brothers, is not indissoluble. For despite the fact that both are examples of familial love (*philia*) which puts emphasis on the “natural” and “affectionate” link between citizens and their *polis*, the *philia* between a parent and his children was considered to be different from the kind of relationship that took place among brothers, who were considered to be equals to the extent that the age difference was not too great. Accordingly, it was possible to utilize different kinds of familial *philia* for different political purposes. This could be done either by putting emphasis on the friendship between parents and their sons to call for obedience to the laws of the city or by stressing the *philia* among brothers as a way to highlight the equality among citizens so as to urge them to take care of one another.

In what follows, I will elaborate this point through an analysis of Plato’s recourse to different kinds of familial *philia* in the *Crito* and the *Republic*. I turn to the *Crito* and the *Republic* with two closely related objectives in mind. First, I aim to provide an account of how and to what effect Plato uses the aforementioned kinds of friendship among family members to define the relationship between a good citizen and his political community. Second, I want to mobilize the insights drawn out from this account to reach a better and more nuanced understanding of Aristotle’s criticism of the *Republic* in Book II of the *Politics*.

Plato’s Move Beyond the Bounds of Reciprocity: Rethinking *Philia* as a Sense of Attachment

Perhaps the most striking aspect of the figuration of *philia* in the *Crito* and the *Republic* lies in Plato's willingness to have recourse to this notion in spite of its popularity within the Athenian political discourse of his time. In order to understand the reasons behind this seemingly simple rhetorical move, and to have a better grasp of its political implications, I first turn to Plato's conceptualization of the term *philia* as it is laid out in the *Lysis*.³³⁰

In this little appreciated dialogue of his early period, Plato provides his readers with a provocative, if inconclusive, account of his understanding of *philia*.³³¹ The argument unfolds in four steps. First, Plato depicts Socrates rejecting the view that friendship requires "mutual love" (*antiphilein*). For indeed, Socrates argues, it is certainly possible to have *philein* for inanimate things such as wine, and exercise as well as for abstract ideals such as wisdom, despite the fact that none of these things can love us in return (*Lysis*, hereafter *L*, 212 d-e). This point provides Plato with leeway to make the claim that we feel affection to another person only when we are in need of something (*L*, 215b-c), and love someone to the extent that he or she is useful

³³⁰ I use the following translations of Plato's texts: Plato, *Crito*, in *The Last Days of Socrates*, translated by Hugh Tredennick & Harold Tarrant (London, New York: Penguin Books, 2003); Plato, *Lysis*, in *Other Selves: Philosophers on Friendship*; Plato, *Republic*, translated by G. M. A. Grube, revised by C. D. C. Reeve, (Indianapolis: Hackett Publishing Company, 1992).

³³¹ This is not to say that the *Lysis* is completely ignored. There are other commentators who, not unlike what I do in this chapter, turn to the *Lysis* to develop a better understanding of Aristotle's conception of the same term. Thus, for instance both Lorraine Pangle and A.W. Price begin their interpretations of Aristotle's notion of *philia* with a brief account of the *Lysis*. This is necessary, they argue, because, to put it in Price's words, "Aristotle effectively takes the *Lysis* as his starting point; with no other Platonic dialogue does he show such a detailed, yet implicit familiarity," see A.W. Price, *Love and Friendship in Plato and Aristotle* (Oxford: Clarendon Press, 1989), p.1. Even though it is hard to suggest that Aristotle's texts provide conclusive evidence to support this claim, as we will see, I completely agree with Pangle's suggestion that "[w]hen we return to Aristotle's discussion of friendship in Book 8 of the *Nicomachean Ethics* after examining the *Lysis*, we are able to see the ways in which Aristotle engages and responds to the arguments of the *Lysis*, at once silently conceding some of Socrates' central contentions and, at the same time, offering... counterargument to Socrates' thesis about friendship and the good." See Lorraine Smith Pangle, *Aristotle and the Philosophy of Friendship* (Cambridge: Cambridge University Press, 2003), p. 37.

(*chrēsimos*) to us (*L*, 210c). For Plato, then, *philia* emerges from a state of lack, and people love (*philein*) each other always for the sake of that thing which is missing in their lives (*L*, 218d). At this point, Plato introduces one more step to his argument by suggesting that just as a doctor is loved for the sake of health, we love health for the sake of something else. This leads him to conclude that there must be a terminate thing, “a first object of love (*proton philōn*), for whose sake...all other objects are loved” (*L*, 219d).³³²

Most readers of this dialogue share the view that the importance of the *Lysis* lies in Plato’s adamant rejection of the view that *philia* is a mutual relationship between two individuals who wish the other person’s good “for that person’s sake.”³³³ In his incisive analysis of Plato’s conception of *philia*, Gregory Vlastos refers to this as the “cardinal flaw of Plato’s theory” since it leads him to miss “that dimension of love in which tolerance, trust, forgiveness, tenderness and respect have validity.”³³⁴ I suggest that rather than simply “missing” the importance of these values –some of which, such as tolerance, might not have been considered to be virtues in the Athenian discourse of the

³³² Whether or not the “*proton philōn*” in question is identical with, or a precursor to, the *Symposium*’s idea of the Beautiful (*auto to kalon*) and the *Republic*’s notion of the Good (*idea tou agathou*) is the subject of a longstanding contentious academic debate. For an extended discussion on this issue see Laszlo Versenyi, “Plato’s ‘Lysis’,” *Phronesis*, Vol. 20, No. 3 (1975), pp. 185-198. In a similar vein, commentators of the *Lysis* continue to disagree on the meaning of the concept of *philia* that Plato deploys in the dialogue. While according to some commentators in the *Lysis* *philia* encompasses multiple meanings including that of *eros* (Laszlo Versenyi, “Plato’s ‘Lysis’,” p.189), for others “the very fact that Plato wrote one dialogue on friendship (*philia*) and two on *Eros* indicates that he at least makes a distinction between these two terms.” See Drew A. Hyland, “Eros, Epithymia, and Philia in Plato,” *Phronesis*, Vol. 13, No. 1 (1968), p. 36. For a similar view see also Mary P. Nichols, “Friendship and Community in Plato’s *Lysis*,” *The Review of Politics*, Vol. 68, No. 1 (2006), pp. 1-19. Although the similarities between Plato’s conception of *philia* –as it is developed in the *Lysis*- and his account of *eros* in the *Symposium* are of crucial importance, I share Hyland’s and Nichols’ view that Plato makes a distinction between *philia* and *eros*. It is precisely for this reason in the remaining parts of the chapter I will leave *eros* aside, and instead, exclusively focus on Plato’s use of *philia*.

³³³ Gregory Vlastos, “The Individual as an Object of Love in Plato,” p. 101.

³³⁴ *Ibid.*, p. 111

time —Plato deliberately leaves them aside with the purpose of overcoming the incoherence of the Athenian discourse by assigning a clear and distinct meaning to the concept of *philia*.³³⁵

As Vlastos suggests, Plato's refusal to define *philia* in terms of a relationship of mutual and recognized concern for another person demonstrates that in his account *philia* does not rely on tenderness, commonality or familiarity for its existence. This account of *philia* also highlights that in Plato's conceptualization *philia* does not entail a process, that is, duration of time, required to establish a relationship of reciprocity. For indeed, as Lin Foxhall rightly suggests, reciprocity, which involves an act of giving something with the expectation of a return, is the element that introduces "temporality" into a notion of friendship.³³⁶

Yet, even though it is true that Plato's conception of *philia* is characterized by a lack of concern for another person for that person's sake, this does not mean that, through his peculiar conceptualization, Plato strips *philia* off all emotional content. On the contrary, according to Plato, *philia*, which is a powerful affect and a strictly personal experience, is defined by a strong sense of attachment and desire whose object is something that is considered "good" but not yet possessed by the lover/friend. Thus, in Plato's account of *philia*, one may indeed love (*philein*) someone passionately. However, he may do so *not* for that person's own sake. In friendships, the object of *philein*, Plato argues, can be many things, such as money, beauty, and wisdom that the other person possesses; yet it cannot be who the other person is. In light of this, one

³³⁵ For the incoherence of the Athenian discourse in 5th and 4th centuries see MacIntyre, *After Virtue*, pp. 135-6.

³³⁶ Foxhall, "The Politics of Affection," p. 66.

cannot help but wonder: is it really possible to think about the *philia* between a parent and his child, or the *philia* among brothers in these terms? According to Plato, who utilizes these different kinds of familial *philia* in the *Crito* and the *Republic*, it certainly is.

Reordering Human Relations: A Good Citizen, A Dutiful son, An Inconsiderate Friend?

The *Crito* portrays an encounter between Socrates and his devoted friend Crito who visits Socrates in prison to convince him that he should allow his friends to rescue him from his unjustly imposed death penalty.³³⁷ Through several different arguments Socrates tries to persuade Crito that justice requires him to face his death (*Crito*, 46b-50a). Failing to convince his friend in this way, Plato depicts Socrates making a final and interesting move. Socrates introduces the voice of the Laws of Athens into the dialogue (*C*, 51b). What the Laws demand from Socrates is nothing less than his unconditional obedience to their rule.³³⁸ The Laws claim that this should be the case

³³⁷ The secondary literature on the *Crito* is immense. Since the early 1970's, mainly as a response to the ongoing debates on the frequent use of civil disobedience in protest movements, many commentators of Plato have turned to the *Crito* to theorize the limits and grounds of political obligation. Just to name a few, see Reginald E. Allen, *Socrates and Legal Obligation* (Minneapolis: University of Minnesota Press, 1980); Richard Kraut, *Socrates and the State*, (Princeton: Princeton University Press, 1984); Gregory Vlastos, "Socrates on Political Obedience and Disobedience," *The Yale Review*, Vol. 63 (Summer, 1974), pp. 517-34; A. D. Woozley, *Law and Obedience: The Arguments of Plato's Crito* (London: Duckworth, 1979); Gary Young, "Socrates and Obedience," *Phronesis*, Vol. 19, No. 1 (1974), pp. 1-29. In a brilliant essay, Peter Euben argues that, just like many other analyses of the *Crito*, Woozley's, Vlastos' and Young's accounts "are in danger of being ahistorical in the sense of assuming that Socrates' arguments are intended to 'convince any rational man at any time and in any place'." By making this argument Euben does not reject the contemporary relevance of Plato's dialogue. Yet, he underlines that "such relevance must be established circumspectly, given Greek conceptions of law, politics, morality, patriotism, and citizenship." See J. Peter Euben, "Philosophy and Politics in Plato's *Crito*," *Political Theory*, Vol. 6, No. 2 (May, 1978), p. 167-8. For a more recent account that emphasizes the importance of the specific historical context in the interpretation of the *Crito* see Gabriel Danzig, "*Crito* and The Socratic Controversy," *Polis*, Vol. 23, No. 1 (2006).

³³⁸ This is a controversial claim. For instance, both A. D. Woozley and Vlastos agree that the doctrine of the *Crito* is not that a man must *always* obey the laws of his state. According to this view, the argument in the *Crito* does not aim to criticize the laws in general; instead, it aims to condemn their fraudulent and clandestine subversion in the courts. See Vlastos, "Socrates on Political Obedience and Disobedience,"

because there is an agreement between him and them akin to that between a son and his parents. For this reason, the Laws say, “anyone who disobeys [us] is guilty of doing wrong on three separate grounds: first because we brought him into the world, and secondly because we reared him; and thirdly because, after promising obedience, he is neither obeying us nor persuading us to change our decision if we are at fault in any way” (*C*, 51e). Socrates does not challenge this argument, but neither does Crito. In this way, i.e. by referring to the familial love between parent(s) and children, a kind of *philia* which is frequently used in the political discourse of democratic Athens, Socrates manages to convince his friend Crito to give up his attempt to save him from his death.

As many commentators agree, Plato’s recourse to *philia* between parents and children in the *Crito* constitutes a powerful rhetorical move.³³⁹ Given the rhetorical quality of the speech of the Laws, I suggest that the way that the Laws are represented in this dialogue attains a crucial importance. For the unfriendly tenor of their speech makes it difficult to understand how Crito could be convinced so easily by the arguments of the Laws. In the *Crito*, the Laws of Athens are not depicted as tender and

pp. 532-2; A. D. Woozley, “Socrates on Disobeying Law,” in *The Philosophy of Socrates*, edited by Gregory Vlastos (Garden City, New York, Doubleday, 1971). Richard Kraut agrees with Vlastos’ and Woozley’s views and argues that it would be a mistake to interpret the Laws’ speech as an authoritarian call for unconditional obedience to one’s state. Such interpretations, he argues, fail to notice that the argument presented in the dialogue leaves ample space for disobedience; what the Laws ask Socrates to do is nothing more than to persuade when he disobeys (Kraut, *Socrates and the State* pp. 153-66). Although these are powerful accounts, I share Euben’s view that such “philosophical readings of the *Crito*” remain “too abstract and contextless” and to that extent unconvincing (Euben, “Philosophy and Politics in Plato’s *Crito*,” p. 156).

