13. Federalism – A Hidden Treasure

> The great and, in the long run, perhaps the greatest American innovation in politics as such was the consistent abolition of sovereignty within the body politic of the republic, the insight that in the realm of human affairs sovereignty and tyranny are the same.
> –*Arendt*, On Revolution

The undermining of the European model of the welfare state, the crisis of the international financial markets and the emergence of populist movements prompted the former French resistance fighter Stéphane Hessel to publish his pamphlet *Indignez-vous*[1], in which he gave a reminder of the legacy of the French Resistance in the Second World War and called for protest against the ills of our time. The legacy of the French Resistance means not only indignation and commitment, but above all the action of citizens, the orientation towards the common good and the social justice of the welfare state. At the time of the greatest crisis in the history of the European Union, it is crucial to remember this Europe.

And something else is inextricably linked to Europe as soon as one starts talking about the European Union: its federalist character, which is not only a historical response to the painful history of nation-state violence, but is not even conceivable without its resolute rejection of the nation-state. Federalism opens up a wide spectrum of political discussions and experiences, involving the questions of sovereignty or union, representation and/or action, rule or power, separation of state, politics and nation, and a corresponding notion of positive freedom. Is there a federative thinking that can develop a similar strength to counter nationalist thinking? Is there a federal narrative that can rival the nation-state in expressiveness and emotion?

The following considerations should make us aware that the existence of federalism is by no means self-evident and that its qualities are not exhausted in the

1 Stéphane Hessel: *Indignez-vous!* Montpellier: Maison d'édition Indigène 2010.

free movement of people and goods. But what do they consist of?[2] To answer this question, we will turn to the legacy of the French Resistance. Arendt's critique of the pitfalls of nation-state thinking and action, the alternative of federalism and, finally, selected examples of federation plans whose failure promoted nation-state violence.

Remember Europe

Remembering means narrating in order to understand, Hannah Arendt explained. But at the same time, she meant that narration must not stop at the act of telling and retelling but must go on to naming the essential. As she wrote in *On Revolution,*

> For if it is true that all thought begins with remembrance, it is also true that no remembrance remains secure unless it is condensed and distilled into a framework of conceptual notions within which it can further exercise itself. Experiences and even the stories which grow out of what men do and endure, of happenings and events, sink back into the futility inherent in the living word and the living deed unless they are talked about over and over again.[3]

If there is anything that Europe can be accused of, it is the fact that it is not aware of its own political founding history, that this history was not conceptualised and therefore does not belong to Europe's political and philosophical self-awareness. There was a lack of awareness that the inheritance was left to us by no by a testament as Arendt quoted the French poet and Resistance fighter René Char[4], concluding that our age had to redefine the foundations of the political.

In this recollection, it is necessary to conceptualise two phenomena: first, the *Résistance* - not as a moral declaration of innocence in the face of collaboration with the occupying power, but as the seed of a new form of government, a new social contract; and second, *federalism* - not as a technocratic instrument of intergovernmental relations, but as an integral federalism that combines the political-institutional form of power-sharing with the principle of existential, intersubjective relations and builds federalism from the communities, the local citizenry.

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2 Multiple discussion rounds by the author together with Fred Dewey and Jeremiah Day in Berlin in 2011 and 2012 in view of the financial crisis under the title "What was Europe" revealed the widespread lack of reflection on the federated Europe. Cf. also Robert Menasse, who wanted to write a novel about a typical Eurocrat in Brussels and, contrary to expectations, met convinced Europeans: *Der europäische Landbote. Die Wut der Bürger und der Friede Europas*, Vienna Zsolnay Verlag 2012, or Hans Magnus Enzensberger, who saw the monster Brussels and *disenfranchisement in* his essay *Sanftes Monster Brüssel oder Die Entmündigung Europas*, Berlin Suhrkamp 2011.

3 Hannah Arendt: *On Revolution,* London: Penguin Books 1990, p. 220.

4 Ibid., pp. 215 and 281.

The first part of the legacy: *Résistance* yes, but no new form of state of the Councils

On closer examination, the resistance to Nazi Germany in various European countries proves to be a republican movement in which power-building on the one hand and federation on the other were closely linked. While the direct democratic forms of organisation disappeared again with the resistance organisations at the end of the war, their goal of a united Europe, the federation, remained clear. The federation that then developed, however, did not correspond to the ideas of the Resistance. The republican formation of power was suppressed and eliminated after the end of the war by the power politics of the liberal-authoritarian parties.

Arendt pointed out that spontaneous political action always leads to council-like forms of organisation: to the *local associations* in the colonies of North America, the political associations at the beginning of the French Revolution, or the councils during the Hungarian uprising.[5] Similarly, remarkable spontaneous resistance organisations emerged during the Second World War, such as *Libérer et Féderer* in France, one of the strongest of the resistance groups, which united revolutionary Marxists, syndicalists of the Proudhon school of thought and Christian socialists[6] and advocated an economic and political upheaval of the French central state towards decentralisation and social justice, the nationalisation of basic industries, the transfer of large enterprises into the hands of

> councils elected by the assembly of workers and technicians …, the organisation of a new political framework through the election of councils of the different enterprises, institutions, establishments expressing the various other activities and collective functions … Federation of these councils on the communal, departmental, regional and national level in connection with a representation of the people established on the basis of universal suffrage and the civil equality of both sexes (and) the integration of France into the United States of Europe[7].

Arendt was enthusiastic about the *Résistance*. She wrote to Jaspers in 1946:

> All of a sudden, there is a new type of person cropping up in all the European countries, a type that is simply European without any European nationalism. I knew an Italian like that. And Camus belongs to that type too. They are at home everywhere They don't even have to know the language very well. Sartre is, by contrast, much too typically a Frenchman, much too literary, in a way too talented,

5 See James Maldoon: The Lost Treasure of Arendt's Council System, in: *Critical Horizon, A Journal of Philosophy and Social Theory*, 12/3, 2011, pp. 396–417.

6 Cf. Louis Clair (pseud. Lewis Coser): The France of Tomorrow. What the French Underground Wants, in: *Politics*, Sept. 1944, p. 229.

7 Ibid.

> too ambitious. This is something new for me. Before this war I hardly ever saw people like this. It's as if the common experience of fascism, if people really had it, instantly brought about something in them that had previously been only an idealistic program without any reality to it.[8]

When Arendt met Henri Frenay, one of the important activists of the resistance group *Combat* along with Camus, in Paris in 1952, she wrote to her husband Heinrich Blücher:

> The only one who could have seized power after the Libération – and did not do so out of decency and stupidity, but is by no means stupid, but precise and intelligent, ... is a modern man and really ought to be doing politics, instead of fussing around in this lost Federalist European juice shop. I liked him very much ...[9]

In her essay "Parties, Movements, and Classes", Arendt emphasised in autumn 1945 that with the Popular Front and the *Résistance*, two movements had emerged that had nothing to do with the disastrous communist and fascist movements. "The Résistance ... took over not only the principle of proclaiming the people (and not solely classes) the subject of politics, but it inherited the new political enthusiasm which was expressed in the revival of such fundamental concepts of political life as justice, liberty, human dignity and basic responsibilities of the citizen."[10] In this way, and with their orientation towards a federated Europe and interest in each other in order to create a "unity without uniformity", they distinguished themselves from the parties shaped by classes and economic interests.

In Italy, *Giustizia e Libertà* and the *Partito d'Azione* group had formed, whose members included the later senator Norberto Bobbio, Arendt's friend Nicola Chiaromonte, Primo Levi and the later president Carlo Ciampi. One of the activists, the Italian writer Luigi Meneghello, described the fundamental problem of the theoretical cluelessness of the Resistance in his autobiographical novel about a student resistance group in northern Italy, *The Little Masters*:

> It would have been easy to start a revolution then. Of course, we would have been annihilated soon, at least the first push and then the second and third. But Italy would have felt the taste of what it must mean to renew itself from the bottom up ... It would have been enough to know the texts, but we did not know them"[11],

The undogmatic left-wing American sociologist Lewis Coser, who had optimistically reported on the strength of the Résistance in the journal *Politics* as late as 1944, ex-

8 Hannah Arendt / Karl Jaspers: *Correspondence 1926–1969*, New York: Harcourt Brace Jovanovich 1992, p. 66.

9 Hannah Arendt / Heinrich Blücher *Briefe 1936–1968*, Munich 1996, p. 256.

10 Hannah Arendt: *Parties, Movements, and Classes*, in: *Partisan Review* 12/4 (Fall 1945), p. 511.

11 Luigi Meneghello *Die kleinen Meister*, Berlin 1990, p. 46.

plained two years later that the failure was due among other things to the lack of political theory.[12]

The French Resistance therefore did not find the strength to transform itself into a political movement, but created a vacuum that the political parties occupied. De Gaulle, on the one hand, skilfully adapted to the underground's demands for democracy and, together with the Allies, set his sights on quick elections with an exhausted population. The French Communist Party, on the other hand, had already turned against sympathies for an alleged "superstate" of Europe during occupation period and called on the Résistance to stand up first and foremost for the "independence of France and the restoration of its grandeur"[13]. Arendt noted: "The resistance movement waited for the liberation but believed that it would be liberated in order to choose free(ly) and establish a new order of things. This did not come true. Chief factor: Communism. The terrible massacre in France"[14], by which Arendt meant the summary executions of collaborators.

