

The Problem of Authority in Arendt and Aristotle

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Abstract: The aim of the paper is to examine the limits of Aristotle and Arendt's contribution to a philosophical anthropology. By focusing on the concept of 'potentiality' - and thus the 'good life' as a potentiality awaiting actualization - the limit emerges from the way Aristotle understands 'life'. His discussion of slavery is pivotal in this regard.

Keywords: Hannah Arendt, Aristotle, authority, dignity, being-in-place, being-in-common.

Justice refers to the ethical category of the existing,
virtue the ethical category of the demanded.

Walter Benjamin: *Notes to a Work on the Category of Justice*

If there is a predicament, one in which 'we' are - one in which this 'we' is understood as designating a relationship between forms of experience and therefore both subjectivity and a sense of historical time, where time is there to be thought philosophically - then what arises as a concern to be addressed pertains to the categories or concepts in which this predicament is to be thought.¹ The present demands to be thought. What is central to the philosophical project is how to distinguish between differing and conflicting correlations. However, it is the ineliminability of thought that generates the following opening question: What are the categories, the modes of thought appropriate to the predicament in which 'we' are and thus in which 'we' take a stand? Though it should always be noted that this 'we' is itself the site of an already present asymmetrical relation between the 'we' that is held as a *yet-to-be* determined potentiality and the 'we' whose overdetermined presence is assumed as simply given by a certain conception of both law and politics. The latter is the 'we' of a posited and

then naturalized normativity, while the former is the 'we' that is always there as the sense of collectivity - community and subjectivity - resulting both from this exposure and the undoing of processes of naturalization; hence, the undoing of normativity in the name of an-other possibility. Within the present predicament in which predicament as *praedicamentum* names the state or the condition, thus the categories in terms of which what is, is presented and constrains thought, that constraint, thus the constrained, involves, at the same time, as much an appeal to the logical and to reason as it does to the understanding. There is, moreover, an inevitable link to *praedicare* and thus to stating or declaring. The predicament can be stated. There is a condition which in conditioning leads to forms of utterance and thus to speech. Without understating the predicament, in other words, without thinking thinking's own predicament, thought is refused an address; equally, thought would have failed to address. As a point of departure therefore it becomes possible to ask the question of the predicament within which Aristotle may have responded to the demand to think; questions of this nature pertain, equally, to Arendt. While she may have engaged with Aristotle and thus with Ancient thought more generally, that engagement was set by the predicament constraining thought. Borrowings and engagements will have always been determined in advance by their own predicament.

1.

Life as understood by Aristotle bequeaths a number of problems. The one that is of direct concern in this instance is the relationship between 'life' and 'the good life.' How is such a distinction to be understood? What type of distinction is it? These questions are to be approached here initially in terms of the temporality of *eudaimonia* and thus, equally, of the position of the *eudaimon*. Once this position can be generalised it indicates the presence of a founding reciprocity between time, and the ontology of being a subject. This point arises in Arendt's engagement with Aristotle's use of

the terms ‘*eudaimon*’ and ‘*eudaimonia*.’ In this regard she argues the following:

To be *eudaimon* and to have been *eudaimon*, according to Aristotle, are the same, just as to live well (εὖ ζῆν) and to have ‘lived well’ are the same as long as life lasts; they are not states or activities which change a person’s quality, such as learning and having learned, which indicates two altogether different attributes of the same person at different times.²

‘Learning’ and ‘having learned’ have beginnings and ends. If there is a capacity to learn then its actualization is ‘having learned.’ Arendt’s claim is that for Aristotle being a *eudaimon* is importantly different. In making this point her reference is, of course, to the discussion of what can be described as the modal identity of ‘living well’ and to ‘have lived well’ as it is presented in *Metaphysics* 1048b25. The significant elements of the passage read as follows:

We are living well and have lived well, we are happy and have been happy, at the same time [εὖ ζῆν καὶ εὖ ἔζηκεν ἅμα, καὶ εὐδαιμονεῖ καὶ εὐδαιμόνηκεν] otherwise the process would have had to cease at some time . . . but it has not ceased at the present moment; we both are living and have lived [ἀλλὰ ζῆν καὶ ἔζηκεν].³