³³⁹ The rhetorical quality of the Laws’ speech have led some interpreters of this dialogue to argue that the arguments presented in this speech cannot be taken at their face value. See Young, “Socrates and Obedience,” pp. 6-7. Others have convincingly criticized this view, which questions the sincerity of Socrates’ speech of the Laws. Thus for instance, by pointing to the use of rhetoric throughout the *Crito*, Peter both Euben and Tania Gergel argue that to fully understand the *Crito*, it is necessary engage with the arguments presented in the speech of the Laws, especially because of the openly rhetorical character of this speech. See Euben, “Philosophy and Politics in Plato’s *Crito*,” p. 160; Tania L. Gergel, “Rhetoric and Reason: Structures of Argument in Plato’s *Crito*,” *Ancient Philosophy*, Vol. 20, No. 2 (2000), pp. 289-309.

loving parents who are concerned for the well-being of their child for his own sake. On the contrary, they are portrayed as domineering parents who, in their cold and distant attitude, seem to demand nothing but obedience from their “child and slave (*doulos*)” (C, 50e). In the Laws’ speech there is no trace of forgiveness, tenderness, or, as the use of the term ‘slave’ suggests, respect.³⁴⁰

And yet, as we have seen, none of this is in direct opposition to Plato’s understanding of *philia* as it is formulated in the *Lysis*. For, as we have seen, one of the central aspects of Plato’s conceptualization of *philia* in the *Lysis* is his deliberate attempt to erase, what Vlastos calls, “that dimension of love in which tolerance, trust, forgiveness, tenderness and respect have validity.”³⁴¹ What is more, in the *Lysis*, Plato also suggests that it is the duty of the parents to educate and “discipline” their children, even though this might lead them to hate their parents in the short-run. Such a painstaking process of disciplinary education is necessary because only a well-disciplined child can become “a very dearest friend (*malista philtata*)” of his/her parents (L, 213a).³⁴²

³⁴⁰ In this regard, I disagree with Reginald E. Allen who argues that “the Laws’ language is that of a speech, which though at times majestic and authoritative, is nevertheless tempered with an intimacy and concern for their ‘child,’” see R. E. Allen, *Socrates and Legal Obligation*, p.82. Allen seems to ignore that the Laws hail Socrates not only as their ‘child’ but also as their ‘slave.’ Commenting on Plato’s use of the word “slave,” Kraut argues that given the way in which the Laws address Socrates in the rest of speech, the slave analogy in question cannot be taken too strictly. The Laws’ suggestion that Socrates could have left Athens if he wanted to do so would not be meaningful if Socrates was indeed a slave in their eyes, see Kraut, *Socrates and the State*, pp. 105-110. Although this is crucial, Kraut’s explanation does not alter the importance of Plato’s use of the term “slave.” In my reading, Plato’s decision to use the word “slave” is important because the term refers to a deeply hierarchical relationship based on the principle of obedience and command.

³⁴¹ Vlastos, “The Individual as an Object of Love in Plato,” p. 111.

³⁴² Plato’s emphasis on the role that education plays in the creation of *philia* between the child and his/her parents is important in understanding the significance of his utilization of this particular conception of *philia* in the speech of the Laws. This is especially true given the Greek conception of the law during this historical period. For, as Euben argues, it is possible to suggest that during this time there was a common

In the *Crito*, then, Plato suggests that one can become a good citizen (a dearest friend) only to the extent that he learns to love the laws by way of obeying their demands even when they appear to be harsh at first sight. Hence, a good citizen's *philia* of the laws may require him, as it requires Socrates, to disregard his personal friends' wishes, even when it is clear that this will potentially harm them. That Socrates' resolve to accept his execution may become a detriment to the well being of his personal friends is of crucial significance. Throughout the dialogue Plato highlights that Crito's plea is not a purely sentimental one. If Socrates refuses to escape, Plato has Crito argue, the citizens of Athens would actually blame his friends for not helping a friend who was in need (*C*, 44 b-c); by failing to escape, Socrates would be harming not only himself but also his friends (*philoï*) (*C*, 45 c-d) opening up the way for their public denigration.³⁴³ In the *Crito*, Plato does not deny the validity of these points. Instead, he tries to counter them by having recourse to another popular conceptualization of *philia* that refers to the relation between the parents and their children.

Plato's use of this particular kind and conceptualization of *philia* helps him to make the point that there is a hierarchical ordering of human activities and relations according to which attachment to the Laws of one's city should be considered to be of higher value than one's love (*philia*) of his personal friends. The idea that there is a

agreement that "Greek law was not merely a series of constraints but a formative educative force." See Euben, "Philosophy and Politics in Plato's *Crito*," p. 156.

³⁴³ In his innovative interpretation of this dialogue, Gabriel Danzig highlights the historical relevance of Crito's concerns. According to Danzig, after Socrates' death "[t]here were...direct attacks on the Socratics for being unwilling to spend the money necessary to free Socrates," see Danzig, "*Crito* and The Socratic Controversy," p. 25. Given the seriousness of these charges, Danzig argues that it is possible to read the *Crito* in general, and the speech of the Laws in particular, as Plato's attempt to "portray Socrates' opinions on obedience to the law as a means of answering contemporary criticism" and "confronting the public denigration of Socrates and his friends" (ibid, p. 28).

hierarchical ordering of human relations is not unique to Plato. In the *Nicomachean Ethics*, through an analysis of the contemporary views on friendship, Aristotle also provides an account of a hierarchical ordering when he writes “it is a more terrible thing to defraud a comrade than a fellow citizen, more terrible thing not to help a brother than a stranger, and more terrible to wound a father than anyone else” (*NE*, 1160a5-10). The ordering provided by Plato does not contradict Aristotle’s account of the popular views on friendship. Plato’s delineation of the Laws as the parents of citizens enables him both to make effective use of the well-established view that one should respect one’s parents and to change the common conception of the hierarchical ordering of human relations by placing the relationship between the citizen and the Laws at the top of that hierarchy. By putting citizens’ attachment to the laws above the commitments that they have to their personal friends, Plato also challenges and subverts the popular Athenian view that justice consists of helping one’s friends and harming one’s enemies.³⁴⁴

What is more, having recourse to this deeply hierarchical conception of *philia* between parents and children makes it possible for Plato to come up with an abstract notion of the laws which is detached from the political activities and decisions of the citizenry of his time. To put it in Euben’s apt words, the Laws in the *Crito* are not the contemporary laws of Athens but rather “idealizations of an abstract archaic law” that

³⁴⁴ In Book 1 of the *Republic*, Plato gives voice to this view through the words of Polemarchus who, in the course of the dialogue, agrees that justice is doing good to one’s friends and harming one’s enemies (322d). Whether or not this can be considered an accurate expression of a common ancient Greek view still in use in Athens during that time is a matter of debate. Still, as Malcolm Schofield suggests, even if we accept the view that during this period “common Athenian thinking about friendship and justice has gone a paradigm shift from the help friends/harm enemies ethic... We need not suppose... that it has been totally abandoned, but rather the civic code removes vengeance from the sphere of personal justice, which accordingly now takes the proper treatment of friends as its sole or principal focus.” See Malcolm Schofield, “Political Friendship and the Ideology of Reciprocity,” in *Kosmos: Essays in Order, Conflict and Community in Classical Athens*, p. 39.

embody the wisdom and tradition of the *polis*.³⁴⁵ Thus, through his turn to the *philia* between parents and their children, Plato defines citizenship in terms of a hierarchically conceived formative relationship between the citizens and the higher principles. In this account, the laws become not only objects of attachment and identification that stand beyond and above the citizens but also active agents that play a crucial role in their moral, emotional and intellectual development. By theorizing the relationship between the citizen and the laws in this manner, I argue that Plato both justifies Socrates' resolve to obey the decision of democratic Athens without undermining his criticism of the corrupt rule of the many and foreshadows his alternative vision of politics which finds its fullest expression in the *Republic*.

Keeping a Deeply Dived, Hierarchically Organized Community Together: *Kallipolis* and the Unifying Power of *Philia* among Brothers

Towards the middle of Book IV, after a series of lengthy discussions on the “good city,” Socrates finally announces that *kallipolis* has been established. After this proclamation, Socrates urges his interlocutors “to get an adequate light ... so as to look to look inside [the city] and see where the justice... might be in” (*Republic*, hereafter *R*, 427d). What Glaucon, Adeimantus, and the readers of the *Republic* see in *kallipolis* is a picture of a healthy organic unity (*R*, 462c-463b) in which functionally differentiated parts of the body (i.e. philosopher-kings, guardians and crafts people) work together in perfect harmony. According to Plato, such perfect harmony can only be established and sustained by generating as a strong sense of belonging among the members of the community. To retain the unity of *kallipolis*, Plato writes, one must make sure that all of

³⁴⁵ Euben, “Philosophy and Politics in Plato’s *Crito*,” p. 165.

its citizens “love” (*philia*) and “care” for their city, since, as Socrates reminds his interlocutors, “one cares most for what one loves (*philōn*)” (*R*, 412d). But what kind of love can hold together the members of this otherwise deeply divided and strictly hierarchical society?

As an answer to this question Plato once again turns to familial love but, rather than drawing on the relationship between parents and children as he does in the *Crito*, in the *Republic* he resorts to the *philia* among brothers. Accordingly, Plato claims that a strong sense of attachment can be instilled in the hearts and minds of citizens if one can persuade them that, despite their radically different roles in the city, they are all members of one big family. To do so, among other means, such as institutional arrangements, Socrates introduces two closely related myths, i.e. the “myth of autochthony” and “myth of the metals.”

The goal of these two related stories is twofold. The first myth aims to persuade the citizens of the ideal city that they are born from the same Mother, the Earth, i.e. the land on which their city stands. This suggests that “all...in the city are brothers”(R, 415). The second one, that is the “myth of the metals,” tells the citizens that the god fashioned those who are competent to rule, to guard, and to produce differently by mixing in gold in rulers, bronze in guardians, and iron in farmers and crafts people at their birth. Plato makes it clear that there is “nothing new” in this “noble falsehood;” it is an old “Phoenician story” that has been told by many poets before (*R*, 414c). In fact, what makes this peculiar combination of the myth of the metals with the myth of autochthony so valuable for Plato is precisely this.

In her analysis of Plato's the *Menexenus*, another dialogue where the myth of autochthony plays a major role, Monoson points out that many "[other] extant [funeral] orations, with the exception of Pericles', appeal to this myth."³⁴⁶ According to Monoson, the popularity of this myth in Athens stems from its ideological significance. The "focus on the nobility of birth," Monoson argues, was an aristocratic means used by certain individuals to assert "special claims." The myth of autochthony appropriates this means and turns "an argument that had been used to defend exclusive privileges into a justification for inclusiveness."³⁴⁷ In this account, the myth of autochthony is distinctly democratic because it mobilizes the popular and compelling image of friendship (*philia*) among brothers for political purposes and models the desired relationship among citizens on the equal and caring relationship among those who relate to one another by the virtue of the fact that they are born to the same parent(s).

And yet, as Jacques Derrida powerfully demonstrates, despite its seeming 'inclusiveness,' the myth of autochthony, and the ideology of brotherly love that it carries within it, rely on a series of exclusions, including, but not limited to, the exclusion of women. Moreover, as Derrida rightly argues, although in the *Menexenus* "the homage to the earth and to the mother goes hand in hand with the eulogy of fraternization," this eulogy of "fraternal democracy" in "no way excludes the aristocracy of virtue and of wisdom."³⁴⁸ I suggest that in the *Republic*, Plato demonstrates this point with great clarity when he argues that brotherly love can hold the members of *kallipolis* together by persuading them to believe that the hierarchical

³⁴⁶ Monoson, 2000, p. 196.

³⁴⁷ *ibid.*, p. 198.

³⁴⁸ Jacques Derrida, *Politics of Friendship* (London: Verso, 1997), p. 93.

structure of the society, which puts the wise at the top, is a necessary arrangement for the good of all. According to Plato, loving each other as brothers, the citizens can realize that insofar as they fulfill their functionally differentiated tasks, they are equally important parts of this greater whole.

In this sense, I suggest that Plato's turn to friendship among brothers does not undermine the points that he makes in the *Crito* where he utilizes the *philia* between the parent and his child. In the *Republic* too citizenship is defined as membership in an already constituted "nurturing" community, which is held together through the bonds of some form of familial *philia* that motivates citizens to fulfill their duties and well-defined tasks. Yet there are significant differences between the two dialogues as well.

In the *Crito*, Plato provides a critique of the democratic Athens of his time by theorizing the laws as abstract idealizations that embody the wisdom and tradition of the *polis* and utilizing the hierarchical form of familial love between children and their parents to delineate the ideal relationship between the citizen and the *polis*. In his criticism of the Athenian democracy in the *Republic*, Plato undertakes a different rhetorical route, and this time turns to a more egalitarian and 'democratic' kind of *philia*, the one among brothers, to keep his hierarchically organized ideal city together.

What is crucial here is that, in both of these utilizations *philia* attains the character of a strong sense of attachment. In line with Plato's conceptualization of the term in the *Lysis*, in both the *Crito* and the *Republic*, *philia* refers *not* to a reciprocal relation but rather to an emotional bond and motivational force, which 'moves' citizens to identify themselves with their *polis*. Once this immediate unity between the citizens and the city is put in place, and in this regard not unlike what is the case with

Rousseau's ideal citizens who "fly" to the assemblies, the members of a good *polis* happily fulfill their duties and act in clearly defined ways to ensure the continuation of their political organization.

In the following section, by turning to Book II of the *Politics*, I will demonstrate that, through his criticism of the *Republic*, Aristotle does two things: First, as many commentators agree, he challenges the validity Plato's vision of ideal *polis* as a hierarchically organized, organic unity that rests on the common ownership of property and community of women and children.³⁴⁹ Second, and more importantly, he elaborates his own conception of political community through a critical account of Plato's utilization of familial *philia* in the *Republic*. According to Aristotle, Plato's recourse to this particular understanding of *philia* is deeply problematic because it reduces the role that friendship plays in politics to a matter of a motivational drive and an emotional bond. Thus, in Aristotle's reading, Plato's notion of *philia*, not unlike the notions of love and patriotism that have been discussed in the previous chapters, functions as a powerful sense shared belonging. As we will soon see, Aristotle's criticism of Plato's ideal political society and his refusal to sign onto a conceptualization of *philia*, which turns it into an emotional unifying force, are closely related to one another.