Later she explained:

> The tragedy began not when the liberation of the country as a whole ruined, almost automatically, the small hidden islands of freedom that were doomed anyhow, but when it turned out that there was no mind to inherit and to question, to think about and to remember. The point of the matter is that the "completion", which indeed every enacted event must have in the mind of those who then are to tell the story and to convey its meaning, eluded them; after the deed; and without this thinking completion after the act, without the articulation accomplished by remembrance, there simply was no story left that could be told.[15]

This made it easier for those intellectuals in France who almost professionally created consciousness to participate in the creation of a Gaullist-communist legend.[16] These legends also contained the betrayal of incorruptible freedom and justice. Camus, in his 1953 address "Bread and Freedom" at the St. Etienne Labour Exchange, lamented the division of these intellectuals into partisans of the East or the West. This betrayal is expressed in the confusion of language, in which the lack of freedom and injustice in one's own camp is justified by referring to those in the other camp. For example, the Franco dictatorship is defended by referring to the dictatorship in Poland, and vice versa.[17] Camus' long isolation in the French intellectual public

12 Louis Clair: Why the Resistance failed, in *Politics* 4, April 1946, p. 117.

13 Central Committee of the Communist Party: Remarks 1944, in: Walter Lipgens (ed.): *Europa-Föderationspläne der Widerstandsbewegungen 1940–1945*, Munich: Oldenbourg 1968, p. 240.

14 Hannah Arendt: *Political Experiences in the Twentieth Century*, lectures 1965, in: Hannah Arendt Papers, Library of Congress, Washington, D.C., sheet 023762.

15 Hannah Arendt: *Between Past and Future*, New York: Viking Press, 1961, p. 6.

16 Charles Benfredj: *Henri Frenay, la mémoire volée*, Paris: Dualpha 2003.

17 Albert Camus: *Resistance, Rebellion and Death*, New York: Alfred A. Knopf 1961, p. 92.

sphere represented nothing other than the victory of lies and the failure of impartial judgement, the rule of mirages. And it was only in the 1980s that the French philosopher Edgar Morin began to take an interest in Europe and wrote *Penser l'Europe*[18].

The second part of the legacy: Federalism

The second aspect of republican power-building, federalism, has also been reduced to a liberal, nation-state concept and thus distorted. The numerous writings on "integral federalism" by authors such as Alexandre Marc or Silvio Trentin, both leading theoretical minds of *Libérer et Fédérer*, have been all but forgotten. Integral federalism is directed outwards and inwards, it unites two federalist movements: outwards against a nation-state imperialism for a federal pacifism, and inwards against centralist forms of state, against "Jacobin centralism", for a federal democracy.[19] Moreover, integral federalism is based on two sources, the existential-philosophical personalism and Proudhon's conceptions of society.[20]

The term personalism was coined in the early 1930s by members of the *Ordre Nouveau* movement in France, who sought a third way between liberalism and Marxism, between the individual and the collective subject. "Neither individualists nor collectivists, we are personalists", they declared in their "Manifesto" in 1931. They rejected parliamentarism and elections, considered a system of councils, advocated the abolition of the nation state and declared municipalities to be elementary places of human life from which a federation was to be built from the bottom up and Europe finally became imaginable as a federation of federations. This was to eliminate centralism and sovereignty thinking and assign to the state the responsibility for unavoidable administrative tasks. It was thus not about federalism as decentralisation, in which there is still a centre, but rather a new formation with a "retarding centralization"[21]. All this could only be realised through a "necessary revolution", as Robert Aron and Arnaud Dandieu explained in 1933 in their book of this name.[22] This revolution would have to focus on people as persons in their interpersonal relationships. The Swiss Denis de Rougemont summarised the concept of the person as follows: "Man is thus at once free and committed, at once autonomous and in solidarity. He lives in the tension between the two poles: the particular and the general; between the two responsibilities: his vocation and the city; between the two loves: love of self

18 Edgar Morin: *Penser l'Europe,* Paris: Gallimard 1987.

19 Cf. Norberto Bobbio: Introduzione, in: Silvio Trentin: *Federalismo e Libertá. Scriti teorici 1935–1943,* Venice 1987.

20 Cf. P. J. Proudhon: *Du principe fédératif et de la nécessité de reconstituer le parti de la révolution*, Paris 1863.

21 Lutz Roemheld: *Integraler Föderalismus. Modell für Europa*, Munich Vögel 1977, vol. 1, p. 109. Cf. Bernard Voyenne: *Histoire de l'idée fédéraliste*, 3 vols, Paris: Presses d'Europe 1973, 1976, 1981.

22 Robert Aron / Arnaud Dandieu: *La révolution nécessaire,* Paris: Grasset 1933.

and love of neighbour. They are all indissoluble. This man, who lives in tension, creative debate and permanent dialogue, is the *person*."[23] From these personal relations, according to the view of *Ordre Nouveau,* federal structures are created in the economy, society and politics. The liberal confrontation between the individual and society thus becomes obsolete. Reality in general is neither substance nor fluidity, but exists only in social relations. Hence the concept of integral federalism, which goes far beyond administrative-political federalism and focuses on people in the reality of their lives. A small part of this current, however, misunderstood Hitler's seizure of power in Germany as the establishment of a new order in their sense and congratulated him.[24] Personalism and integral federalism therefore also require a basis in the rule of law.

This personalism was inspired by the existential philosophical concepts of Max Scheler, Karl Jaspers and William Stern. It rejected the one-sided rationalism of Descartes and Husserl's intentionalism in favour of a holistic view of the human being. Mind must be seen in its interplay with the body, reason with its intertwining with the passions. Against all monism, personalism advocated unity in diversity, the balance between universalism and particularism, and the creative character of conflict. It was taken up equally by social-critical, liberal and Christian movements, the latter including the founder of the journal *Esprit*, Emmanuel Mounier, whose writings on personalism are the only ones still known.[25] For some thinkers, such as Alexandre Marc and Silvio Trentin, Proudhon was of great importance, but also Charles Peguy, George Sorel, Simone Weil, and George Bernanos. After the Second World War, Marc and Aron wrote in their book *Principes du Féderalisme* that liberal society with its centralist state structures continued to harbour totalitarian tendencies[26], democratic institutions were being reduced, private and state economic interests had an overwhelming preponderance, and there was an increasing tendency to resort to the state to solve problems. With its structural reforms, integral federalism could help regenerate democracy, destroy the "feudal" structure of the economy and limit state functions to the utmost.[27] To this end, the authors presented concrete plans of a federal construction from below, which aimed neither at a close union nor a merely loose alliance, but "consists in the constantly readjusted balance between the autonomy of the regions and their union, … in the

23 Denis de Rougemont: L'attitude féderaliste, in: *L'Europe en jeu*, Neuchâtel: La Baconnière 1948, p. 61. (Translated by WH)

24 Undine Ruge *Die Erfindung des "Europa der Regionen". Kritische Ideengeschichte eines konservativen Konzepts*, Frankfurt/M. – New York Campus 2003, p. 78.

25 Emmanuel Mounier: *Le Personnalisme*, Paris: Les Presses universitaires de France 1949; *Écrits sur le personnalisme*, préface de Paul Ricoeur, Paris: Le Seuil 2000.

26 Robert Aron, /Alexandre Marc: *Principes du Féderalisme*, Paris: Le Portulan 1948, pp. 24–33.

27 Ibid., p. 103f.

constant merging of these two forces of opposing orientation".[28] They understood their contributions as part of a "historical current of ideas that was in an epochal confrontation with liberalism and socialism"[29]. Proudhon appeared to be a helpful precursor here, because after the 1848revolution he turned away from an anarchism that strictly negated the state and saw federalism as a way of reducing the state to a realistic minimum while democratising the economy. For him, federalism represented a form of supreme law that alone was capable of resolving the opposition between authority and freedom in a way that preserved both.[30] But what this should look like in concrete terms he hardly answered.

In addition to these thinkers, Denis de Rougemont's writings on the *Politique de la Personne* in 1946 and his numerous writings on Europe, in which he made significant contributions, were important. For example, he emphasised that a federal structure from below develops slowly from individuals, groups and communities and not from the state, preserves diversity and complexity, and does not have a minority problem.[31] Furthermore, De Rougemont pointed out that in nation states, fatherland, state, nation and language were always put into one or confused, as in the Versailles Treaties after the First World War. These are quite different levels: Emotions, ideology, administration and culture.[32] A federal structure cannot be based on a single political characteristic such as common history, geography, language, tradition or economy, but only on "spaces of participation of the citizen in public life formed by bunches of municipalities"[33]. These communities "do not claim absolute sovereignty … but (seek), on the contrary … to be able, by virtue of their solidarity, their complementarity, or … their 'subsidiarity' in their self-understanding."[34] His concept of a "Europe of the regions" therefore contradicts the idea of regions forming ethnic units.

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28 Ibid., p. 67. (Translated by WH).

29 Lutz Roemheld *Integraler Föderalismus*, op. cit., p. 245.

30 Yves Simon points out in "A Note on Proudhon's Federalism": "'The political problem', Proudhon wrote, 'reduced to its simplest expression, consists of finding the equilibrium between two contrary elements, authority and liberty. … To balance two opposing forces means subjecting them to a law which, by making them respect each other, brings them into accordance. But where can we get this new element, superior to both authority and liberty, and mutually acceptable to both as the arbiter of their relationship? We get it from the contract, which not only confers rights to its parties but applies equally to both of them.'" In: *Publius*, Vol. 3, no. 1, 1973, p. 26.