II. *Philia*, Unity, Political Community: Aristotle's Critique of Plato

³⁴⁹ There is a considerable literature on Aristotle's criticism of Plato in Book II of the *Politics*. Just to name a few, see Martha Nussbaum, "Shame, Separateness, and Political Unity: Aristotle's Criticism of Plato," in *Essays on Aristotle's Ethics*, edited by Amelie O. Rorty (Berkeley and Los Angeles: University of California Press, 1980), pp. 395-435; Arlene W. Saxonhouse, "Family, Polity and Unity: Aristotle on Socrates' Community of Wives," *Polity*, Vol. 15, No. 2 (1982); and Mary P. Nichols, *Socrates and the Political Community: An Ancient Debate* (Albany: State University of New York Press, 1987), see especially pp. 133-80.

The *Politics* begins with a discussion that aims to establish the meaning of the commonly used term *polis*, which is, for Aristotle, *the* perfect form of association, by way of differentiating it from other associations such as the village and the household. Such a differentiation is necessary because by the virtue of the fact that they are associations, household, village and *polis* share a number of characteristics.

Aristotle uses the word *koinonia*, which depending on the translator's choice can be rendered into English either as "association" or as "community," to refer to all kinds of social groups. To put it in Bernard Yack's words, "whenever individuals hold something in common (*koinon*), be it a household, a contract, a destination, or a political regime, they participated in a *koinonia* according to Aristotle."³⁵⁰ Participation in any *koinonia* requires the individuals to "share something, [such as] some good, activity" and engage with one another "in some interaction related to what they share."³⁵¹ And in every *koinonia*, as Aristotle puts in *Nicomachean Ethics*, there is "some form of justice and friendship (*philia*)" (NE 1159b27).

When the term association (*koinonia*) is understood in these terms, it becomes clear that there are significant similarities among social groups denoted by the terms household, village and polis. And yet, Aristotle argues that although intimately related to the village and the household (from which it grows), the *polis* is *qualitatively* different from these two forms of associations. Unlike the village and the household, the *polis* is a self-sufficient unity whose self-sufficiency is possible only through the diverse

³⁵⁰ Bernard Yack, "Community: An Aristotelian Social Theory," in *Aristotle and Modern Politics: The Persistence of Political Philosophy*, edited by Aristide Tessitore (Notre Dame, Indiana: University of Notre-Dame Press, 2002), p. 20.

³⁵¹ *Ibid.*, pp.21-2.

contributions of its differentiated parts (*P*, 1252b27-8).³⁵² The *polis*, Aristotle writes, is “some sort of a plurality” (*P*, 1261a22). And this feature of the *polis* is of crucial importance because it plays an essential role in ensuring that even though the *polis* “comes into existence for the sake of mere life, it exists for the sake of a good life” (*P*, 1252b30-1).

In Book II, to underline the distinctiveness of the *polis* as a form of human association, Aristotle further develops his notion of plurality and defines it as the specific aspect of *polis*, which differentiates it from other forms of associations such as military alliances. Among the members of a military alliance, Aristotle suggests, there is “no difference of kind,” and as such a military alliance is formed *and* sustained only “for the sake of the mutual help which its members can render to one another” (*P*, 1261a26-27). Unlike *polis*, then, a military alliance’s sole purpose is “utility” and it possesses that quality “purely in the virtue of its quantity” (*P*, 1261a28). And yet, to use Ernst Barker’s translation, a “real unity,” for Aristotle, can only be made up of “elements which differ in kind” (*P*, 1261a30). Among human associations only *polis* fulfills this requirement. To elaborate this point, which constitutes one of the building blocks of his understanding of politics, Aristotle turns to the *Republic* and introduces his criticism of Plato.³⁵³

³⁵² In the *Nicomachean Ethics* Aristotle defines “self-sufficient” as that which “when isolated makes life desirable and lacking in nothing” (*NE*, 1097b8-10).

³⁵³ As R. F. Stalley argues, in Book II Aristotle seems far more interested in exploring the nature of political community than presenting a careful analysis of Plato’s arguments. See R. F. Stalley, “Aristotle’s Critique of Plato’s *Republic*,” in *A Companion to Aristotle’s Politics*, edited by David Keyt and Fred D. Miller (Blackwell Publications, 1991), pp. 182-99. Still, as we will see, Aristotle’s criticism of Plato plays a crucial role in shaping his account of what constitutes a political community.

Aristotle's criticism of Plato's *kallipolis* unfolds in three closely related steps. First, Aristotle argues that while instituting unity is an important concern in every *polis*, there is a point, where, due to the increasing degree of unity, a *polis* loses its plurality and becomes "more and more of a unit" (*P*, 1261a15). Yet, once this point is reached, the association in question ceases to be a *polis* at all and turns into first "a household instead of a city and then an individual instead of a household" (*P*, 1261a15-6). After stating his point in this manner, Aristotle proceeds to substantiate this claim by way of giving an example that illustrates how the shift from a *polis* to a household and ultimately to an individual might take place. To do so, he provides an analysis of the several institutional arrangements that Plato introduces into his account of *kallipolis*. Focusing on the community of women and children and common ownership of property, Aristotle argues that the implementation of such arrangements leads Plato's ideal city to form a certain type of unity that resembles a household more than a *polis*. Finally, Aristotle opposes Plato's recourse to the friendship among brothers and argues that although it is true that *philia* holds cities together, the conception of *philia* that Plato utilizes to sustain *kallipolis*' unity is hardly suitable for, and compatible with, political communities. Moreover, Aristotle observes, where everyone in a *polis* is considered a family member what you end up with is at best "a watery sort of friendship," which is a "tasteless mixture" of "diluted" family feeling (*P*, 1262b15-20).

Most commentators, who analyze Aristotle's critique of Plato in Book II of the *Politics*, focus on his criticism of *kallipolis*' institutional arrangements and say little about his negative assessment of Plato's recourse to familial *philia*. Thus, for instance, according to Saxonhouse, Aristotle sees the major problem in Plato's account of

kallipolis in “Socrates” suggestion that “sharing wives, children, and property” is necessary “to reduce potential for conflict” in a city.³⁵⁴ The problem here is not that Plato requires members of *kallipolis* to share things. As we have seen, Aristotle agrees that like every association *polis* entails sharing. The contentious question is, as Saxonhouse rightly points out, what is to be shared and how much? In Saxonhouse’s reading, Aristotle argues that by demanding the citizens of *kallipolis* to share everything with everyone, and “by diffusing ownership or destroying the ‘mine,’”³⁵⁵ Plato erases the diversity within the city and turns it into one big individual. In doing so, however, he also eradicates “the individuals’ concern for other individuals” since, to use Saxonhouse’s words one final time, according to Aristotle, “one is concerned with the common only to the extent it links up with one’s own welfare.”³⁵⁶

Yack takes Saxonhouse’s reading of Aristotle’s criticism of Plato one step further when he argues that Plato’s resolve to get rid of “social tensions created by heterogeneity” points to a difference between Aristotle’s and Plato’s understandings of the notion of community (*koinonia*). Aristotle is critical of Plato because, Yack argues, according to Aristotle if we adopt Plato’s institutional arrangements, which predetermine and fix the thing that is hold in common (*koinon*) in the community, we would no longer be able to conceive of community in terms of things and activities that different individuals choose to share. Instead, we would have to think of community only “in terms of collective identities.”³⁵⁷ Thus, according to Yack, Aristotle suggests

³⁵⁴ Saxonhouse, *Athenian Democracy*, p. 120.

³⁵⁵ Saxonhouse, “Family, Polity and Unity,” p. 214

³⁵⁶ Ibid.

³⁵⁷ Yack, “Community: An Aristotelian Social Theory,” p. 22.

that by eliminating differences in the name of easing the tension that emerges from “combinations of sharing and difference,” Plato does indeed create a unity within *kallipolis* but, Aristotle continues, he does so only by transforming the political community into an entity akin to “a single individual.”³⁵⁸

What is missing from these incisive readings of Aristotle’s critique of Plato is an account of Aristotle’s criticism of *kallipolis*’ reliance on familial, more specifically brotherly, *philia*. To a certain extent, it is possible to suggest that both Yack and Saxonhouse fail to appreciate the significance of what Aristotle astutely observes, namely the fact that far from being a mere flight of fancy or an ad-hoc addition to his theory, familial *philia* plays a central role in Plato’s theorization of his ideal political community. For according to Plato although institutional arrangements are necessary, by and of themselves, they cannot bring into being the degree and kind of unity that characterizes *kallipolis*. Plato’s account leaves no doubt that for him, to put it in Yack’s words, the “collective identity,” which is necessary to constitute and sustain *kallipolis*, can only be the effect of an emotional bond, a strong sense of attachment, similar to the kind of *philia* that binds together the members of a family.

Thus, as we have seen earlier, just like the orators of his time, who had frequent recourse to *philia* among family members as a measure against civil strife, in the *Republic*, Plato highlights the need to generate a form of brotherly love (*philia*) among the citizens of his ideal city. This kind of *philia* plays an essential role, Plato suggests, in transforming *kallipolis* into a unitary whole modeled on a notion of extended

³⁵⁸ Ibid.

household where no one is an “outsider (*allatrios*)” (*R*, 463c).³⁵⁹ Unlike the orators, however, Plato argues that in the absence of institutional arrangements, such as common ownership of property, it becomes impossible to generate an emotional bond strong enough to guarantee the perfect identification of the citizens with their *polis*.

I suggest that in Plato’s account, arrangements of this kind are introduced to help the creation of strong collective affective bonds by way of eliminating the existence of other potential objects of love which may serve as distractions that can undermine a citizen’s attachment to his city. Put differently, to use Vlastos’ words, with his keen insight into “how intense and passionate may be our attachment to objects as abstract as social reform, poetry, art, the sciences, and philosophy,”³⁶⁰ Plato seeks different and effective means to bring into being a strong emotional bond and a powerful sense of attachment that can unify the functionally differentiated parts of his political community. Just like the myth of autochthony and the myth of the metals, the community of women and children, and common ownership of property are means that serve this goal. It is only through the mediatory work of such institutional arrangements that the kind of *philia*, which is necessary to create and retain the unity of *kallipolis*, can be nurtured.³⁶¹ In this respect too, Rousseau’s account of shares a lot with that of Plato. For, as we have seen, in both instances, the “immediate” unity of the ideal political community is created through a lengthy, but covert, process of mediation.

³⁵⁹ The word that Plato uses here is telling: *Allatrios* is the antonym of *oikeios*, which means member of a household. For an extended discussion on this point see Vlastos, “The Individual as an Object of Love in Plato,” p. 116.

³⁶⁰ Vlastos, “The Individual as an Object of Love in Plato,” p.108.

³⁶¹ Urbinati makes a similar point when she suggests that Rousseau’s model for politics is “Plato’s guardianship”; in both Plato’s and Rousseau’s accounts “[t]he elite strengthen their unity through speech and reflection... while the citizens strengthen it through patriotic emotions.” See Urbinati, *Representative Democracy*, p.112.

To sum up, drawing on orators' frequent political use of the *philia* among family members, Plato turns this powerful notion of *philia* into an integral part of his ideal political community. Given *philia*'s central role in *kallipolis*, I argue that rather than being a minor point of disagreement among many others, Aristotle's criticism of Plato's utilization of *philia* is crucial as it goes to the heart of Plato's understanding of politics itself. Moreover, since, as we have seen, the conception of *philia* that Plato utilizes was a popular item in the political vocabulary of his time, Aristotle's argument against Plato's recourse to *philia* among brothers also implies a criticism of the Athenian political discourse and the form of politics that it advances.

This is not to suggest that Aristotle denies the significance of the role that *philia* plays in Athenian politics in general, and in Plato's account of his ideal city, in particular. In fact, nowhere in the *Politics* does Aristotle suggest that Plato's conception of *philia*, understood as brotherly love, would fail to hold the members of a community together. Despite their conflicting political ideals, the immediate goal of both the orators' and Plato's turn to this particular notion of familial *philia* is the same: to guarantee the unity of the city. Aristotle agrees that the form of *philia* that is put into use in both cases can indeed achieve this goal. And yet, he argues the success of brotherly love comes at a twofold cost.

First, Aristotle's critical analysis of *kallipolis* aims to demonstrate that a conception of *philia*, which transforms the political community into an extended household, problematically limits the purpose of politics to generating some sort of comfort and security for those who are considered to be the members of that community. Once politics is reduced to household management (*oikonomias*) in this

manner and the members of the community are asked to fulfill specific functions in this organic unity, Aristotle continues, it becomes “necessary for [“Socrates”] to make the same people rulers all the time” (*P*, 1264b9-10). With this move the parallel between *kallipolis*’ hierarchical organization and that of the household, where there can be no ruler other than the master (*despotēs*), is carried to its logical extreme. According to Aristotle taking the parallel between the *polis* and the household this far is troubling even within the bounds of Plato’s own argument. By collapsing these two forms of associations into one, Plato ends up running the risk of undermining his own goal to safeguard *kallipolis* from the dangers of civil strife.

Aristotle argues that even though having recourse to *philia* among brothers may reduce the socio-political tensions in a social group, having the same people as rulers all the time would undermine the claim to equality embedded in the notion of brotherly love (*philia*) and eventually “cause factional conflict” (*P*, 1264b10-11). “If the constitution is to survive,” Aristotle suggests, “every part of the city must have a common desire for its existence” (*P*, 1270b21-23). And yet, in a city like *kallipolis* where there is a large body of disenfranchised citizens, it would be naïve to expect that “those who do not share in the constitution be disposed in a friendly way towards the constitution” (*P*, 1268a23-5).

In Aristotle’s account, the fact that in Plato’s ideal city only one set of people can become rulers also means that “the mass of the common people,” who are excluded from participating in ruling, are deprived of happiness (*eudaimonia*) (*P*, 1264b23-25). Only the guardians can be happy in *kallipolis*, Aristotle writes, and even they, as “Socrates” accepts, are not necessarily happy. In Aristotle’s reading this undermines

Plato's claim that in a good city "the object of the legislator" is to make it possible for the "whole city to be happy." The claim that *kallipolis* can become a happy city as a whole, while most, if not all, of its members are not, can be valid only if the city is taken to be a whole that can obtain a quality that does not exist in its constituting parts. And although Aristotle considers the *polis* a compound that is qualitatively different from the sum of its parts (*P*, 1274b39-40), he strongly disagrees with Plato's account of *kallipolis* as a unitary whole, which is abstracted from its constitutive elements, i.e. from its citizens, to such a degree that it can possess qualities that are utterly distinct from the ones that are shared by its parts.

Thus, to the extent that Plato's recourse to brotherly love (*philia*) succeeds in transforming the political community into an extended household, it gives rise to a series of organizational requirements which, in the long run, undermine Plato's own goals. Once the organization of the city begins to mimic that of a household, and accordingly, the activity of ruling is limited to only one set of people, it becomes impossible to ensure the happiness of the members of the *polis*. It is this feature of *kallipolis* which eventually opens the door to factional dispute. But the problems that emerge from an attempt to use of the unifying power of brotherly love in politics are not limited to this. Being totally aware of the fact that *kallipolis* is an ideal construct that may never be fully realized, Aristotle makes clear that the recourse to familial *philia* is costly even when it fails to succeed in entirely transforming the organizational structure of the *polis* into that of a household.

This is because, according to Aristotle, by trying to extend familial love (*philia*) to the *polis*, Plato, just like the orators of his time, not only dilutes familial love but also

fails to come to terms with the true nature of friendship that is pertinent to political life. For Aristotle, *philia* among brothers is an intense, intimate, emotional experience that can be shared only by a limited number of people who are linked to one another by the virtue of the fact that they are born to the same parent(s). Although it takes many different forms “friendship among relatives” depends in every case on parental friendship; “for parents love (*philousin*) their children as being a part of themselves, and children as having themselves originated from them” (*NE*, 1161b17-20). By the same token, Aristotle writes, “brothers love each other as being born of the same parents; for their identity with them makes them identical with each other” (*NE*, 1161b30-31). Understood as such, familial *philia* is a sense of shared identity, a form of affect, among individuals who are attached to one another in a direct way qua family members; it is *not* a form of relationship that is established in a period of time through the activities of distinct and differentiated individuals.

In light of this, Aristotle argues that the attempt to introduce familial *philia* to politics not only undermines the immediacy and intensity of *philia* among family members by trying to extend it to others (*allatrios*) but also fails to take into account the distinctive quality of the relationship among citizens in a *polis*. In political associations, unlike the case in a household or in a village, individuals relate to one another not on the basis of a pre-established commonality or a shared identity but rather through their collective activity to come to an agreement on what they hold in common, i.e. their constitution. Ignoring that citizens in a *polis* share in a constitution that they create, and seeking to generate the desired political unity by redirecting individuals’ attachments from their families to an image of a *polis*, which is abstracted from the activities of its

citizens, betrays an understanding of politics that is hostile to plurality –an understanding of politics that, due to their recourse to love-related concepts, both Rousseau and Negri, and to a certain extent, Habermas, risk succumbing to. For, a conception of *philia* that calls for individuals to identify with their object of love can keep a political community together only by making its members “identical with each other,” and thus, by undermining the *polis*’ plurality, “as if you to turn harmony into mere unison, or to reduce a theme to a single beat” (*P*, 1263b35).

As Jill Frank highlights, Aristotle’s recourse to musical harmony (*harmonia*) to describe his own conception of political unity is important in fully understanding what is at stake in Aristotle’s criticism of Plato. To put it in Frank’s words, in music, at least during this historical period, harmony refers to “a characteristic of notes in a melody, sounded one after the other and organized by a shared ‘mode.’ The shared mode...supplies a commonality that itself depends on separate and distinct notes.”³⁶² That Aristotle refers to this musical term while discussing the meaning of unity in politics suggests that, for Aristotle, political unity too depends on the constitution of a common mode of inter-acting that can bring together different and distinct elements in a meaningful, that is to say, not a cacophonous or dissonant, way.³⁶³ The point here is not *only* that political unity involves plurality. Aristotle’s reference to musical harmony also suggests that differences in question can be retained only through the introduction of a dimension of temporality into politics. This crucial point needs further clarification

³⁶² Jill Frank, *Democracy of Distinction*, pp. 144-5.

³⁶³ Or, as Frank aptly puts it, just like in musical harmony, “[i]n politics different individuals organize into a harmony based on a commonality, which is less a common belief or a common plot of land than, as in music, a shared practice or a common mode of interaction, itself dependent on differentiated and distinct activities” (*ibid.*, p. 145).

since, as this brief discussion of harmony hints at, Aristotle's critique of Plato already points towards an understanding of political friendship that is quite distinct from the love-related concepts introduced by Rousseau, Negri, and Habermas, which all indicate some kind of immediacy.

Unlike the immediacy of a single beat, which depends on the unity of time, space, and object, harmony, as we have seen, requires different notes to be sounded "one after the other," not accidentally, but in an organized manner and through a shared mode. Understood in these terms, politics refers to, what Frank calls, a set of "differentiated and distinct activities"³⁶⁴ that individuals engage in as they interact with one another, not directly, but through the constitution which they create and hold in common. A citizen, Aristotle states, is one who participates in ruling and judging (*P*, 1275a22-3). And yet, citizens in a polis "cannot all rule simultaneously" (*P*, 1261a35-7); they must rule one after the other, that is, "rule and be ruled in turn" (*P*, 1277b13-16).

Insofar as Plato utilizes familial *philia*, and accordingly, theorizes political unity in terms of citizens' identification with their *polis*, which citizens, due to their love, come to see as the source of their being, he does two things. First, he erases the mediated quality of politics which Aristotle emphasizes when he highlights that in political communities individuals relate to one another, not directly, as in the case of families, but through the mediation of that which they constitute and hold in common. Second, Plato's attempt to model political rule on the rule of the master in a household leads him to expunge the temporal dimension of politics from his account. The

³⁶⁴ Ibid.

collective and ongoing activity of ruling and being ruled in turn that Aristotle refers to in his account of citizenship opens up a space for arduous practices of deliberation and judging. Theorizing politics *only* in terms of the act of ruling, Plato closes that space. Once the mediated and temporal quality of politics is eradicated in this manner, the differences among the members of the political community can no longer be articulated. As a result, in Plato's account political community turns into a single individual (*P*, 1161a22), or, as Yack argues, into a collective identity, that is, "to the association of one's own identity with a collective will or actor,"³⁶⁵ who acts as one on behalf of all.

Analyzed from this perspective, for Aristotle, the form of political rule in *kallipolis* proves to be not so different from the form of rule in a democracy where the multitude rules by decrees (*psephisma*) instead of laws (*nomoi*) and demagogues gain power (*P*, 1192a7). For in such cities too the demagogues' call for unity turns the polis into a collective actor. In a democracy of this sort, Aristotle writes "the common people become a single composite monarch (*monarchos gar ho demos ginetai*), since the many are sovereign not as individuals, but all together" (*P*, 1292a11-13). As a result, as Saxonhouse also points out, "the people lose their individuality," the political rule "grows despotic (*ginetai despotikos*)" (*P*, 1192a17) and politics is reduced to "communal decision-making," which is "of the moment."³⁶⁶ Thus, not unlike what happens in *kallipolis*, the mediated and temporal dimension of politics is erased and along with it the plurality of the *polis* is eradicated.

³⁶⁵ Yack, "Community," p. 23.

³⁶⁶ Saxonhouse, *Athenian Democracy*, p. 132.

It is in this sense that I suggest that Aristotle's argument against Plato's recourse to *philia* among brothers also implies a criticism of the Athenian political discourse and the form of politics that it advances. For insofar as orators turn to familial *philia* to generate a shared sense of identity and to motivate the citizens to act as a unity, they, just like Plato, run the risk of undermining the plurality of the *polis* by reducing politics to the acts of a collective actor. Thus, while agreeing that *philia* holds cities together, Aristotle suggests that the conception of *philia*, which Plato appropriates from the political vocabulary of the orators of his time and utilizes in the *Republic* to sustain *kallipolis*' unity, is incompatible with the life in political communities. According to Aristotle, if we want to save our political association from the "dangers of factional disputes" without turning it into something less than a *polis*, and to fully comprehend the significance and complexity of the activity of politics, what is needed is a different conception of *philia* –a conception which neither takes its model from the familial love nor reduces friendship into a collective emotional experience akin to that of a shared sense of belonging. And yet, in the *Politics*, Aristotle does not provide the reader with an account of this alternative conception of *philia*. To learn more about this particular conception and to uncover what is at stake politically, we need to focus on Aristotle's notion of political friendship (*politike philia*) in the *Nicomachean Ethics*.

III. A Distinctly Political Notion of *Philia*: Aristotle and *Politike Philia*

Given the central role that *philia* played in the social and political life of Ancient Greek society during this period,³⁶⁷ it is not difficult to see why, in the *Nicomachean Ethics*, Aristotle finds it necessary to devote two whole books to discuss this topic.³⁶⁸ In these books, even though Aristotle bases his argument upon what A. W. H. Adkins calls “ordinary Greek,”³⁶⁹ he does not simply record the common Greek understandings of the term *philia*. As Gerald Mara argues, Aristotle’s engagement with cultural valuations “is at least as critical as appropriative.”³⁷⁰ His investigations involve a “dialogic” process in which “a variety of conceptions are given voice and interrogated” and put into conversation with one another so as to reach a better understanding of the cultural phenomenon that is under scrutiny.³⁷¹ Put differently, Aristotle does not *merely* report the contemporary understandings of friendship; instead, he critically engages with them to formulate his own, and more precise, conception through several theoretical moves.

It is possible to see one of these moves in Aristotle’s attempt to distinguish different types or species of friendship that the term *philia* ordinarily refers to. As David Konstan argues Aristotle “sorts out several types of *philia* under different kinds or species (*eide*), which are clearly demarcated from each other.”³⁷² Hence, for instance, Aristotle refers to *hetairake philia* as the relationship specific to comrades, and *politike*

³⁶⁷ For a more detailed account which highlights the ways in which friendship “was firmly embedded in the broad social structure” of ancient Greek society see Schofield, “Political Friendship and the Ideology of Reciprocity,” p. 28.

³⁶⁸ This, of course, does not undermine the fact that Aristotle’s emphasis on *philia* is rather extraordinary. That Aristotle chooses to discuss another highly contentious concept, justice, within the bounds of a single book, while discussing the meaning of the term *philia* in two, points to the ethico-political significance of this concept for Aristotle.

³⁶⁹ A. W. H. Adkins, “‘Friendship’ and ‘Self-Sufficiency’ in Homer and Aristotle,” *The Classical Quarterly*, Vol. 13, No. 1 (1963), p. 40.

³⁷⁰ Gerald M. Mara, “Interrogating the Identities of Excellence: Liberal Education and Democratic Culture in Aristotle’s *Nicomachean Ethics*,” *Polity*, Vol. 31, No. 2 (Winter, 1998), p. 307.

³⁷¹ *Ibid.*

³⁷² David Konstan, “Reciprocity and Friendship,” p. 284.

philia as the relation characteristic of fellow citizens.³⁷³ By introducing these different species of *philia*, Aristotle not only differentiates his usage of the term from the way it was commonly used at his time, but also underlines the importance of the fact that people relate to each other in various distinct ways.

Thus, unlike Plato, who tries to carry the *philia* among family members into the realm of politics, Aristotle sets out to develop a distinctly political notion of friendship.³⁷⁴ To do so, he begins by arguing that *politike philia* is a species of friendship, which is radically different from “the friendship of kindred and that of comrades” since unlike them, and in resemblance to the friendship among fellow voyagers, it “rests on a sort of compact” (*NE*, 1261b13-16). Whereas “brothers and comrades hold everything in common,” fellow voyagers and fellow citizens share certain definite things, and it is only by coming to an agreement of what they hold in common that they become friends (*NE*, 1159b30-35). This suggests that Aristotle’s notion of political friendship, in direct contrast to Plato’s utilization of the term *philia* in his ideal political community, does not stand in for a feeling or a sense of shared belonging that the citizens can be inculcated with. Political friendship is not an emotional bond that keeps the citizens together. Nor is it a motivational force that

³⁷³ Ibid.

³⁷⁴ In this regard, I strongly disagree with Cooper’s view that for Aristotle “civic friendship is just an extension to a whole city of the kinds that tie together a family and make possible this immediate participation by each family member in the goods of the others. Civic friendship makes the citizens in some important respects like a large extended family,” see John M. Cooper, “Political Animals and Civic Friendship,” in *Friendship: A Philosophical Reader*, edited by Neera Kapur Badhwar (Ithaca: Cornell University Press, 1993), p. 329. Such an interpretation not only completely disregards Aristotle’s criticism of Plato but also, as Schofield rightly points out, turns political friendship into something “like a Stoicised version of Plato’s vision of the community of the guards in Book V of the *Republic* than anything Aristotle anywhere envisaged...” See Schofield, “Political Friendship and the Ideology of Reciprocity,” p. 42.

moves citizens to act in particular ways. Instead, it is an agreement that comes into being, and remains in existence, only insofar as those who are a part of this agreement continue to engage with one another.