31 Denis de Rougemont: Speech at the congress of the Union des Fédéralistes Européens, in: *Ecrits sur l'Europe*, vol. 1, Paris: Différence 1994, pp. 35–38.

32 Ibid., p. 223f.

33 Denis de Rougemont: The Motto of Regionalism: No Freedom without Responsibility!, in: op. cit., vol. 2, p. 850.

34 Ibid., p. 851.

After the Second World War, Marc and De Rougemont became involved in the European federalist movement. They still set the course in the 1950s, but it was foreseeable that they were losing the race with the nation states that were gaining strength again and therefore also an intergovernmental federalism. De Gaulle was not only an opponent of the *Résistance's* racial-democratic elements, but also of its integral federalism. While Frenay and other members of the *Résistance* had already spoken out during the war in favour of Germany's unrestricted inclusion in the new Europe, De Gaulle still found it difficult after the war to abandon the doctrine of German's economic weakening as a precondition for peace. That non-communist Europe came out in favour of federalism was a great advance over the nationalist or pan-European past. But Churchill, De Gaulle, Adenauer and Paul-Henri Spaak, the founding fathers of Europe, advocated a state federalism, not a social one of civil societies. With the formation of the "European Coal and Steel Community", the path of a technocratic economic unit to European monetary union began, accompanied, in the words of Habermas, by an "intergovernmental erosion" of democracy through the predominance of an "executive federalism",[35] a development that integral federalists had always feared.

Arendt's hidden dialogue with integral federalism

The similarities between Arendt's thinking and that of the integral federalists are unmistakable. Arendt, too, criticised the weakness of liberalism with its understanding of negative freedom based on a concept of sovereign nation-states, securing rule through political representation and minority problems, and developed the third way of a republicanism supported by active citizens. Going further than the integral federalists, Arendt defines these persons not only as sovereign individuals who are part of social relations, but replaces the modern concept of subjectivity altogether with that of inter-subjectivism. From the standpoint of this inter-subjectivism, we perceive ourselves as persons through intersubjective relations and define political phenomena such as freedom and power, violence and authority not as entities but as forms of relations. Arendt also defines political judgement as equally intersubjective as the consideration of real or imagined other opinions, as extended thinking in which judgements are no longer subjective, as when I do not take these other opinions into account. "The validity of such judgements would be neither objective and universal nor subjective, dependent on personal whim, but intersubjective or representative."[36] Arendt thus contributes an important aspect to the relationship

35 Jürgen Habermas *Zur Verfassung Europas. Ein Essay*, Berlin: Suhrkamp 2011.

36 Hannah Arendt: Some Questions on Moral Philosophy, in: *Responsibility and Judgment*, New York: Schocken 2003, p. 141.

between personalism and federalism, a quasi-anthropologically grounded federal intersubjectivity that ranges from the dialogue of the self, thinking with itself, to the intersubjective plurality of agents and the intersubjectively judging spectators in the public sphere, through to the federation as the structure of living plural, political relations.

For Arendt, this image of man also includes the responsibility of the person, a responsibility that, according to Arendt, everyone bears not only for their own deeds, but also for those of the other actors in a community, so to speak as the price of freedom of action.[37] What some of the integral federalists have adopted from Catholic social teaching, the dignity of the person, the principle of subsidiarity, common good orientation and solidarity, is defined by Arendt in terms of existential philosophy and at the same time politically.

In this way, federalism also appears in a double way, even more so than defined by the integral federalists, as a fundamental principle of dialogue, plurality and intersubjectivity on the one hand, and as a political organising principle on the other. As much as Arendt advocates the political institutions of the separation of powers and praises the discussions of the founding fathers of the USA, she emphasises the political vitality of these institutions in the sense of power sharing and at the same time distances herself from the parliamentarism of political parties; she sides with direct democracy. In her book *On Revolution*, she points out that self-organisation and federation are closely linked. Thus, "when the French capital under siege by the Prussian army 'spontaneously reorganized itself into a miniature federal body', which then formed the nucleus for the Parisian Commune government in the spring of 1871"[38], which contained within itself "the germs, the first feeble beginnings of a new type of political organisation"[39]. Among the Founding Fathers of the United States, only Jefferson wanted to build the republic on these councils and he envisaged a system of councils from the local level up to the Union level. He thought that the "absence of such a subdivision of the country constituted a vital threat to the very existence of the republic."[40]. If the basis of freedom is the constitution of a public space, says Arendt, "then the elementary republics of the wards, the only tangible place where everyone could be free, actually were the end of the great republic whose chief purpose in domestic affairs should have been to provide the people with such places of freedom and to protect them."[41]

The associated abolition of the separation of people into rulers and ruled was reversed by the parliamentary system of representation.

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37 Cf. chapter 6 in this volume: Who is Capable of Acting?

38 Hannah Arendt. *On Revolution*, op. cit., p. 262.

39 Ibid., p. 244.

40 Ibid., p. 249.

41 Ibid., p. 255.

At the beginning of the Second World War, Arendt had written a memorandum on the minority question in Paris, which stated the failure of all minority policies "because of the existent and abiding fact of state sovereignty"[42] and saw the only chance for the Jewish people "in a new European federal system"[43]. And after the war, she campaigned – albeit unsuccessfully – with the *Ihud* (Unity) organisation against the establishment of a state of Israel for a bi-national confederation of Israelis and Palestinians.[44]

The above-mentioned problems show that remembering Europe proves to be much more difficult than merely retelling the history of the French Resistance. From the perspective of Arendt and the integral federalists, the existing federalism within the United States and Europe appears as a state federalism with a considerable democratic deficit. The United States is a traditional sovereign nation state, and Europe also behaves towards migrants and refugees like a nation state, or even more like a union of nation states. Integral federalism, on the other hand, knows no final external border. In the current times of crisis, the memory of Europe's origins hardly plays a role in appeals for European unity. Explaining why the European federation is defensible, apart from the conveniences of travel and the common currency, is difficult for many because the political philosophy of federalism is largely unknown and integral federalism has hardly been updated in the last thirty years. When the *Occupy Wall Street* movement argued that social injustice finds its parallel in a particular constitutional injustice, they unwittingly highlighted, similarly to the integral federalists, the close connection between political and social democracy. However, this short-lived movement did not contribute to a deeper theoretical understanding of this statement.

The traps of the nation-state

But let us return to the nation states. The weakening of welfare states and social justice not only leads European social democracy into an existential crisis, but at the same time increases the attractiveness of the other traditional frame of reference, the nation state.[45] If this change emerges so reflexively and without further consideration, it means that the theory and practice of the nation state are omnipresent,

42 Hannah Arendt: *The Minority Question, in: The Jewish Writings*, New York: Schocken 2007, p. 127.

43 Ibid., p. 129.

44 Amnon Raz-Krakotzkin: Binationalism and Jewish Identity: Hannah Arendt and the Question of Palestine, in: Steven E. Aschheim (ed.): *Hannah Arendt in Jerusalem*, Berkeley: University of California Press 2001, pp. 165–180.

45 Cf. the study on poverty and nationalist political orientation in contemporary France by Didier Eribon: *Rückkehr nach Reims*, Berlin: Suhrkamp 2016.

while the theory and practice of federalism as its opposite seem to play only a minor role.

At schools and universities the theorists of the sovereign nation state, Bodin, Hobbes, and Rousseau, sometimes also Carl Schmitt, are read as classics, but not De Rougemont, Marc, or Arendt. Yet they are classics for no other reason than that we declare them to be such.

Historically, there are two traditions of state organisation: the sovereign nation-state, and the federation in the form of the federal state, confederation of states or corresponding mixtures. As Foucault has convincingly described, the nation-state is the consequence of a modern growth of population and technical progress which necessitated the replacement of feudal administration of territories by the administration of populations. It is a historical form of state that is not the ultimate wisdom, but an adequate form for a certain state of technology and population development. The idea of sovereignty was introduced in the face of initial resistance with the help of the well-known ecclesiastical concept of the integrity of the Virgin Mary. State sovereignty symbolically reduces the diverse polity to the image of a woman, Hollandia, Helvetia or Venezia, defended by the corresponding male regents.[46]

For decades now, the globalisation of technology, mobility, spatiality and temporality has made the factual and historical limitations of the nation state clear. The nation state is therefore not the only possible form of state organisation; rather, there has always been the second tradition, even if it was disregarded and inferior for long stretches. One thinks of Roman alliance politics, or the medieval Holy Roman Empire, which existed until Napoleon's wars of expansion in 1806, and in whose sphere constitutionalists such as Althusius, Hugo and also Leibniz thought in categories of federation and not of the nation state. It is also noteworthy that they therefore clearly distanced themselves from Bodin and Hobbes, in part as their contemporaries.[47]

In view of these two traditions, the provocative question "Have we read the wrong authors?" posed by the Canadian political scientist Thomas Hüglin becomes understandable.[48] The nation-state is thus a temporally and factually limited phe-

46 Cf. Thomas Maissen Wie die Jungfrau zum Staat kam, in *Ruperto Carola* 1/2006, Forschungsmagazin der Universität Heidelberg. http//www.uni-heidelberg.de/presse/ruca/ruca06-1/wie.html, and Thomas Maissen *Die Geburt der Republic. Staatsverständnis und Repräsentation in der frühneuzeitlichen Eidgenossenschaft*, Göttingen 2006, ch. III. 9 Die Schöpfung der Helvetia in Malerei und Dichtung, pp. 253–277.

47 Philip Beeley: Leibniz and Hobbes, in: Brandon C. Look: *The Continuum Companion to Leibniz*, London-New York 2011, pp. 32–50. Patrick Riley: Three Seventeenth Century German Theorists of Federalism: Althusius, Hugo and Leibniz, in: *Publius* 6, No. 3 (1976), pp. 7–42.

48 Thomas O. Hüglin: Have we read the wrong authors? On the Relevance of Johannes Althusius as a Political Theorist, in: *Studies in Political Thought*, vol. 1 (1992), pp. 75–93, also in: *Rechtstheorie*, Beiheft 16, 1997, pp. 219–240.

nomenon, and as such Hannah Arendt also criticised it, without underestimating its continuing presence.

Nation-state and sovereignty

Arendt's critique is based on a qualitative distinction between people, state and nation. The people is the population living in a political community, the state is the institutions of politics and administration, and the nation is a cultural-historical commonality of a certain population group. This distinction clearly shows the separation of politics and culture, citizenship and cultural belonging. According to Arendt, the modern era had to solve the following problem: How to reconcile political freedom and cultural difference? Hobbes and Rousseau saw the solution in the unity of people, state and nation based on sovereignty – in Hobbes in the form of the people welded together into the Leviathan under the leadership of the sovereign, and in Rousseau in the form of the *volonté générale* of the sovereign people identical with the nation. In Hobbes, the people should allow themselves to be subjugated by the sovereign for reasons of security, in Rousseau by themselves out of insight into necessity. In Hobbes, this opens the door to tyranny, in Rousseau to anti-cosmopolitanism and xenophobia.

In 1963, in a radio discussion on the relationship between the nation-state and democracy, Arendt presented the following theses on some one hundred and fifty years of the practical experiences made with sovereignty and the nation-state:

Firstly, the nation-state popular sovereignty introduced above all with the French Revolution showed much less stability than was thought, because the tendency of "the nation, that is, the people politically emancipated by the nation-state, showed very early on a fatal tendency to cede its sovereignty to dictators and leaders of all kinds", which means that this people has always been sceptical of the party system that corresponds to this nation-state and that this party system has "in many cases and always with the consent of broad masses of the people ended with the establishment of a party dictatorship and the abolition of precisely the specifically democratic institutions of the nation-state". Concern for democratic action in the public sphere always took a back seat, so that "dictators could count on the national sentiment of the peoples they had (disenfranchised)".[49]

Secondly, in the nation state, national affiliation takes precedence over democracy, because the nation has conquered the state. In this context, even under dictatorships, basic civil rights such as representation of interests and freedom of the press can certainly be granted, but not the active participation of the people in decisions on public affairs.

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49 Hannah Arendt: Nation State and Democracy (1963), in: *Thinking Without a Banister. Essays in Understanding 1953 – 1975*. New York: Schocken 2018 p. 255.

Thirdly, the basis of the European nation state, the "trinity of people – territory – and state", which was also questioned by Weber and Jellinek, leads to the homogenisation of the people, with the alternative: forced assimilation or exclusion, and in the case of the continued existence of national minorities, to so-called "minority rights", which, according to Arendt, were rightly regarded by the minorities only as "minor rights".[50]

Fourthly, the disintegration of the Russian Empire and the Habsburg monarchy led to a plethora of minorities without rights, whose precarious situation Arendt saw in her book as one of the origins of total rule.

Fifthly and finally, Arendt declared that "the nation-state's notion of sovereignty, which in any case comes from absolutism, is a dangerous megalomania. With today's transport and population conditions, the xenophobia typical of the nation-state is so provincial that a culture with a consciously national orientation is liable to sink down very quickly to the level of folklore and *Heimat* kitsch."[51]

From all this, Arendt concluded:

> Just as today we are faced everywhere in foreign policy with the question of how we can arrange the intercourse of states among themselves and with each other in such a way that war is ruled out as the *ultima ratio* of negotiations, so today we are faced everywhere in domestic policy with the problem of how we can reorganise and divide modern mass society in such a way that it can come to a free formation of opinion, to a reasonable dispute of opinions and thus to an active co-responsibility in public affairs for the individual. Nationalism in its egocentric narrow-mindedness and the nation-state in its essential inability to legitimately transcend its own borders are probably the worst possible prerequisites for this.[52]

As we can see, the problem with sovereignty is that rather than limiting democracy it limits freedom. Again, we are dealing with familiar terms that need a new definition. Democracy is about majority rule and majority decision-making, which can be used to suppress minorities – we currently see this in various forms of "illiberal democracy" and autocracy, where the popular will is mobilised against republican institutions and freedoms. Freedom is about freedom of expression and movement and the possibility of participation for all. Arendt provides a philosophical-anthropological justification for this – sovereignty is not synonymous with freedom because it contradicts human plurality.

> If it were true that sovereignty and freedom are the same, then indeed no man could be free, because sovereignty, the ideal of uncompromising self-sufficiency

50 Ibid., p. 258.

51 Ibid., p. 261.

52 Ibid.

> and mastership is contradictory to the very condition of plurality. No man can be sovereign because not one man, but men inhabit the earth … All the recommendations the tradition has to offer to overcome the condition of non-sovereignty and win an untouchable integrity of the human person amount to a compensation for the intrinsic "weakness" of plurality.[53]

Freedom implies the existence of plurality and intersubjectivity, while sovereignty is not merely directed at ourselves in the sense of freedom from domination by others, that is, in the sense of self-rule, but, Arendt concludes, above all, it is also inescapably directed at others "as arbitrary domination of all others".[54] Hence she concluded: "The famous sovereignty of political bodies has always been an illusion, which, moreover, can be maintained only by the instruments of violence, that is, with essentially non-political means. … If men wish to be free, it is precisely sovereignty they must renounce."[55]

But how is this freedom to be practised and preserved if the prerequisite for it is the renunciation of sovereignty, when in all our liberal democracies we refer to the people as the sovereign, in the singular, significantly, who show themselves in the elections and on whose behalf their representatives act?[56]

It is not only the "rupture of tradition" in the 20th century which culminated in the Holocaust and led Arendt to examine the entire tradition of political-philosophical thought for the weaknesses that led to this rupture. Her exile in the USA also encouraged her to take note of a different experience than the European one

53 Hannah Arendt: *The Human Condition*, University of Chicago Press 1958, p. 210.

54 Ibid., p. 211

55 Hannah Arendt: "What is Freedom?" In: *Between Past and Future.* op. cit., p. 164f.

56 The democratic slogan in 1989 "We are the people" was directed against the GDR leadership's claim to represent the people without allowing political plurality, while the same slogan, used after German unification by right-wing populists, conversely fights political and cultural plurality.

with Hobbes and Rousseau.[57] What Pocock called the "Machiavellian moment"[58], the bridge of republican thought between Florence in the 15th century and Philadelphia in the 18th century, unfortunately bypassing Europe, encouraged Arendt to discover a different foundation of freedom that at the same time cast a different light on familiar political phenomena such as domination, power, violence and authority, and described a "hidden tradition" of spontaneous forms of organisation of political action and political institutions of freedom.

Arendt's politically important book *On Revolution* receives insufficient recognition. Dissertations in recent years that critically examine the phenomenon and theories of sovereignty, comparing Arendt and Hobbes, do not penetrate to the republican, federalist alternative in whose tradition Arendt also placed herself precisely vis-à-vis Hobbes.[59] "… the great and, in the long run, perhaps the greatest American innovation in politics as such was the consistent abolition of sovereignty within the body politic of the republic, the insight that in the realm of human affairs sovereignty and tyranny are the same."[60]

We will look at how power can be formed without sovereignty below in the context of the founding of the USA.

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57 This is connected to her critique of the philosophical tradition and the following confrontation in her thinking diary in July 1955. "Arendt defines the political there in several opposites (Arendt will reflect on this several times, especially in the lectures edited from her estate, *Was ist Politik?*, edited by Ursula Ludz, Munich: Piper 1993), which I am paraphrasing because of their density and the Greek interpolations, so as not to reduce the complexity. Firstly, as the public as opposed to the private (polis vs. house) but also as polyarchy vs. monarchy, as opinion as opposed to idea, as being seen and heard as opposed to being with oneself; secondly, as plurality as opposed to singularity, as well as living/acting together and talking together as opposed to the one, namely pure contemplation and pure perception; thirdly, as vita activa as opposed to vita contemplativa and finally, fourthly, as the social as opposed to the intimate, as securing the life of the 'sex' as opposed to the life of the individual, as community vs. individual. (Cf. *Denktagebuch 1950 to 1973*, ed. by Ursula Ludz and Ingeborg Nordmann, Munich Zurich Piper 2002, pp. 535f.)." Harald Bluhm Arendts Plato – unter besonderer Berücksichtigung ihres Denktagebuches, in *HannahArendt.net*, vol. 8, issue 1, 2016. (Translated by WH)

58 J. G. A. Pocock: *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*, Princeton: Princeton University Press 1975.

59 Jonathan Havercroft: *Captives of Sovereignty*, Cambridge: Cambridge University Press 2011; Daniel Loick: *Kritik der Souveränität*, Frankfurt/M. – New York: Campus 2012; Rainer Miehe: *Jenseits und diesseits der Herrschaft*. Thomas *Hobbes' Political Philosophy in the Judgment of Hannah Arendt*, Nordhausen: Traugott Bautz 2015.