These points set Aristotle's understanding of political friendship apart not only from Plato's appropriation of *philia* but also from the love-related concepts that are utilized by Rousseau, Negri and Habermas from the start. And yet, they do not tell us much about the specific characteristics of political friendship as a specific kind of human interaction. In fact, nowhere in *Nicomachean Ethics* does Aristotle provide a detailed account of what he means by this term. It is precisely for this reason that many scholars, such as Yack and Frank, who try to find out more about what political friendship entails, find it necessary to turn to "the differing modes of individual friendship to determine which, if any, might best model political friendship."³⁷⁵

Utility Friendship: The Best Model for Political Life?

Most contemporary commentators of Aristotle agree that among the three different forms, or modes, of personal *philia*, namely utility, pleasure and perfect friendship, only utility friendship, in which parties come together owing to the advantage that they receive from one another (*NE* 1156a11-13) is in congruence with Aristotle's understanding of politics.³⁷⁶ There are several reasons that support this choice. Perfect friendship, Aristotle argues, is an intense and intimate relationship that can hardly be experienced by more than two people (*NE*, 1166b33-35). A friendship of

³⁷⁵ Frank, *Democracy of Distinction*, p.105.

³⁷⁶ For a list of those who share this view see footnote 7 above. Among these scholars Frank has a special place. Challenging earlier interpretations, Frank argues that political friendship is both a utility and virtue (perfect) type of friendship. Although I think this is a crucial point, which is supported by a powerful discussion of Aristotle's account of "the city of prayers," I still find it misleading for the reason that I hope to elaborate later on in this chapter.

this kind, then, can hardly be extended to the entirety of the polis. In fact, as these commentators rightly point out, such a goal is not only highly unrealistic but also rather undesirable, as it demands a unity that would undermine the plurality of political communities.

In contrast to perfect friendship, utility friendship can take place among a great number of people who are related to each other only by virtue of their mutual benefit.³⁷⁷ Aristotle himself seems to highlight this point when he, in a number of places, states that political community seems to come into existence and endures “for the sake of advantage” (*NE* 1160a11-14, 1160a21-23). Modeling political friendship on utility friendship enables Aristotle’s readers to highlight that for Aristotle what keeps political communities together is not a selfless attachment to the good of the political community but rather a “lukewarm”³⁷⁸ sense of mutual concern that results from people’s recognition of the fact that their self-interest is tied to the interests of all the other citizens. Since, according to this interpretation, political friendship is so deeply grounded on self-interest, it is no longer possible to argue that Aristotle introduces political friendship to eradicate the conflicts that exist in a polis by way of generating a moral unity among its citizens. To underscore this point, Yack insists that political

³⁷⁷ This statement needs to be qualified however. For although Aristotle suggests that “with a view to utility or pleasure it is possible that many people should please one” (*NE*, 1158a17-19), a more nuanced reading of Aristotle’s account of utility friendship implies that this number cannot be too large. This is the case because Aristotle suggests that to be friends with someone else on the basis of utility, one “must return as much as he has received, or even more” (*NE*, 1163a1-4) and “it is troublesome to repay the services of a large number of people, and life is not long enough to do it” (*NE*, 1170b24-26). In other words, even though it might be possible to like a great number of persons for their utility, to be friends with those people one must return the services that he has received from them. It is this emphasis on reciprocity which makes it difficult to agree with the view that one can have a large number of utility friends. I will highlight the importance of the role that reciprocity plays in Aristotle’s conception of friendship in the rest of the chapter.

³⁷⁸ Yack, *Problems of a Political Animal*, p. 127.

friendship, for Aristotle, is “a source of conflict as well as a means for promoting greater cooperation.”³⁷⁹

These important points demonstrate that for Aristotle too conflict is an undeniable fact of the life in a *polis*, which is, by its very nature, a plurality composed of individuals with different, and sometimes irreconcilable, view points, concerns and interests. And yet, after reading these powerful accounts one cannot help but wonder: if political friendship is nothing other than citizens’ efforts to ensure their mutual advantage by finding ways to cooperate in the face of conflict, what is it that makes a *polis* different from a business arrangement? In other words, in such an account, what happens to the “good life” for the sake of which Aristotle argues that a *polis* exists

Many commentators, who “choose” utility friendship as the “model” for political friendship, fail to give convincing answers to these questions.³⁸⁰ I argue that this is the case because their analyses rest on a misleading understanding of Aristotle’s broader account of *philia*, which leads to a problematic reading of utility friendship that casts it as a purely instrumental relationship. In order to complicate this understanding of utility friendship, and accordingly, to reach a better understanding of political friendship, which can help us account for Aristotle’s intriguing claim that while *polis*

³⁷⁹ Ibid., p. 110.

³⁸⁰ Among those who define political friendship as utility form of friendship, Bickford and D. Allen do not even address these questions. Yack, on the other hand, dismisses the question by suggesting that “[w]hen Aristotle insists that the political community exists for the sake of good life as well as mere life, that does not imply, as it is so often taken to imply, that sharing political community amounts to sharing in the good life. It merely implies that the political community is a necessary means to the end of good living or human flourishing.” See Yack, *Problems of a Political Animal*, p. 112. Just like Frank, who also takes the questions that are mentioned above seriously, I think that such a claim is misleading as it fails to recognize the fact that, for Aristotle “human flourishing” is not a goal or an outcome that one can reach by employing several means. As I hope to show below, Aristotle understanding of *teleios* is more complicated than this account seems to suggest.

“comes into existence for the sake of mere life, it exists for the sake of a good life” (*P*, 1252b30-1), I suggest that it is necessary to engage with Aristotle’s conceptualization of *philia* in greater detail.

Thinking *Philia* anew: Aristotle’s Conceptualization of *Philia* as a Specific Kind of Human Interaction

Aristotle begins Book VIII of *Nicomachean Ethics* by providing the reader with the contours of his conception of *philia*. After acknowledging the fact that “not a few things about friendship are matters of debate” (*NE*, 1155a32), Aristotle makes it clear that he uses the word *philia* in a very specific way. From this point onwards (starting with 1155a6), to put it in Adkins’ words, Aristotle begins to discuss “*philia* in his own philosophical terminology, and the language immediately becomes more precise.”³⁸¹ Thus, in Aristotle’s conceptualization of the term, *philia* denotes *only* a particular form of relationship which is characterized by three defining features: the existence of “wishing well (*eunoia*) for each other,” mutual love/affection (*antiphilēsis*), and finally, awareness of reciprocation (*NE*, 1156a1-5).

In many respects, well-wishing, or goodwill (*eunoia*), constitutes the core meaning of *philia*. For Aristotle suggests that one cannot become a friend of someone without having some concern for the well being of that person. Thus, unless one wishes well for another person, the relation between the two individuals cannot be considered friendship. Yet, Aristotle highlights, even the feeling of goodwill for someone is not enough; goodwill becomes a crucial component of friendship only when it is accompanied by reciprocated affection (*antiphilēsis*). Thus, Aristotle writes, “only when

³⁸¹ Adkins, “‘Friendship’ and ‘Self-Sufficiency,’” p. 40.
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mutual is such goodwill termed friendship” (*NE*, 1155b33-34). People, however, can have mutual affection for one another and still not be friends. Thus, Aristotle further qualifies his definition of *philia*, and writes that to talk about a relationship in terms of friendship, goodwill and affection must not only be reciprocated but also “be known to its object” (*NE*, 1155b34-35). Without this awareness, goodwill and affection, even when they are mutual, remain at the level of shared feeling, whereas friendship is a relationship that involves actions as well as emotions. As Elena Irrera rightly suggests, by making this point Aristotle underlines that the awareness of mutual love/affection on the reciprocating parties’ side is crucial because, in its absence, people cannot “realize a life in common or even do anything together.”³⁸²

By providing this list of the essential features of *philia*, Aristotle underscores two crucial points. First, he makes clear that friendship is not a shared feeling but a relationship that needs to be actively and consciously constituted among individuals. Second, he highlights that insofar as it is defined in these terms, *philia* in *Nicomachean Ethics* does *not* refer to certain forms of relations that the Greeks of this period would denote by the same term. These include the relation between a mother and her infant child, as well as the relation between a person and an inanimate object.³⁸³ Aristotle tries to point out the absurdity of using the term *philia* in the case of inanimate objects by giving a familiar example; he writes, “it would surely be ridiculous to wish wine well” (*NE*, 1155b27-29). The relation between a mother and infant child does not qualify as

³⁸² Errera, “Between Advantage and Virtue,” p. 577.

³⁸³ Without a doubt, Aristotle does discuss the relationship between the mother and her child in the *Nicomachean Ethics*, and yet, as Konstan rightly argues, because in Aristotle’s conception mutuality is central to friendship “friendship in this restricted sense is the subject of the *Nicomachean Ethics* 8.3-8 and not, as commonly supposed, the whole Books 8-9, which are in large part devoted to other forms of *philia*,” see Konstan, “Reciprocity and Friendship,” pp. 285-6.

philia either. This is true even when there is a powerful emotional bond that attaches the mother to her offspring because, Aristotle argues, mothers “love their children even if these owing to their ignorance give them nothing of a mother’s due” (*NE*, 1159a31-33). Accordingly, though for different reasons (people lack goodwill for inanimate objects, while mothers love even when their love is not reciprocated), neither of these relations can be called *philia* in Aristotle’s sense of the term.

Aristotle’s definition does not aim to encompass all uses of *philia*; instead it aims to reach a focal meaning that captures the kind of relationship that only certain individuals can have with *each other* and could not possibly have with other *things*. It is for this reason that I argue that Aristotle puts special emphasis on differentiating his own understanding of *philia* from that of his contemporaries, especially from that of Plato. As we have already seen, Plato considers it a mistake to include mutuality or awareness of reciprocity as defining features of *philia* since, he argues, we can certainly have *philein* for inanimate things such as wine –an example that is used by both thinkers- or wisdom (*L*, 212 d-e). For Plato, then, the use of the word *philia* cannot be limited to only those occasions where there is mutual goodwill and an awareness of the reciprocal aspect of this well-wishing. In this sense, by singling out “wishing well for each other,” mutual love (*antiphilēsis*), and awareness of reciprocation as the defining features of *philia*, Aristotle underscores that he strongly disagrees with Plato’s conceptualization of *philia* as a deeply personal, unidirectional, emotional experience.

Only after *philia* is defined in these precise, yet broad terms, which considerably limit the scope of personal relations that can be denoted by the notion of friendship, does the discussion in *Nicomachean Ethics* turn to the three “grounds” upon which a

relationship of *philia* can be formed; namely, utility, pleasure and character. Since these grounds differ from each other, they also correspond to different “forms of love and friendship” (*NE*, 1156a6-9). Taking this as his starting point, Aristotle suggests that we can talk about utility-friendship when a person loves another “in the virtue of some good” which he receives from him (*NE*, 1156a11-13). Similarly, in pleasure-friendship people love each other because they take delight in each other’s company (*NE*, 1156a13-15). It is only in “perfect (*teleia*) friendship,” that a person loves the other because he likes the other person’s character, that is, has affection for the other person “for being what he is” (*NE*, 1156a18). Thus, unlike utility and pleasure friendships where one becomes friends with someone for some accidental character, useful or pleasant, that the other person possesses, in perfect friendship, friends “wish the good of their friends for their friend’s sake” (*NE*, 1156b10-12).

In saying this, unlike what is usually surmised by theorists who choose a particular form of friendship as the model for political friendship, Aristotle does *not* suggest that perfect friendship is a pure category that is completely unrelated to utility and pleasure friendships. There are two reasons for this. First, as Adkins powerfully argues, although Aristotle’s statement that only a perfect friend “treats the other in a friendly manner, because the other man is what he is” points to a crucial difference, which sets perfect friendship apart from utility and pleasure friendships, “it does not prove that the *pattern* of *philia* is not the same [in perfect friendship] as in the other cases.”³⁸⁴ After all, as Adkins suggests, “‘*philein* on account of the *chresimon* [utility]’ does not mean ‘to like a man because he is useful’ but ‘to do useful services for a man

³⁸⁴ Adkins, “‘Friendship’ and ‘Self-Sufficiency,’” p. 42 (italics in the original).

because he is (or has been, or will be, or is under the contract to be) useful to you’.”³⁸⁵ Understood in these terms, neither *philia* on the account of utility nor *philia* on the account of pleasure is a merely “self-centered,” or a simply instrumental relation, where the object of affection is a good that is provided by the other person. For Aristotle, utility, pleasure and perfect friendships are all considered to be friendships because in all these cases “it is the other man who is the object”³⁸⁶ of the activity of *philein* and friendship is experienced through the medium of that which friends have in common.

Friendship on account of character is related to utility and pleasure friendships also because of its “perfect (*teleia*)” nature. In Aristotle’s account, perfect friendship is the best (*malista*) form of friendship *not* because it goes beyond the concerns for pleasure and utility.³⁸⁷ As John Cooper argues, perfect friendship is called perfect because “it exhibits fully and perfectly all the characteristics that one would reasonably expect a friendship to have.”³⁸⁸ Moreover, being the “complete” form (*teleios*), perfect friendship includes both pleasure and utility since those who love each other in this way, are at the same time “pleasant” and “useful to each other” (*NE*, 1157a1-3). For Aristotle, something is *teleios*, i.e. complete, final and perfect, if it is an end in itself, and hence, it is not sought for some other good (*NE*, 1097a31-35). Thus, for instance, when Aristotle points to the *polis* as the “final and perfect form of association” (*P*,

³⁸⁵ Ibid.

³⁸⁶ Ibid., p. 40.

³⁸⁷ Aristotle uses a number of different phrases to refer to this form of friendship, such as “perfect” *teleia* (which comes from the word *teleios*), “best” *malista*, “good” *agathon*, “truest” *alēthōs*, as well as “friendship on the account of virtue” *philia kat’ aretēn*. Among these the phrase “*teleia philia*” is most frequently used; see *NE*, 1156b7, 1156b34, 1158a11. For a detailed account of where Aristotle uses which word to denote “perfect friendship” see Gregory Vlastos “The Individual as an Object of Love in Plato,” p. 113, n. 8.

³⁸⁸ John M. Cooper, “Aristotle on the Forms of Friendship,” *Review of Metaphysics*, Vol. 30 (1977), p. 625

1252b28-30), he suggests that although the household and the village are inseparable components of the *polis*, they are lesser forms of associations as they exist for the sake of the *polis* whereas the *polis* does not exist for the sake of any other form of association.

In a similar way, utility and pleasure friendships are necessary components of perfect friendship, even though they are lesser forms which come into being for the sake of some other good, i.e. for utility and pleasure respectively. Additionally, for Aristotle, people who are related to each other on the grounds of utility and pleasure can be called friends if and only if their relationship “bears resemblance” to “perfect friendship,” which is their completed form (*NE*, 1157a1-3). It is due to their similarity to “friendship based on virtue,” Aristotle writes, that we consider utility and pleasure friendships to be friendships “for the one contains pleasure and the other utility, and these are attributes of that form of friendship too” (*NE*, 1158b7-9).³⁸⁹

Recognizing this close connection between different forms of friendships can help us to develop more nuanced accounts of friendship, including utility friendship. That we can call a relationship a utility friendship only insofar as it bears resemblance to perfect friendship highlights that Aristotle does not consider everyone who exchanges services, or engages in other forms of contractual relationships, friends. They

³⁸⁹ Some commentators, such as A. D. M. Walker, have argued that with this statement Aristotle “wishes to say...that the friendships of pleasure and of utility (unlike the friendship of goodness) are not primarily or properly friendships, because they meet the conditions of friendship only in a way, or only with certain qualifications,” see A. D. M. Walker, “Aristotle’s Account of Friendship in ‘Nicomachean Ethics’,” *Phronesis*, Vol. 24, No. 2 (1979), p. 188. Such an account, I believe, is misleading because it fails to take into account Aristotle’s teleological thinking. For another reading similar to the one that I have presented above see Derrida’s account of Aristotle’s *Eudemian Ethics* where Derrida underlines that insofar as the best form of friendship is denoted by the term *teleia*, it is closely related to utility and pleasure friendships; see Derrida, *Politics of Friendship*, pp. 198-200.

can, however, be called utility friends if they love (*philein*) one another for the sake of the benefits that they can provide each other. To put it differently, mutual usefulness, in and of itself, is not constitutive of friendship, even though, as Konstan puts it, it may be “a reason why *philia* comes into being: people come to like one another because they value the services actually and potentially provided.”³⁹⁰ Just like perfect friendship, utility friendship depends on the constitution of a relationship of reciprocity among the involved parties who come to care for one another on account of what they share in common, i.e. utility.

As this discussion demonstrates, although utility and pleasure can be the grounds for different forms of friendship with distinct characteristics, none of these forms are self-contained categories that are clearly and easily separable from one another. The lines between these different forms of friendship are not as rigidly defined as commentators, who seek to theorize political friendship in terms of either perfect or utility friendship, seem to suggest. This does not mean that such distinctions are unimportant for Aristotle; they certainly are. Aristotle’s conceptual distinctions between different forms of friendship play a crucial role in his attempt to develop a better, richer, and critical account of the cultural phenomenon called “friendship.” Yet, with his deep insight into the complexity of social and political phenomena, Aristotle refuses to turn such conceptual distinctions into set categories or pure models that can be used to classify socio-political occurrences. And exactly for this reason, I argue that those accounts, which draw on these different forms so as to pick and choose one of them as

³⁹⁰ Konstan, “Reciprocity and Friendship,” p. 286. It is important to note that all of these things that are mentioned here are equally true for “pleasure-friendship.”

the model for political friendship, fail to come to terms with the complex nature of the relationship that is designated by the term.

Thus, for instance, theorizing political friendship in terms of perfect friendship turns political friendship into a “disinterested pursuit of virtue”³⁹¹ as well as a powerful emotional bond, which seeks to establish a kind of moral unity among citizens that Aristotle, as his criticism of Plato demonstrates, deems neither possible nor desirable in a political community.³⁹² Theorists who suggest that only utility friendship is congruent with Aristotle’s understanding of politics successfully avoid this problem. And yet, as we have seen, the attempt to find a model for political life in the structure of utility friendship relies on an oversimplified account of utility friendship that turns it into some sort of an exchange relationship. To the extent that they fail to appreciate the significance of Cooper’s reminder that “civic friendship, like other forms of advantage friendship, is really a *friendship*,”³⁹³ these interpretive accounts end up with an impoverished conception of politics, which is reduced to a means for “sustaining cooperation in the face of conflict.”³⁹⁴

³⁹¹ Aristide Tessitore, *Reading Aristotle’s Ethics: Virtue, Rhetoric, and Political Philosophy* (Albany: State University of New York Press, 1996), p. 88.

³⁹² As Francis Vander Valk argues, this “longing for a political friendship that is grounded in and, directly cultivates, morality is shared by a number of other commentators,” including, but not limited to, Tessitore, MacIntyre, Price, and to a certain extent even Cooper, who argues that although it is a form of advantage friendship, civic friendship has a direct and indispensable role in cultivating and nurturing virtue in a political community. For a more detailed account, see Francis Vander Valk, “Political Friendship and the Second Self in Aristotle’s *Nicomachean Ethics*,” *Innovations: A Journal of Politics*, Vol. 5 (2005), pp. 54-5.

³⁹³ Cooper, “Political Animals and Civic Friendship,” p. 319 (italics in the original).

³⁹⁴ Frank, *Democracy of Distinction*, p. 152. Or to put it in Schofield’s words, “The alternative represented by political friendship is an exchange relationship which does not involve lending and borrowing at all. It is an association focused on immediate reciprocity- like buyers and sellers, says [Aristotle]. Does it simply *reduce* to a sequence of commercial transactions? The author says little to persuade us otherwise,” see Schofield, “Political Friendship and the Ideology of Reciprocity,” p. 51.

The shortcomings of both of these accounts point to the need to leave aside this shared problematic interpretative move which seeks to “model” politics on the structure of a relationship found in a particular *form* of personal friendship. I argue that to reach a better and more complex understanding of political friendship as a distinct *species* of friendship, it is necessary to focus on Aristotle’s account of the practices that create and sustain the activity of *philia* broadly conceived. By shifting the focus in this manner, I hope to move away from the fruitless question of what form of personal friendship “seems to fit best the experience of political communities from ancient Greece to twentieth century America,”³⁹⁵ and instead, propose to ask: What does Aristotle’s conceptualization of political friendship as a distinct species of friendship tell us about his understanding of politics?

A Move Away from the Search for Models: Political Friendship as Species of *Philia*

In order to develop an account of the practices that create and sustain the activity of friendship, then, we need to turn our attention away from different forms of personal friendship and, focus, once again, on the defining features of friendship, namely, “wishing well (*eunoia*) for each other,” mutual love/affection (*antiphilēsis*), and awareness of reciprocation. As we have already seen, for Aristotle, only when goodwill (*eunoia*) is accompanied by mutual and recognized love can a relation be considered friendship. What remains to be explored are the practices involved in the constitution of a relationship characterized by “mutual and recognized love/affection.”

For Aristotle, mutual love/affection (*antiphilēsis*) is a concept that is closely related to, but also distinct from, both goodwill (*eunoia*) and love/affection (*philēsis*).

³⁹⁵ Yack, *The Problems of a Political Animal*, p. 127.

Antiphilēsis is distinct from goodwill because insofar as it involves *philēsis*, it is accompanied by a degree of “intensity or desire” that cannot be found in goodwill. Goodwill, Aristotle writes, “may spring up all of a sudden” (*NE*, 1166b35-37). Accordingly, one may “have goodwill...towards people whom one does not know” (*NE*, 1166b31-32). In contrast, *philēsis* requires “acquaintance,” which can come into being only by doing things with others and by getting to know them over a period of time. Thus, though still a feeling, *philēsis*, is not a superficial emotion that may arise instantaneously. The immediacy of goodwill differentiates it from the feeling of affection that Aristotle denotes by the term *philēsis*. Yet, *antiphilēsis* is not reducible to *philēsis* either. For unlike *philēsis*, *mutual* love/affection is not a mere feeling; it is, rather, an activity. Aristotle makes clear that reciprocal love/affection is different from the feeling of affection because, unlike affection, it “involves deliberate choice (*prohairesis*)” on the part of those who are party to this relation (*NE*, 1157b31-32).

As Stephen Salkever argues, *prohairesis* is a notoriously difficult word to translate. Although it is frequently rendered as “choice,” *prohairesis* “differs from choice [*hairesis*] in that it is a choice *pro*, that is, choice made with full awareness of alternative possibilities, a decision that expresses prior deliberation.”³⁹⁶ For Aristotle, *prohairesis* is a distinctly human characteristic. Human beings “share in happiness,” only when, unlike animals and slaves, they act on the account of “thoughtful and deliberate choice,” (*kata prohairesin*) (*P*, 1280a31-34). In this sense, to use Frank’s words, “*prohairesis*, charts the course of human life. It is the act of choosing one action

³⁹⁶ Stephen G. Salkever, *Finding the Mean: Theory and Practice in Aristotelian Political Philosophy* (Princeton, New Jersey: Princeton University Press, 1990), p. 69.

instead of (or before, *pro*) another, namely, making a judgment about what to choose.”³⁹⁷

Thus, unlike a “decision,” which is an immediate act that can be undertaken at the spur of a moment, *prohairesis* requires the person, who acts on the account of deliberate choice, to engage in not only deliberation, but also judging and understanding. People deliberate about things that can be done by their own efforts or “brought about by the efforts of [their] friends” (*NE*, 1112b28). Thus, Aristotle writes, the person who deliberates “seems to inquire and analyze” (*NE*, 1112b20-21) the ways in which a certain thing can be done. Understood in these terms, deliberation involves judging (*krinein*), that is to say, making distinctions and evaluating possibilities, as well as understanding (*sunesis*), which, according to Aristotle, comes into being when we exercise “the faculty of opinion to judge what another person says” about matters that are within our power to bring about and/or change. What is more, all these related practices can be exercised collectively, that is, together with other people. In fact, at certain instances, joint exercise of these practices becomes necessary. Thus, Aristotle argues that “when the matter is important, we take others into our deliberations” and when we distrust our own ability to discern and judge rightly, we take the counsel of other people (*NE*, 1112b10-12).

That mutual love/affection depends on the *prohairesis* of all those who are involved in this relation points to the collective nature of friendship. For Aristotle, to establish a relationship of reciprocity, and consequently, to become friends, individuals

³⁹⁷ Jill Frank, “Citizens, Slaves, and Foreigners: Aristotle on Human Nature,” *American Political Science Review*, Vol. 98, No. 1 (February, 2004), p. 96.

need to jointly deliberate about, and choose, what to do and how to act. In other words, people can become friends only when they collectively use their understanding and make judgments about what they share so as to come to an agreement and on the account of that choice (*kata prohairesin*) “render the same benefit and wish the same good to each other” (*NE*, 1158b1-2).

Aristotle highlights the importance of this point, when he writes that friends live together, not as the cattle do, that is, by sharing the same pasture, but by “sharing in discussion and thought” (*NE*, 1170b12-14). Without the collective practices of joint deliberation, judging and understanding, the activity of *antiphilēsis* cannot be undertaken, making it impossible to constitute and/or sustain the kind of reciprocal relationship that Aristotle calls friendship. For, according to Aristotle, friendship is a disposition, or a state of character (*hexis*), which as “it is with all the other virtues (*arētōn*),” can be realized and maintained only in action (*energeian*) (*NE*, 1157b6-10).

Given this understanding of friendship, I believe that it becomes necessary to think political friendship anew. For, in light of the discussion above it becomes possible to suggest that one can talk about political action in terms of political friendship only to the extent that it involves the collective practices of deliberation, judging and understanding that precede the act of choosing, *prohairesis*, which constitutes, in Frank’s words, the “starting point or rule, *arche* of action,”³⁹⁸ that is, the activity of friendship. And, in fact, this is precisely what Aristotle writes. Concord (*homonía*), Aristotle argues, seems to be political friendship, not because it refers to an “identity of opinion (*homodoxia*)” among people (*NE*, 1167a22), for that can occur even among

³⁹⁸ Ibid.

strangers, but because it requires different people to arrive at the same choice about practical matters. Only when people come to an agreement “about what is to their interest and choose (*prohairontai*) the same actions, and do what they resolve in common” (*NE*, 1167a27-29), can they be called *political friends* for Aristotle.