60 Hannah Arendt: *On Revolution*, op. cit., p. 153.

Power without sovereignty

In *On Revolution*, Arendt compared the French Revolution with the founding of the USA in terms of the course of the two phases of a successful revolution, liberation and the founding of freedom. In France, the founding of freedom failed in the terror and subsequent dictatorship of Napoleon, while in the USA it was realised in the founding of a federal republic. The importance of this connection between liberation and the founding of freedom and how little it is usually taken into account is shown by the revolutionary events in the 20th century, where liberation movements and liberation struggles were celebrated, such as in Cuba, Angola, Mozambique, Vietnam, Cambodia and Nicaragua, but which then gave rise to dictatorships instead of freedom, often in the style of the French Revolution. The course of the Arab rebellion in the Middle East a few years ago again proved the inevitability of this necessary double step of liberation and the establishment of freedom. It only succeeded in Tunisia, but in Egypt we experienced the moment when the liberation process froze in Tahrir Square and failed to establish a new freedom.

In contrast, the establishment of freedom in the North American colonies was able to succeed because they were not subject to the aggravating conditions pertaining in France: there was no absolute monarchy but only a limited one that did not lead to excesses, there was longstanding political experience through institutions of self-government rather than politically inexperienced salon revolutionaries, and there was no poverty whose radicalisation would have led to a loss of political control as in France.

The decisive lessons and experiences for Arendt in the American colonies lie in the redefinition of the source of law and the origin of power, which were entirely different from the absolute sovereign as the supposed successor of Pope and Bishop. For Arendt, "in the language of political theory, he was not a successor but a usurper, despite all the new theories about sovereignty and the divine rights of princes."[61]

Specifically, according to Arendt, the process of founding freedom involved the following:

First, at the very beginning of colonial settlement, it was the experience of a kind of power formation in the form of the Treaty of the Passengers of the *Mayflower*, based on plurality, free from sovereignty and pre-political religious or philosophical justifications, and based on the principle of making a contract, promising and keeping a promise.

Arendt contrasts this mutual type of political society or consociation of free and equal citizens with the well-known social contracts of Hobbes and Rousseau, both of which are based on the surrender of power to the ruler.

61 Ibid., p. 160.

> In other words, the mutual contract where power is constituted by means of promise contains *in nuce* both the republican principle, according to which power resides in the people, and where a "mutual subjection" makes of rulership an absurdity – "if the people be governors, who shall be governed?" – and the federal principle, the principle of "a Commonwealth for increase" (as Harrington called his utopian Oceana), according to which constituted political bodies can combine and enter into lasting alliances without losing their identity.[62]

Secondly, there was no problem with the legitimacy of constitution-making, that is, with the *pouvoir constituant* so often discussed in the context of the French Revolution.

> The delegates to the provincial congresses or popular conventions which drafted the constitutions for state governments had derived their authority from a number of subordinate, duly authorized bodies – districts, counties, townships; to preserve these bodies unimpaired in their power was to preserve the source of their own authority intact.[63]

Thirdly, these elements of power formation provide stability in the face of a future "in the ocean of future uncertainty where the unpredictable may break in from all sides"[64]. It is remarkable how Arendt compares political action to the rules of language, which is not a mechanism of inevitability but is based on experience and draws orientation from it:

> The grammar of action: that action is the only human faculty that demands a plurality of men; and the syntax of power: that power is the only human attribute which applies solely to the worldly in-between space by which men are mutually related, combine in the act of foundation by virtue of the making and the keeping of promises, which, in the realm of politics, may well be the highest human faculty.[65]

And fourthly, this formation of power and world is a *sui generis* federal principle that existed in the North American colonies even before the founding fathers read Montesquieu and discussed the separation of powers and the federal structure of a great state, with districts, counties and municipalities. "Not only was a federal system the sole alternative to the nation-state principle; it was also the only way not to be trapped in the vicious circle of *pouvoir constituant* and *pouvoir constitué*."[66] Federalism is thus not only an organisational form for sharing power, but also for building power

62 Ibid., p. 171.
63 Ibid., p. 165.
64 Ibid., p. 175.
65 Ibid.
66 Ibid., p. 166.

and stabilising power and freedom. Strengthening power through the division of power, as Montesquieu called it, concerns not only the division of power in the narrower sense of the legislature, executive and jurisdiction, but also the division of the political community into politically self-governing units. Thus, potential sovereignty is also divided and thus deprived of its destructive, anti-pluralistic power.

The distinction between power, violence, force and strength described by Arendt in her essay "On Violence" and the definition of power as a phenomenon that arises through joint action seems to many colleagues, at least in Germany, to be too ideal-typical and too incompatible with our world. It has therefore been sorted in as one among various forms of power and occasionally compared with Foucault's quite different definition of omnipresent power.[67] However, this obscures the view of the necessary discussion on the foundations of an alternative to the nation state and sovereignty that Arendt had in mind.

I would like to add two aspects to this brief overview of Arendt's *On Revolution*. The first concerns the dynamisation of the process of power formation beyond the sphere of the surrender of power by the ruled to their rulers. Politics is not an administrative action, but a constantly new, spontaneous action whose organisational forms are associations – whether townhall assemblies in the North American colonies, societies at the beginning of the French Revolution, councils at the beginning of the Russian Revolution and in Hungary in 1956, or citizens' initiatives and non-governmental organisations today. "These new bodies politic really were 'political societies', and their great importance for the future lay in the formation of a political realm that enjoyed power and was entitled to claim rights without possessing or claiming sovereignty."[68]

The second aspect concerns the strict distinction between law and power, between the institutional framework that makes action possible and at the same time restricts it in favour of the freedom of action of all against the dictatorial desire of a majority, and the volatile action itself. It is the rule of law that makes the formation of power possible; the republic makes the unfolding of a non-sovereign democracy possible. "The American revolutionary insistence on the distinction between a republic and a democracy or majority rule hinges on the radical separation of law and power, with clearly recognized different origins, different legitimations, and different spheres of application"[69] The current constitutional crisis in Poland is an exam-

67 Gerhard Göhler Macht, in Gerhard Göhler / Mattias Iser / Ina Kerner (eds.) *Politische Theorie. 25 umkämpfte Begriffe zur Einführung*, Wiesbaden Springer 2011, pp. 224–240; Rainer Forst *Normativität und Macht – Zur Analyse sozialer Rechtfertigungsordnungen*, Berlin Suhrkamp 2015. For Habermas critique of Arendt's concept of power, see chapter 12 in this volume: Facing the War. Arendt and Habermas.

68 Hannah Arendt: *On Revolution*, op. cit., p. 168.

69 Ibid., p. 166.

ple of how power wants to subjugate fundamental laws and thus limit freedom by democratic means.

What is remarkable, for Arendt and also for us, is that the American revolutionaries did not follow any theory, but put their experiences and those of the classics in the foreground. Thus Arendt quotes one of them, John Dickinson, who declared that "experience must our only guide. Reason may mislead us"[70]. The Founding Fathers' written discussions of the separation of powers, *checks and balances* and the constitutional measures necessary to stabilise the republic, published in the *Federalist Papers*, have become a republican classic of the first rank in political science. And yet Arendt is right that what was new has nowhere found an intellectual and conceptual expression adequate to it. What Arendt analysed in terms of power and mutual obligations and promises has never been theoretically preserved by the revolutionaries and their heirs. "… if it is indisputable that book-learning and thinking in concepts, indeed of a very high calibre, erected the framework of the American republic, it is no less true that this interest in political thought and theory dried up almost immediately after the task had been achieved."[71], she noted with disappointment.

The failure of federal plans and the consequences

Despite the numerous federal structures worldwide, it is astonishing how few conceptual points of orientation have been elaborated as the foundations of federalism. Arendt's approach to this topic is the most developed, but it has found little favour not only among political scientists, but also among sociologists and historians. In 1965, for example, the historian Eric Hobsbawm noted "a certain lack of interest in mere fact" and the impossibility "of meaningful dialogue between her and those interested in actual revolutions"[72], whereas, in contrast, a jurist such as the US Supreme Court Justice William O. Douglas could agree unreservedly with Arendt's theses.[73]

It now seems, as Arendt noted from the two revolutions, that the cultural and political habits in which a revolution takes place strongly influence the spirit and course of that revolution. Favourable conditions like those in North America also prevailed in the Holy Roman Empire, which included the provinces of the Netherlands and cantons of Switzerland. It is no wonder that federalist ideas were discussed in the context of these two countries.

70 Ibid., p. 169.

71 Ibid., p. 219.

72 E. J. Hobsbawm, Review, in: *History and Theory*, vol. 4, no. 2, 1965, p. 255.

73 William O. Douglas: The Guts of Freedom, in: *San Francisco Chronicle*, 21 January 1962.

The Calvinist state theorist and politician Althusius developed his corporatist state theory in the quasi-autonomous city of Emden and in a lively exchange with the neighbouring Netherlands, with a con-social, community-oriented state and social theory built from the bottom up, a theory that stems from his environment and political experience.[74] In this context, the usual discussion in research as to whether Althusius' conceptions of society belong more to the Middle Ages or more to the modern era is less interesting than the federal conceptions developed in his ideas, which go back to Thomas Aquinas in terms of subsidiarity and open the way to the modern republic in their orientation towards the treaty system. As stated in an essay by Charles S. McCoy, Althusius "held … that 'the rights of sovereignty' belong to 'the realm, or to the commonwealth and people' in a covenanted order, and that the 'supreme magistrate is the steward, administrator, and overseer of these rights' as granted by covenant. He can therefore be deposed."[75] It would be worthwhile to examine other examples of historical federal structures or elements and their theoretical reflection, such as Otto Bauer's and Karl Renner's treatment of the nationality question in the Habsburg Empire or tolerance in the Ottoman Empire at the time of Ali Pasha and nation-state oppression in modern Turkey.[76]

Three examples show the extent to which an unfavourable cultural climate and political mistakes cause the chances of federal foundations to fail and war and violence are associated with the nation-state solution: The founding of the state of Israel and Arendt's support for the concept of a binational state; the Algerian struggle for independence and Albert Camus' proposal for an Algerian-French confederation instead of the formation of an Algerian nation-state; and thirdly, the attempt by West African politicians to seek a West African-French confederation instead of nation-state decolonisation. None of the three goals were realised; they were considered naïve or colonialist and reactionary.

A binational Palestine

The project of a binational, Arab-Jewish federal state was advanced by a small Jewish organisation called *Ihud* (Union) led by Judah L. Magnes, a representative of Amer-

74 Cf. Giuseppe Duso / Werner Krawietz / Dieter Wyduckel (eds.) *Konsens und Konsoziation in der politischen Theorie des frühen Föderalismus*. Foreword by Dieter Wyduckel, Berlin: Duncker & Humblot 1997.

75 Charles S. McCoy: The Lost Tradition? In *Publius*, vol. 31, no 2, 2001, p. 13.

76 Cf. Peter Riesbeck *Sozialdemokratie und Minderheitenrecht. Der Beitrag der österreichischen Sozialdemokraten Otto Bauer und Karl Renner zum internationalen Minderheitenrecht*, Saarbrücken Verlag für Entwicklungspolitik 1996; Rasim Marz *Ali Pascha – Europas vergessener Staatsmann*, Berlin Frank & Timme 2016; Kahraman Solmaz *Krise, Macht und Gewalt. Hannah Arendt and Turkey's Constitutional Crises from the Late Ottoman Period to the Present*, Baden-Baden: Nomos 2016.

ican Reform Judaism and rector of the Hebrew University in Jerusalem, and the religious philosopher Martin Buber. In the crucial years between the end of the Second World War and the founding of the State of Israel in 1948, Arendt was briefly involved in the activities of the *Ihud*. Magnes, Buber and Arendt had different motivations for advocating a federation, but these did not weaken the joint activities; on the contrary, they strengthened them.

Magnes, described by Scholem as "a role model of internal courage" because he wanted to be a "free man" and refused to be "intimidated by the public",[77] was concerned with the security and freedom of a future Jewish community in Palestine, and he considered it possible only within the framework of coexistence and cooperation between Jews and Arabs. As an American citizen and member of American liberal Jewry, he was familiar with the federal practice of the USA, which he described in 1909 as a "republic of nationalities"[78], and it was therefore natural for him to draw on this example. Magnes was a co-founder of the Hebrew University of Jerusalem in 1925, of which he became rector. In the 1920s he founded the organisation *Brit Shalom* (Covenant of Peace), which proposed a binational solution but met with no response, and then in 1942, together with Martin Buber, he founded *Ihud*. The name "Union" was meant to recall Lincoln's defence of American unity against the secessionist Southern states.[79] The group had less than a hundred members, so it was vanishingly small compared to the large Jewish organisation.

From a philosophical and theological point of view, Buber had developed the dialogical relationship of the I-Thou as a principle of interpersonal communication and mutual respect and transferred it to the relationship between Jews and Arabs. In a speech on the occasion of the XII. Zionist Congress in Carlsbad in 1921, he had warned against nationalism as the fruit of the French Revolution and an expression of the loneliness of modern man, who as a reaction to this would unite with others in a group egoism.[80] In 1926, in his essay "On the Jewish-Arab Question", he pleaded for "service to the foreign population of the country for the sake of the community that is to become; union of interests, but also promotion of their special interests, in order to make them feel the desirability and possibility of union of interests, but beyond this purpose, for the sake of their welfare as a member of the community that is to become."[81] In 1938, he fled from Nazi Germany to Jerusalem and met Magnes.

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77 According to Daniel P. Kotzin: *Judah L. Magnes. An American Jewish Nonconformist*, Syracuse: Syracuse University Press, 2010, p. 2.

78 Ibid., p. 220.

79 Ibid., p. 282.

80 Martin Buber Nationalismus, in *Zion als Ziel und als Aufgabe*, Berlin Schocken 1936.

81 Martin Buber Zur jüdisch-arabischen Frage, in *Ein Land und zwei Völker*, herausgegeben und eingeleitet von Paul R. Mendes-Flohr, Berlin Jüdischer Verlag 2018, p. 100.

Hannah Arendt had spoken for the first time in 1940 from a political standpoint on the future of the Jewish people and, in view of the failure of European minority policy since the end of the First World War, had stated that there was no longer any possibility of assimilation in the European nation states and that there was therefore a future for the Jewish minority only in a new federal system of Europe, a "commonwealth of European nations with a parliament of its own"[82], in which there would no longer be the equation of nation and territory with a simultaneous division of the people into an enclosed one on the ground of this territory and an excluded one outside this territory. Not only Palestine, according to Arendt, but the entire Middle East could only be held by a united Europe.[83]

Arendt was close to Zionism because it meant independent political action by the Jewish people, although she was more impressed by Bernard Lazare's rebellious attitude than by the statesmanship of a Theodor Herzl or Chaim Weizmann. Herzl, moreover, meant to her the escape from anti-Semitism, the exploitation of anti-Semitism to facilitate emigration and the establishment of her own state. Lazare, on the other hand, impressed her because of his mobilisation of the people against their enemies, the search for comrades-in-arms and the goal of emancipation as a people and a nation.[84] Arendt considered Zionism to be a legacy of "two typical nineteenth century European political ideologies – socialism and nationalism"[85], which had lost its social revolutionary élan and now pursued not only national but also chauvinist goals.[86]

This tendency intensified when, in view of the incipient extermination of the Jews by Hitler's Germany, the majority of the extraordinary Zionist congress, the Biltmore Conference, decided in 1942, under the leadership of David Ben-Gurion, to found a Jewish state in which the Palestinian Arabs, as the majority of the population, were to be given minority status. Arendt, on the other hand, advocated an expanded concept of her idea of a European federation, namely the inclusion of Palestine as a Jewish settlement area in this federation.[87] She opposed Judah L. Magnes' proposal of a binational state because it was not a federation, but an undefined union of nation states, in which the Jewish people would inevitably receive a minority status that would virtually provoke conflicts, as the disastrous history of sovereign nation states and of state structures of different minorities with minority rights in Europe had shown. A federation was not an arbitrary union of nation states, but an association with institutions through which no individual

82 Hannah Arendt: The Minority Question, op. cit., p. 130.

83 Ibid., p. 132.

84 Hannah Arendt: Herzl and Lazare, in: *The Jewish Writings*, op. cit., p. 339.

85 Hannah Arendt: Zionism reconsidered, in: *The Jewish Writings*, op. cit, p. 348.

86 Ibid., p. 351.

87 Hannah Arendt: The Crisis of Zionism, in: *The Jewish Writings*, op. cit., p. 184.

state could exercise dominance over other member states. Such a federation was first realised by the United States.[88] "A genuine federation is made up of different, clearly identifiable nationalities or other political elements that together form the state. National conflicts can be solved within such a federation only because the unsolvable minority-majority problem has ceased to exist."[89]

According to Arendt, the results of the 1944 meeting of the American branch of the *World Zionist Organization* in Atlantic City represented a negative turning point, because now all of Palestine was claimed for a Jewish state and the Arab population was no longer mentioned. This presented them with the choice of emigration or second-class citizenship. In Arendt's view, this plan ultimately rendered the Arab population superfluous, not excluding massacres such as those that actually took place later in Deir Yassin, Jaffa and Haifa, which Arendt condemned.[90] She also clairvoyantly stated that such a development "will inevitably lead to a new wave of Jew-hatred; the anti-Semitism of tomorrow will assert that Jews not only profited from the presence of the foreign big powers in that region but had actually plotted it and hence are guilty of the consequences".[91]

In 1946, Buber and Magnes, with Arendt's support, submitted to the *Anglo-American Palestine Commission* their ideas of a state that was already binational because of the natural rights of the Arabs and the historical rights of the Jews, and whose establishment was to be preceded by control by international trustees during the drafting of a constitution. The tensions that undoubtedly existed between Jews and Arabs were to be overcome through the everyday practice of cooperation at various levels.[92]

Magnes and Buber made a brilliant impression, not least as personalities.[93] But the British government and the Zionist organisations in the USA were not at all convinced by their plans. In 1947, after a year of inaction, the matter was turned over to the UN. Faced with the unwillingness of Jewish and Arab leaders to cooperate, the chairman of the *UN Special Committee on Palestine* finally declared: "If you cannot bring about the necessary cooperation, I think the (binational) scheme will fail."[94] At the end of 1947, the UN decided on partition. In order to save the idea of a federation, Arendt worked actively with Judah L. Magnes and the *Ihud*. In May 1948, Magnes succeeded in meeting the American President Truman, who declared: "Dr Magnes, we

88 Hannah Arendt: Can the Jewish-Arab Question be Solved? In: *The Jewish Writings*, op. cit., p. 196.

89 Ibid., p. 195.

90 Hannah Arendt: Zionism reconsidered, in: *The Jewish Writings*, op. cit., pp. 367, 370.

91 Ibid., pp. 343–45.

92 Martin Buber et al.: *Palestine. A Bi-national State*, New York: Ihud 1946.

93 According to Daniel P. Kotzin, op. cit, p. 304.

94 Ibid., p. 311.

won't give up! We shall hang on to this until we find a way. That is our duty."[95] But Truman remained inactive, and shortly afterwards the state of Israel was founded.