Aristotle’s discussion of friendship as an ongoing activity, which involves the collective act of making choices, helps us to discern that political friendship is also built upon the practices of deliberation, judging and understanding. Those who act politically participate in discourse about the good and the bad, the harmful and the advantageous (*P*, 1253a15-16). In doing so, they give voice to and discuss their different, and at times, conflicting views while, at the same time, they bring together their different “qualities of character and intelligence” (*P*, 1281b5-8). Such a collective endeavor is necessary to judge and reach an understanding of what constitutes a shared advantage and a common concern (*koinon*) among a diverse set of people. It is on the basis of such joint judgments that political actors not only inquire into questions of how to act collectively under certain given circumstances but also address contentious questions about who is to be considered a citizen in this particular community (*koinonia*). Thus, political friendship involves making choices about what is shared in a community and who is a part of it. These choices are the starting points (*arche*) of the activity of political friendship. For political friendship is realized only when, on the account of such deliberate choices, people act together, and through their activity, constitute a common mode of inter-acting, i.e. a constitution, that can bring together different and distinct elements in a meaningful way. Political friendship, then, is the constitution of a

relationship of reciprocity, where those who take part in this activity rule and are ruled in turn.

Since political friendship refers to both the act of constituting and sharing in a constitution, it is also an activity which defines the boundaries of the political community that it brings into being. Accordingly, this interpretation of political friendship confirms Frank's view that, for Aristotle, politics is about "perpetual and on-going activities of boundary-setting and keeping."³⁹⁹ Insofar as political friendship is understood as an activity that requires different individuals to jointly deliberate about, and choose, what they hold in common and how they should act together, however, political friendship also points to the ever existing possibility of challenging and changing the existing boundaries. Put differently, in light of what Salkever refers to as our "uniquely human capacity for reshaping ourselves and our communities through articulate speech,"⁴⁰⁰ political friendship's reliance on discourse highlights that while politics, for Aristotle, "is not open to a perfect or utopian resolution, it is permanently revisable."⁴⁰¹

To sum up, understood as an ongoing activity that involves the collective practices of judging and understanding among different individuals, who deliberate about what is to their interest, choose the same actions, and do what they resolve in common, political friendship brings to light the dynamic character of political action. In doing so, it not only points to political action's temporal, prolonged, and mediated

³⁹⁹ Ibid., p. 102

⁴⁰⁰ Stephen Salkever, "Whose Prayer?: The Best Regime of Book 7 and the Lessons of Aristotle's Politics," *Political Theory*, Vol. 35, No. 1 (February, 2007), p. 41.

⁴⁰¹ Ibid.

quality, but also highlights that it is a joint endeavor that can be realized and maintained only through ongoing activity. Yet, I argue that political friendship is not only a descriptive concept that reveals the dynamics of political action; it is, at the same time, a decidedly ethical concept which embodies a set of criteria to evaluate political practices constitutive of political action without having recourse to pre-given standards of judgment.

Political Friendship as an Ethical Concept

By arguing that political friendship is an ethical concept, I do not mean to suggest, as Cooper and Aristide Tessitore do, that political friendship is itself a moral good and an “essential component in the flourishing of human life”⁴⁰² which “encourages virtuous action among citizens.”⁴⁰³ Nor do I want to argue, as Frank does, that political friendship involves virtue simply because, as it is with other types of utility friendship, it requires its participants “to practice good judgment and moderation.”⁴⁰⁴ The practice of what Aristotle calls intellectual virtues such as deliberation, judging and understanding, is certainly part of political friendship. And yet, an interpretation that highlights only this aspect of political friendship cannot fully account for the ethical quality of the relationship that Aristotle denotes by this term. In opposition to these accounts, I argue that political friendship is an ethical concept because it embodies the distinctly democratic values of reciprocity and equality.

⁴⁰² Cooper, *Aristotle on the Forms of Friendship*, p. 648.

⁴⁰³ Aristide Tessitore, *Reading Aristotle's Ethics*, p. 88. In this regard, I agree with Valk, who, through his powerful criticism of Cooper's and Tessitore's interpretations, demonstrates that political friendship is not a “means by which virtue is inculcated in the lives individual citizens,” Valk, “Political Friendship and the Second Self in Aristotle's *Nicomachean Ethics*, p. 55.

⁴⁰⁴ Frank, *Democracy of Distinction*, p. 162.

As we have seen, Aristotle's discussion of friendship begins with an account of the ways in which the notion of *philia* is used within the Athenian discourse of his time. Aristotle's decision to begin his discussion in this manner reflects more than a mere stylistic choice. As John Wallach suggests, "[t]he endoxa that provide the starting points (*archai*)" for Aristotle's inquiries into ethical and political matters are never "arbitrary beginnings."⁴⁰⁵ Aristotle's "formal and substantive judgments" can be fully comprehended only when they are read in light of the "practical and political context in which they intervene."⁴⁰⁶

Scholars of ancient Athens agree that, during Aristotle's time, friendship was "firmly embedded in the broad social culture...and it was invested with much ethical significance."⁴⁰⁷ With this in mind, and pointing to the close connection between the dominant ideology in an era and its consideration of friendship, Konstan argues that the ethical content of the notion of friendship in 4th century BCE Athens was largely shaped by the democratic "political ideal that was developed through" the long lasting but triumphant struggle of smallholders with aristocratic and oligarchic tendencies.⁴⁰⁸ That Athenian democracy actively "encouraged an ideal of equality...[as] a model for relations among fellow citizens," turned "equality and reciprocity" into two key aspects of the Greek understanding of friendship during this period.⁴⁰⁹

Aristotle incorporates both of these aspects of Greek understanding into his own conception of friendship. Thus, he not only identifies reciprocal and recognized

⁴⁰⁵ John R. Wallach, "Contemporary Aristotelianism," *Political Theory*, Vol. 20, No. 4 (November, 1992), p. 631.

⁴⁰⁶ Ibid.

⁴⁰⁷ Schofield, "Political Friendship and the Ideology of Reciprocity," p. 28.

⁴⁰⁸ Konstan, "Reciprocity and Friendship," p. 300.

⁴⁰⁹ Ibid.

love/affection as a necessary feature of *philia* but also argues that according to this particular understanding, only those relationships which “involve equality” (*NE*, 1158b1) can be considered friendship. This, however, does not mean that Aristotle stipulates equality as a *pre-condition* for friendship. Inequality can take many forms; individuals can enter into unequal relationships with others who have, just to give a few examples, more or less wealth, wisdom, and virtue. Yet, those who are unequal in one respect or another can still become friends insofar as a relationship of equality is instituted between them. Thus, Aristotle famously remarks that although one cannot be friends with one’s slave “*qua* slave,” “*qua* man one can” (*NE*, 1161b4-6).

Friendship, as Hannah Arendt in her brief account of Aristotle’s notion of *philia* suggests, “consist[s] in discourse,”⁴¹⁰ and therefore, depends on the activity of, what Saxonhouse calls, “exercising *logos* by judging and making choices.”⁴¹¹ To the extent, that a slave takes part in the collective exercise of *logos* he is no longer a slave, but, like his master, a man. It is in and through this activity that those who are a part of this relation come to actively engage with one another, and reach an agreement to give and expect in return, on equal terms. Put differently, those who are a party to this collective endeavor *become* equals as they exercise the distinctively human capacity to participate in *logos* and turn into friends as they reach an agreement to “get the same things from one another and wish the same things for one another” (*NE*, 1158b2-3). In Aristotle’s conception, equality and reciprocity are values that are immanent to the very activity of friendship itself.

⁴¹⁰ Hannah Arendt, “On Humanity in Dark Times: Thoughts about Lessing,” p. 24.

⁴¹¹ Saxonhouse, *Athenian Democracy*, p. 126.

Political friends too get the same things from one another since they become friends only when they come to an agreement to rule and be ruled in turn. The reciprocal activity of ruling can be fully realized in those communities where the citizens have an equal share in the constitution. Thus, Aristotle states, “while in tyrannies friendship and justice hardly exist, in democracies they exist more fully; for there the citizens are equal they have much in common” (*NE*, 1166b7-10). Aristotle’s emphasis on reciprocity and equality as features immanent to the activity of friendship in general, and political friendship in particular, has a number of implications.

That friendship depends on the constitution of a reciprocal relationship, which demands individuals to give something with the expectation of an equal return, underlines that neither Aristotle nor Greek ethics conceptualizes friendship as an altruistic, selfless commitment to another person. But the reciprocal nature of friendship does not relegate it to a purely instrumental relation either. Developing a reciprocal relation with another person is not an easy, straightforward task. This is because, as Foxhall powerfully argues, although it is expected by both parties that each will return the services or favors that have been received, “the *actual* return for any service or favor proffered [is] a shot in the dark, a future unknown.”⁴¹² It is in this sense that in all friendships, including political friendship, “[t]here is an element of unpredictability and uncertainty.”⁴¹³ This element of uncertainty, combined with the fact that there is always a “delay” between what is given and expected in return, highlights that friendship is an extremely fragile and volatile relationship.

⁴¹² Lin Foxhall, “The Politics of Affection: Emotional Attachments in Athenian Society,” p. 56 (italics in the original).

⁴¹³ *Ibid.*

As a disposition (*hexis*) that comes into being through action, friendship is “a thing that we possess all the time, like a piece of property” (*NE*, 1169b28-31). Friendship’s continuation depends on the ongoing activity of constituting a relationship of equality and reciprocity. In this sense, the values of reciprocity and equality, which are embedded in the activity of political friendship, are similar to what Arendt, drawing on Montesquieu’s analysis of forms of government, calls “principles.” Just like Arendt’s notion of principles, which “inspire” action, equality and reciprocity become “fully manifest only in the performing act itself,”⁴¹⁴ that is in the activity of political friendship. Since the manifestation of principles comes about “only through action,” however, “they are manifest in the world only as long as the action lasts, but no longer.”⁴¹⁵ In this respect too friendship is a relationship that is extremely difficult to maintain.

The fragility of friendship is heightened by Aristotle’s insistence that a reciprocal relationship can be denoted by the term friendship only insofar as the participants of this relation get the same things from one another. This is especially important in thinking about political relationships. Whereas for Aristotle all political constitutions, and not only democracy, depend on some notion of an equality established “in proportion to desert,” he underlines that political friendship involves arithmetic, rather than proportional, equality. Hence, it is crucial that political friends rule and are ruled in turn (*P*, 1277b13-16), and inter-act with one another by “sharing in judgments [*kriseos*] and offices [*arches*]” (*P*, 1275a22-23). Interpreted in this manner,

⁴¹⁴ Hannah Arendt, “What is Freedom?” in *Between Past and Future: Eight Exercises in Political Thought* (Penguin Books USA Inc: 1993), p. 152.

⁴¹⁵ *Ibid.*

political friendship corresponds to Aristotle's account of citizenship in the "strict sense," according to which the citizen is the one who takes part in politics and engages with others on equal terms. Aristotle's claim that the citizen of this definition "is particularly and especially the citizen of democracy" (*P*, 1275b5-7) highlights the distinctly democratic character of his notion of political friendship as an activity which embodies the values of reciprocity and equality.

This does not, however, imply that every political community that distributes its offices on the basis of arithmetic equality involves political friendship. As we have seen, Aristotle distinguishes a form of democracy, where the people turn into a unitary actor and rule by decrees, from a form of democracy, where individuals relate to one another, not directly, but through the mediation of that common concern which they constitute through the collective practices of deliberation and judging. The first form of democracy reduces politics to the immediate act of decision-making undertaken by a collective actor. It is only in the latter form, where the plurality of the political actors is retained, can we talk about the existence of political friendship. And this is of crucial importance because it highlights that the activity of political friendship, and the practices that it involves, not only constitute a relationship of equality and reciprocity among political actors but also enables them to interact with one another without undermining their differences. It is in this sense that I suggest that Aristotle both incorporates the democratic values of equality and reciprocity in his conception of political friendship and demonstrates that the political practices constitutive of a relationship of reciprocity and equality also make it possible for political actors to retain their plurality while acting in concert. As such political friendship is a distinctly

democratic concept that refers to an activity which carries within it the value of plurality.

Conclusion

As we have seen, Aristotle formulates his notion of political friendship against a view, which reduces the role *philia* in politics to a sense of attachment instilled into the citizenry to hold the *polis* together. For Aristotle, political friendship refers to the particular type of relationship among the citizens and *not* to a motivational source, or to some sort of passion, such as “love,” that moves actors to act in certain ways. Nor does political friendship refer to a form of collective identity, akin to patriotism—however the term may be understood—and function as a bond that creates a perfect and immediate unity among the members of a political community.

Thus, in contrast to Plato’s conception of *philia* and unlike the various love-related concepts that Rousseau, Negri, and Habermas have recourse to in their writings, Aristotle’s notion of *politike philia* points to a complex collective activity. Political friendship is a fragile achievement of those who come together so as to constitute themselves as a community of free and equal men—for “the city is an association of free men” (*P*, 1279a8). Political friends share in a constitution by ruling and being ruled in return (*P*, 1277b13-16), “for the attainment of some advantage common” to all (*P*, 1278b30). Since “common advantage” can be determined only by those who participate in the collective practices of ruling and judging, political friendship involves disagreement and conflict. Moreover, as we have seen, political friendship is an arduous and prolonged activity since requires time and effort to build trust among those who act

together and care for each other in their endeavor to pursue a goal which they have collectively determined.