In 1950, Arendt spoke out for the last time on the problem of establishing a state in her essay "Peace or Armistice in the Middle East?"[96] with a long analysis of the mistakes and failures, which can be summarised in the following two points:

Firstly, both sides, the Jewish and the Arab, were completely blind in their mutual perception; they proceeded in an exclusionary and nationalistic manner from their own history and the resulting own claims; the "feeling of complete strangeness" prevailed towards the neighbours due to the lack of economic interdependence[97], and both sides were incapable of realistically assessing the other, basing themselves on Central European, nationalist ideologies.

Secondly, the mandate period meant an education in irresponsibility, in which the respective interests of the Jews and Arabs were cultivated, and the overall context was lost sight of. The British did nothing that would have brought the peoples closer together, so as not to foster alliances against themselves. One can add that the UN Committee on Palestine and Truman also made no effort towards rapprochement.

There were also exceptions on both sides. But corresponding positive proposals failed repeatedly due to majority conditions, including the proposal in 1948 by Israel's first UN envoy Abba Eban to establish a Middle East League in which "Turkey, Christian Lebanon, Israel and Iran would be united as partners of an Arab world in a non-aggression alliance with mutual defence and economic cooperation".[98]

Arendt's conclusion in the face of the failure of a federal state was: "The necessity of Jewish-Arab understanding can be proved by objective factors; its possibility is almost entirely a matter of subjective political wisdom and personalities".[99] The lack of political wisdom was also due to the fact that only those immigrants who had experience with the concept of federalism, i.e. those who came from the United States, and to some extent also from Germany, could relate to it, but not those who came from Eastern Europe.

A French-Algerian Federation

In the case of the Algerian-French ideas of federation, we are not dealing with a small group and little support, but with just one person, namely Albert Camus, who re-

95 Ibid., p. 316.

96 Hannah Arendt: Peace or Armistice in the Middle East? In: *The Jewish Writings*, op. cit., pp. 423–450.

97 Ibid., p. 430f.

98 Ibid., p. 446.

99 Ibid., p. 439.

ceived practically no support, but kept hoping for support in view of his public reputation.

Camus, who called himself African several times, was born in Algeria and was connected to the fate of this country throughout his life. His writings revolved around his experiences with poverty and nature, around the "Mediterranean light" and "Mediterranean thinking". Algeria was home for him, Paris always remained a kind of exile. He belonged to the large minority of immigrants from France, but also Italy, Spain and Malta, only a small proportion of whom were colonists and eighty per cent of whom were wage earners and small traders. The majority population consisted of 8.5 million Arabs. Since 1848, the country had been an integral part of French territory, i.e. not a colony, although administered with colonial methods, and the inhabitants were French citizens, but only citizens of French origin also had full civil rights in Algeria.

Camus first encountered the federal idea in Kabylia, the poorest region of Algeria, about which he was the first to write a harrowing reportage in 1939. There Camus got to know the Douar communities and was very impressed by their system of democratic, federal self-government, because in his view, "a kind of small federal republic could emerge from it according to the principles of a true democracy"[100]. In 1943, a group of Algerians published a declaration under the title "*Les Amis du Manifeste et de la liberté*" in which they demanded the end of colonialism and the recognition of Algeria as a state with its own constitution, but at the same time proposed a federal system linked to France.[101] The idea of federalism was thus in the air.[102]

On the other hand, the relationship between Algeria and France was marked by increasing violence. On 8 May 1945, VE Day at the end of the Second World War, the French administration suppressed a peaceful demonstration for more independence rights in Sétif, and in 1954 the FLN began a war of liberation in which it became more and more radicalised ideologically, with violence escalating on both sides. Camus' stance was clear: he was against all violence, and he was against the concept of freedom through national independence. Against all violence meant that for him there could be no argument in favour of sacrificing innocent people, "*aucune cause ne justifie la mort d'un innocent*"[103]. He condemned repression and terrorism in equal

100 Albert Camus: Quand la démocratie remplacera le caïdat, *in: Alger-Républicain*, le 13 juin 1939.

101 Manifeste du peuple algérien, in: Claude Collot et Jean-Robert Henry: *Le mouvement national algérien. Textes 1912–1954*. Préface de Ahmed Mabiou, Paris: Editions L'Harmattan 1978, pp. 155–165.

102 There is a long tradition of French plans for Europe, which included southern Europe and occasionally also the Mediterranean countries, but were mainly geopolitically oriented and do not seem to have influenced Camus, see Wolf Lepenies: *Die Macht am Mittelmeer. Französische Träume von einem anderen Europa*, Munich Carl Hanser 2016.

103 Albert Camus *Essais*, Paris Gallimard 1965, p. 993.

measure, which did not please the intellectuals in Paris, especially Sartre. Sartre excused the massacre of three hundred men, women and children in Melouza in 1957 by the FLN, saying: "Who could blame the FLN for violence, when for years it was at the mercy of the French army's repression, torture and massacres? It is inevitable that the revolutionary party also kills some of its members. I consider this a historical necessity against which we can do nothing."[104]

Regarding the goal of national independence, Camus explained that it was "a conception springing solely from emotion. There has never yet been an Algerian nation. The Jews, the Turks, the Greeks, the Italians, the Berbers would have just as much right to claim the direction of that virtual nation."[105]

The concept of national independence is by definition based on the determination of a leading nation called exclusively to rule or, in Arendt's words, to conquer the state. The anti-democratic attitude feared by Arendt in nation states was present in the FLN from the beginning, inseparable from its nationalism. The founding of independent Algeria meant the exclusion of the minority in Kabylia. Their rights had to be fought for laboriously over decades. The Algerian writer Boualem Sansal is therefore not afraid to compare the FLN with the NSDAP in his novel *Le Village de l'Allemand ou Le Journal des frères Schiller*, published in 2008, looking back on the violence of the 1990s; the protagonist figured out that fundamentalist Islam and Nazism "*c'était du pareil au même*".[106]

The federalist ideas developed by Camus explicitly oppose "the regime of centralisation and abstract individualism that emerged from 1789"[107] and include a federation uniting France and the French overseas territories with the Mediterranean as the hub and Algiers as the "federal capital" and seat of the "federal parliament", a federation that would "one day merge with an eventually united Europe".[108]

But Camus failed in his attempt to find support for his ideas in the political arena. Moreover, in the 1956 French elections, the proponents of the idea of Europe lost and the communists and right-wing Poujadists received greater support than before.

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104 See Michel Onfray *Im Namen der Freiheit Leben und Philosophie des Albert Camus, Munich Albrecht Knaus 2013.*

105 Albert Camus: Algeria 1958, In: *Resistance, Rebellion, and Death*, op. cit., p. 145.

106 Boualem Sansal: *Le village de l'Allemand ou Le journal des frères Schiller*, Paris: Gallimard folio 2008, p. 147, see also p. 75. Other Algerian writers are also somewhat close to Camus, see Christiane Achour: *Camus dans la presse algérienne des années 1985–2005*, in: Agnès Spiquel / Alain Schaffner (eds.): *Albert Camus: l'exigence morale – Hommage à Jacqueline Lévi-Valensi*, Paris: Editions Le Manuscrit 2006, pp. 141–161.

107 Albert Camus "Das neue Algerien", in *Fragen der Zeit*, Reinbek Rowohlt 1977, p. 193. (Translated by WH)

108 Albert Camus: L'avenir algérien, in: *L'Express*, 23 July 1955.

Camus' federalist ideas were closely linked to his libertarian views of politics and morality and the rejection of violence and camp thinking. Michel Onfray sees in Camus a clear juxtaposition of the Mediterranean attitude to life and the political philosophy of the North, of Plotinus and Sade, of the Sansculots and Robespierre, of Proudhon and Marx, of the syndicalist Pelloutier and Lenin, as well as of the Commune of Paris and the Russian Revolution.[109] His commitment against the death penalty, his interventions for detainees in Algeria and declarations such as "*justice* without mercy is little more than inhumanity"[110] are, like his novels and plays, committed to a concrete humanity. His plea for the creation of a federation is based on the insight that the world needs a reordering after the Second World War.[111] Like Arendt, Camus belonged to a minority that advocated humanity and a libertarian civil society in opposition to liberalism and communism. Camus hoped for the emergence of cross-national "communities of thought"[112], which he planned to found in Europe in the late 1940s as "liaison groups" and across continents as "Europe-America groups". But these plans failed, perhaps they were too much ahead of their time.[113]

Camus was heavily criticised for his rejection of the national liberation struggle and national independence. Raymond Aron called him a "well-meaning colonialist" Edward Said called him an unconscious colonialist[114]; nobody in France could do anything with his federal idea. Nation and violence were the reference points that included any kind of human rights violations and their justification on both sides, regardless of class and education.

A West African Federation

Only recently has the process of decolonisation in Francophone West Africa between 1945 and 1960 been critically examined with regard to possible alternatives to what actually happened.[115] It is emphasised that nation-building is not the only alterna-

109 Michel Onfray *Im Namen der Freiheit,* op. cit., p. 406.

110 Albert Camus *Weder Opfer noch Henker. Über eine neue Weltordnung*, Zurich Diogenes 1996, p. 38. (Translated by WH)

111 Ibid.

112 Ibid., p. 28.

113 See Gregory D. Sumner: *Dwight Macdonald and the Politics Circle*. The Challenge of Cosmopolitan Democracy, Cornell University 1996, p. 192f.

114 In Michel Onfray: *Im Namen der Freiheit*, op. cit., p. 410, and Edward Said: Albert Camus, ou l'inconscient colonial, in: *Le Monde diplomatique*, Nov. 2000.

115 Frederick Cooper: *Africa in the World, Capitalism, Empire, Nation-State,* Boston: Harvard University Press 2014. Frederick Cooper: Alternatives to Nationalism in French West Africa, 1945–60, in: Marc Frey / Jost Dülferr (eds.): *Elites and Decolonization in the Twentieth Century,* Houndmills: Palgrave Macmillan 2011, pp. 110–137. Gary Wilder: *Freedom Time: Negritude, Decolonization, and the Future of the World,* Durham N.C.: Duke University Press 2015.

tive to colonialism, but rather embodies a fatal development in the course of which the alternative of a federal structure was also discussed among African politicians. The fact that this alternative was not mentioned later is related to a justifying historiography on both sides, France and the former dependent territories.

After the end of the Second World War, a new constitution was enacted in France in 1946 with the establishment of the Fourth Republic, according to which the colonies were given minor powers of representation and participation in two chambers of a newly created "Union Française". In the totality of this Union, there were territories with six different legal forms such as mandates, protectorates, "old" colonies in the Caribbean and "new" ones in Africa, as well as state territories such as France and Algeria with correspondingly different and unclear statements on citizenship rights and with a neither federal nor unitarist structure. Here in our context, only the West African "new" colonies are of interest. Their inhabitants were not French citizens, but only "subjects".[116]

Already when the new constitution was being drafted in France, the African politicians involved, such as Léopold Sédar Senghor from Senegal, pushed for greater representation and a greater say. This was linked to demands for equalisation of social rights to the welfare state standards in France (equal wages and pensions, 40-hour week, paid holidays, full access to jobs in the public service, etc.), which was also conceded by France after a general strike in 1952.

A large group of African politicians who had joined together to form the "*Mouvement des Indépendants de l'Outre Mer*" called for political emancipation and "economic and social democracy" in 1953[117], but at the same time warned that the "temptation of narrow nationalisms represents a grave danger in a world in which independence risks being only an illusion".[118] This illusion refers to economic dependencies. Moreover, a national independence of the small West African markets would only lead to a balkanisation of the region. Regarding ethnic and cultural diversity, Senegalese activist Mamadou Dia said: "It is necessary that in the final analysis the imperialist conception of the nation-state give way to the modern conception of the multinational state."[119]

Further developments were characterised by a struggle for more political equality of the West African countries and a corresponding federal structure, whereby the alternative of federation or national independence became increasingly clear.

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116 Apart from the Quatre Communes in Senegal, whose inhabitants had French citizenship but made up less than ten percent of Senegal's population. Cf. Mamadou Diouf: Les Quatre Communes, histoire d'une assimilation particulière, in: *Histoire du Sénégal: le modèle islamo-wolof et ses périphéries*, Paris: Maisonneuve & Larose 2001, pp. 135–156.

117 Frederick Cooper: *Alternatives to Nationalism*, op. cit, p. 110.

118 Ibid.

119 Ibid., p. 111.

De Gaulle clearly rejected the Africans' demand for the universal election of representatives to the second chamber and for legislative and executive autonomy for the colonies in the new constitution of the Fifth Republic in 1958. The African heads of state were now represented in an executive council with regular consultations by the French president and were otherwise faced with the clear alternative of either accepting this arrangement or secession. Senghor tried unsuccessfully to counter the secessionist considerations now growing in West Africa with a plea for the formation of an African community as the first step and then the formation of a Franco-African confederation in the second step. A federation was eventually formed temporarily between Senegal and French Sudan, now Mali. The extent to which nation-state thinking prevailed in France is shown by the declaration in 1959, pushed through by France in the Executive Council and hardly discussed by the members, that a federative unit could only have a single, common nationality.[120]

Senghor and most other state leaders did not want to equate nation and state; they had recognised the danger that such a structure would inevitably lead to the exclusion of minorities. They may also have realised that a nation-state structure does not have enough of a decisive power-sharing function and thus the danger of autocratic rule is greater. The reality of this fear was demonstrated by Senghor in Senegal and Sékou Touré in Guinea, who, as heads of state of their independent nation-states, have themselves succumbed to the temptation of abuse of power and repression. Côte d'Ivoire, which had strictly rejected an external federation, suffered a long civil war decades later due to the lack of an internal federation.

Mamadou Dia would express his "profound and sad conviction of committing one of those major historical errors that can inflect the destiny of a people".[121]

Conclusion

Why did all these projects fail? Three reasons seem decisive to me:

Firstly, in all these cases, federalism as a concept of power sharing with simultaneous power strengthening (Montesquieu) has not been sufficiently known, although Althusius, Montesquieu, Rousseau, the Founding Fathers of the USA, and Proudhon spoke extensively about it, and Switzerland and the USA convey positive experiences. Federalism has at least as important and indispensable a function as the separation of powers between the legislative, executive and judicial branches; only the two together lead to stability and the extensive freedom of political participation mentioned by Arendt.

120 Ibid., p. 128.

121 See Frederick Cooper: *Africa in the World*, op. cit., p. 80.

Secondly, understanding federalism means at the same time recognising the weaknesses of nation states with their supposed strengths of sovereignty and homogeneity. In all cases, the majority was under the illusion that power through sovereignty and homogeneity was particularly strong, indeed that power had to be backed up by force and that when disputes came to a head, only force would help to achieve this power. Nation-state thinking is based on bipolar thinking with a tendency towards fantasies of omnipotence and therefore includes the violence of excluding all those towards whom the nation asserts its sovereignty externally and homogeneity internally. This involves not only the violence of anti-colonial nationalism, but also the violence of anti-federal nationalism, as in the case of Yugoslavia, where the intentions to exercise violent domination were unmistakable.

Thirdly, federalism is more than a mere constitutional construction, far more than a means of forming large markets in the face of external competition, as expressed in West Africa or often in the context of the European Union's position vis-à-vis the United States and China. For Camus and especially Arendt, federalism is part of a humanistic understanding of the world of dialogue, plurality and intersubjectivity in action and judgement. The essential political elements of federalism[122] such as democracy in small political units, autonomy (not sovereignty) of the individual units and levels, power structure from the bottom up and unity in diversity are not only political elements. They are part of the human condition. It is therefore necessary to discover federalism not only as a political-institutional principle, but also as an existential principle of inter-humanity. Thus, Montesquieu's concept of strengthening power through power-sharing represents not only an institutional but also an interpersonal relationship, as does Arendt's definition of political phenomena.

Elisabeth Young-Bruehl has pointed out that Arendt drew an analogy between the political-republican and the mental realms. "She imagined a kind of republic of the mental faculties. In the mental republic, no faculty was to be dominant. No faculty was to be sovereign or invoke the sovereignty of the mind as a whole under its leadership. Thinking, Willing and Judging were to be a system of checks and balances: a senate, an executive, and a court."[123] The federal as a phenomenon of human conditionality, I would add, is revealed in Arendt's description of plurality as sameness and diversity, of intersubjective relations of acting and judging, and of mutual binding through promises. In these federal relations, there is not only no place for sovereignty and violence, but also no place for abstract, objective, logical

122 Carl J. Friedrich Politik als Prozess der Gemeinschaftsbildung, in *Föderalismus Weltordnung durch Konsens*, Köln-Opladen Westdeutscher Verlag 1970, pp. 434–454.

123 Jerome Kohn / Elisabeth Young-Bruehl: Critique de la souveraineté et de l'État-nation, in: Anne Kupiec et al. (eds.): *Hannah Arendt. Crises de l'état-nation. Pensées alternatives*, Paris: Sens & Tonka 2007, p. 295.

thinking and reasoning. In contrast, the Kantian extended mode of thinking, which for Arendt is the basis of all judgement while taking into account as many different points of view as possible, embodies the federal principle.

It follows from these observations to question the common dyadic way of thinking that underlies the widespread dualistic juxtapositions of sovereignty and dependency, majorities and minorities, inclusion and exclusion, people and stranger. Federal thinking is complex, characterised at least by triads such as the separation of powers or the judicial or moderating function, or by an understanding of plurality that goes beyond this, such as consensual governance in Switzerland, the Arendtian concept of plurality and Kantian extended judgement.

It also follows, in my opinion, to consider the importance of our ways of imagining. What do we see when we talk about Europe and the European Union, about Brussels, about refugees? Do we see "streams" or "waves", and "bureaucrats"? What do we see when we speak of Poles, Greeks, English, or Spaniards? Do we see people, do we see federated people? Our mostly uncritical images need to be questioned. This also concerns the way we see our society – as an anonymous society of passers-by and consumers, as a vertical society of rulers and ruled, or as a horizontal civil society. These are not imaginings devoid of reality, but rather shifts in perspective and focus based on arguments and judgements and the civic desire to act emphasised by Arendt. if we look at the possibilities, then councils and federalism appear as hidden treasures to be unearthed.

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