What does it mean to think of democratic popular action in these terms? Throughout this chapter, I argued that Aristotle's conception of friendship is best understood as a complex set of activities, including deliberation, judging, understanding, and making choices to constitute a common concern among political actors without erasing or undermining their differences. As a distinctly democratic concept, political friendship makes it possible to grasp the mediated and temporal quality of the so-called "direct" and "immediate" forms of democratic popular action. Moreover, as an ethical concept, which highlights the constitution of reciprocity and equality in and through political action, political friendship embodies a set of normative criteria to evaluate political practices without having recourse to external standards of judgment, such as love and constitutional patriotism. In short, I suggest that by approaching politics through a concept of political friendship that is informed by the analysis provided in this chapter, we might come to a richer, more subtle understanding of democratic action in concert as the creation of common concerns that simultaneously relate and separate political actors, as equals in engagement with one another.

Conclusion

In the opening pages of this dissertation, through a brief account of various commentators' diverse, yet equally one-sided, descriptions of the weeklong G20 protests that took place in London in March 2009, I highlighted the difficulties in grasping the full complexity of human conduct in moments of popular action. The common tendency to oversimplify such events, I argued, not only betrays a lack of attention to empirical detail but also, and more importantly, points to a problem in our conceptualizations of spontaneous popular action that prevent us from thinking about the democratic significance of unpredictable, non-institutional, extra-parliamentary forms of action in concert.

It is with this problem in mind that in the preceding chapters I undertook a conceptual critical inquiry and set out to provide a theoretical framework for rethinking spontaneous popular action by relating it explicitly to democratic politics. In my concluding remarks, I have two objectives. First, I aim to underline the distinctive aspects of the main line of argument that is advanced in this dissertation and further explore the implications of theorizing democratic action in concert through the lenses of Aristotle's notion of political friendship. Second, I seek to provide a preliminary map of some of the directions that this inquiry can take in the future.

The starting point of my project was Rousseau's conceptualization of popular sovereignty as an immediate and direct political act. This choice was not made on the grounds of chronological consistency alone. Surely, it is of crucial importance that the radical view, which casts democracy as the direct rule of the people characterized by the immediate presence of citizens in both temporal and spatial terms, finds its first and

most articulate expression in Rousseau's political thought. What is even more significant, however, is the surprising fact that, in many respects, the theoretical problems in Rousseau's conception of politics are still with us today. This is the case because, as I demonstrated in this dissertation, despite their criticisms of Rousseau's notion of popular sovereignty, in their accounts of popular action, most contemporary theorists of democracy share his emphasis on immediacy and directness.

According to Rousseau, the direct rule of the people can be established only in a body politic where there is a perfect unity of different political actors. Patriotism, as a passionate, sexually charged, and intense form of love directed to the fatherland, is essential for Rousseau because, in his account, it is only through such a form of love that the citizens can completely identify themselves with their state and become one with their own political community. And yet, such a deep sense of attachment cannot come into being on its own; it needs to be nurtured in the hearts and minds of citizens. It is his recognition of this fact that leads Rousseau to make use of the manipulative powers of the government and to seek to generate "immediacy" through a process of mediation. It is in this sense that Rousseau's reliance on the love of the fatherland as a means to purge every form of mediation from his conception of politics, I argued, pushes him into a theoretical position which undermines his own political commitment to the direct rule of the people.

The theoretical and political implications of contemporary democratic theorists' emphases on immediacy are no less dire. To elaborate this point, I turned to two theorists, namely Antonio Negri and Jürgen Habermas, whose theories of democracy are in many respects radically different from one another. Despite the major differences

in their theorizations of democracy, however, there are two important similarities that unite these theorists' works. First, both thinkers give a central place to spontaneous popular action in their accounts of democracy, and second, notwithstanding their powerful criticisms of Rousseau's understanding of politics, in their theorizations of democratic moments of popular action both Negri and Habermas share Rousseau's emphasis on immediate and direct political action.

As I argued in Chapter 2, Negri's desire to articulate an immediate and radical notion of people's power forces him to supplement his account with a notion of love which bears interesting similarities to Rousseau's notion of patriotism. In Negri's recent more philosophically grounded works love, understood as a motivational source and an affect with immediate effects, takes the place of his former emphasis on the importance of conflict and contestation in the formation of political movements. And more than anything else, it is this aspect of Negri's recent work, which undermines his main contribution to democratic theory, namely his emphasis on the difficult work of politics required for the constitution of a common among a diverse of group of people who act together.

Chapter 3 demonstrated that even though he is a theorist of mediated politics through and through, Habermas too theorizes the radical core of his deliberative democracy in terms of spontaneous, and so-called "direct and immediate" forms of popular action. As we have seen, this gives rise to two gaps, one motivational the other normative, within the broader structure of Habermas's deliberative theory of procedural democracy. It is to fill in these gaps that Habermas, in this regard not unlike Negri, finds it necessary to have recourse to a notion that is reminiscent of Rousseau's

conception of the love of the fatherland. In Habermas's account that supplementary concept becomes constitutional patriotism. Habermas's turn to constitutional patriotism as the motivational source and the normative content of democratic action in concert, however, to a large extent, undercuts his powerful criticism of the "philosophy of the subject."

Thus, as a result of their recourse to various love-related concepts, in different ways and for different reasons, Rousseau, Negri and Habermas all end up with accounts that undermine their own political and theoretical commitments. What is more, in all these instances the turn to concepts such as patriotism, love, and constitutional patriotism, to theorize democratic popular action leads to misleading descriptive accounts of real political events, which both ignore the existence of conflict and differences among political actors who act together and lose sight of the role that mediatory political practices play in the formation of democratic moments of popular action.

I argued that to address this inadequacy in democratic theory's approach to spontaneous popular action, it is necessary to enrich our political vocabulary. What is required is a conceptual resource that can enable us to grasp the mediated, prolonged, and at times, laborious and arduous, quality of democratic action in concert. In Chapter 4, I tried to develop that conceptual resource through a reinterpretation of Aristotle's notion of political friendship.

Conceptualized here as an ongoing activity that involves the collective practices of judging and understanding among different individuals, who deliberate about what is to their interest, choose a course of action, and do what they resolve in common,

political friendship can make it possible for us to discern the dynamics of popular action. As such political friendship is a descriptive concept that reveals the mediated and temporal quality of action in concert. Yet, political friendship is not only a descriptive concept; it is at the same an ethical concept that embodies the distinctly democratic values of reciprocity and equality, as well as the value of plurality which is, like equality and reciprocity, immanent to the activity of political friendship.

Interpreted as such, Aristotle's notion of political friendship provides us with rich conceptual resources to think about non-institutional and unpredictable moments of popular action in new and imaginative ways. Moreover, it helps us to evaluate the democratic significance of such moments without having recourse to external and pre-given standards of judgment. Since such an evaluation always requires one to undertake practices of deliberation, judging and understanding, political friendship highlights the political character of our own judgments and points to the impossibility and futility to seek the vantage point of a disinterested observer while analyzing contemporary political events.

Theorizing democratic action through the lenses of political friendship also gives rise to a number of questions. For instance, what does the unavoidable existence of a certain level of uncertainty in the practices of political friendship tell us about democratic action in concert? How a political relation that is so fragile and so dependent upon ongoing activity can be stabilized and acquire a less transitory, if not permanent, quality? Can institutional arrangements play a meaningful role in dealing with the uncertainties that are a part and parcel of the kind of political relation that political friendship refers to? Finally, in what ways and to what extent do democratic institutions

depend on the constitution of a relationship of friendship among its citizens? These are difficult, yet crucial, questions that point to the complex nature of the relationship between institutional arrangements and action in concert. The analysis necessary to adequately explore the democratic significance of that relationship cannot be undertaken within the limits of this current project. Nonetheless, I believe that Aristotle's account of political friendship in general, and his discussions on the similarities and differences between justice and friendship, in particular, provide insights that can contribute to such an inquiry. I would like to conclude by briefly elaborating this last point.

Throughout his discussion of friendship, Aristotle highlights that there is a close parallel between justice and friendship. Justice, for Aristotle, is a virtue, but it is so with a qualification, since "justice alone of the virtues, is thought to be 'another's good' " (*NE*, 1130a3-6). The fact that justice "involves relationship with someone else" and requires one to do "what is for the advantage of another" differentiates it from the practice of other virtues (*NE*, 1130a4-7). The same is true for friendship as well. As a kind of relationship with others, friendship too is a virtue with a qualification for it is "a virtue, or implies a virtue" that can be practiced only in relation to others. What is more, both justice and friendship are concerned "with the same objects and exhibited between the same persons" (*NE*, 1159b25). It is with this in mind that Aristotle writes, "in every community (*koinonia*) there is thought to be some form of justice, and friendship too" (1159b27-29). Finally, in Aristotle's account, both justice and friendship depend on the

constitution of a relationship of reciprocity and equality.⁴¹⁶ This last point is crucial because these two features, which define both friendship and justice, are also the qualities that set these relationships apart.

Aristotle states that equality, which is “an essential element of friendship” (*NE*, 1158b27-28), is crucial for justice as well. And yet, he argues, equality in friendship is *not* like “equality in matters of justice” (*NE*, 1158b30-31). For whereas in the realm of justice equality is, for the most part, established “in proportion to desert,” in the sphere of friendship parties need to engage in an “arithmetically” equal relationship, which means that they must get the same things from one another and wish the same things for each other. This leads Aristotle to argue that although there can be a relationship of justice between a king and his inferiors, there cannot be friendship between them (*NE*, 1159a1-5). In such instances, we can talk about justice because the terms of the relationship, namely, the standards of justice, are defined by the political community through their laws (*nomoi*). To use Yack’s words, “[t]he ways in which different kinds of community construct and distribute the power to impose such standards...largely constitute the specific forms of justice that develop within them.”⁴¹⁷ That there is a power that can impose the standards of justice further differentiates justice from friendship. Aristotle points to this important difference between justice and friendship when he suggests that while “friendship asks us to do what we can do,” justice requires us to give “what is due” to others (*NE*, 1163b15). For Aristotle, then, as Yack

⁴¹⁶ For justice’s relation to reciprocity see *NE*, 1132b32-35

⁴¹⁷ Yack, “Community,” p. 25.

powerfully states, “a sense of mutual concern among individuals is...the mark of friendship, a sense of mutual obligation, the mark of justice.”⁴¹⁸

Insofar as justice involves a sense of obligation imposed by a power, it brings with it a degree of predictability and certainty that cannot be found in a relationship of friendship. To the extent that justice takes a legal form, as in the case of contractual relations, justice institutionalizes reciprocity. In doing so, it stabilizes and solidifies the interactions among those who are party to reciprocal relations, and thereby solves the problem of fragility and volatility that haunts all forms of friendship. This does not, however, mean that justice can take the place of friendship in a community. This is especially important in political communities, which, as Aristotle insists, rely on both political friendship *and* political justice, for the continuation of their existence. For although they are closely related to one another, political friendship and political justice contribute to the constitution of a political community in different ways.

In Aristotle’s account political justice refers to the organization of a political community. As such, it involves the distribution of political offices among the members of the community, and as a distributive form of justice, it establishes and maintains a relationship of reciprocity on the basis of proportional equality. Aristotle argues that political justice can be found only among men “who are free and either proportionally or arithmetically equal” (*NE*, 1134a26-28). Since the equality in question is established through the laws of the community, justice among citizens is a strictly legal relation whose form changes from one constitution/regime (*politeia*) to another. Thus, rather than being some sort of a universal ideal according to which the political community

⁴¹⁸ Ibid., pp. 25-6.

should be formed, political justice, in Aristotle's sense of the term, is a distinctly political matter whose terms are defined and shaped by those who take part in a constitution.

When it is understood in these terms, political justice can be seen as the institutionalization of the reciprocal relations that are brought into being through the activity of political friendship. For as we have seen, unlike political justice, which is a legal relation, political friendship refers to the constitution of a reciprocal relationship through the collective practices of judging and understanding among different individuals. As such, political friendship is a fragile achievement that can be sustained only through constant activity. By turning reciprocity into a legal relation, political justice provides additional means to keep the political community together even when the activity of political friendship is interrupted. And yet, in doing so, it also institutes a form of equality that may replace the arithmetic equality that is constituted in and through the practices of political friendship, and thereby, may eradicate the possibility of friendship among political actors. Precisely for this reason, it would be a mistake to characterize the relationship between political justice and political friendship in terms of a simple relation of complementarity. This reading of Aristotle's account highlights that the institutional arrangements, which seek to bring predictability, stability, and continuity to the political practices constitutive of political friendship, always carry within them the risk of undermining the very possibility of those practices.

For Aristotle, then, the relationship between political friendship and political justice is a deeply ambivalent one. As such, rather than giving readymade answers, Aristotle provides his readers with crucial insights into how to think about the relation

between institutions and political action. In this regard, Aristotle's suggestion that a political community requires both political justice and political friendship, and his observation that the institution of justice may not only complement but also undercut the activity of political friendship are points of crucial significance.

Insights such as these can serve as guideposts for taking this current critical inquiry into democratic action in concert to new directions and for finding new ways to explore the nature of the complex and tension-ridden relationship between institutionalization and democratic politics. As Aristotle's account implies political institutions, which are to provide a stable grounding for political friendship's fragile achievements of equality and reciprocity, can, in time, create and sustain different forms of inequalities. Under those circumstances, moments of popular action, which are constituted through the practices of political friendship, may play a crucial role in contesting the status quo and bringing to light new problems and concerns that can only be resolved through concerted action. I suggest that a more detailed and in-depth analysis that elaborates the close relation between Aristotle's notions of political justice and political friendship can provide valuable resources both to reach a better understanding of the characteristics of this dynamic relation between political institutions and democratic moments of action in concert and to adequately account for popular action's role in a vibrant democratic constitution.

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