Eudaimonia, at least in its first iteration here, is the predicate of a subject.⁴ However, two issues arise here: the first concerns coming to live well and the production of the subject as the *eudaimon* and therefore secondly the problem of who is the subject of *eudaimonia* given that this subject position is produced. Here, the important point is that *eudaimonia* is the *telos* of life and thus that which orientates life. The formulation of this position in the *Nicomachean Ethics* is clear:

The good life, therefore, appearing as something final and self-sufficient, is the end to which all actions aim [τέλειον δὴ τι φαίνεται καὶ αὐταρκες ἡ εὐδαιμονία, τῶν πρακτῶν οὓσα τέλος].⁵

While the argument that life takes as its end the life that is lived properly (where the sense of propriety is set by life itself and is thus intrinsic to life, hence value is not external) and while it is also possible to identify the qualities of that life, the question that endures is on one level what occasions the move from life to ‘the good life’; implicit in that demand however is another: namely, what would it mean here to participate in life? The second question has to wait. In regards to the first, however, part of the answer depends upon the capacity of *logos* - understood as both reason and speech - to identify and thus to articulate the presence of this position. What is proper to life is shown - ‘manifested’ - by logos. Hence the claim in the *Politics* that,

Logos makes manifest (shows) the beneficial and the harmful’ [ὁ δὲ λόγος ἐπὶ τῷ δηλοῦν ἐστι τὸ συμφέρον καὶ τὸ βλαβερόν].⁶

Recognizing that the ‘beneficial’ and the ‘harmful’ pertain to life in its unfolding, in other words they pertain to life in its being lived, means that, as a consequence, understanding the force of Aristotle’s position hinges on what ‘showing’ or ‘manifesting’ mean in this instance. To argue that *eudaimonia* is the *telos* of life is to make the claim for which the following argument can be adduced: namely, that the ontology of being human has to be explained in terms of the living out of that which is proper to the being of being human. There can be therefore no founding separation of the ontological and the teleological. The latter is the former’s unfolding. Consequently, though it will be important to return to this point since what will emerge is the necessity to incorporate a founding division such that the distinction between potentiality and actuality marks an ontological divide, at this stage the founding interarticulation of the ontological and the teleological provides the framework within which to understand the famous

claim made in both the *Nicomachean Ethics* and the *Politics* concerning the description of the being of being human: “the human, in terms of its being, is a political animal” [ὁ ἄνθρωπος φύσει πολιτικὸν ζῷον].”⁷ What is identified here is the originality of what can be called *being-in-place*.⁸ The human, in virtue of being human, is *polis* dwelling, and therefore for Aristotle what can be described as *placedness* is an already present quality of human being. Moreover, it is *placedness* that human beings have in common. Indeed, if the detail of Aristotle’s own argument is followed there is an extension from *being-in-place* to *being-in-common*. They are mutually reinforcing. Their interconnection delimits the always already present status and condition of human being and needs to be understood, not only as that which delimits the being of being human, but that such a setting also marks how the already present interarticulation of the ontological and the teleological is to be understood. They are combined insofar as being human is the living out of *being-in-place* (a position that reoccurs in Arendt in terms of the indispensability of the ‘space of appearance’ as the space of human being.⁹) However, there is a fundamental caveat here, one that will have a determining effect on the argumentation to come. The caveat pertains to what Aristotle has already recognised in regards to a general understanding of the power of any capacity or potentiality (*dynamis*). The claim is that every *dynamis* is linked to a contrary *adynamis*. The formulation is the following:

Incapacity and the incapable [ἡ ἀδυναμία καὶ τὸ ἀδύνατον] is the privation contrary to capacity [δυνάμει] in this sense; so that every ‘capacity’ has a contrary incapacity [τὸ αὐτὸ πᾶσα δύναμις ἀδυναμία] for producing the same result in respect of the same subject.¹⁰

This general position opens up what might be described as the problem of the contingency of actualization. The necessity of contingency is a state of affairs that arises precisely because of the always already present nature of *adynamis*. Specifically, what this means here is that it does not follow from the necessity of identifying that which is proper to human being, which is to

say the grounding of ‘the good life’ in the being of being human, that it has to be actualised as such. Virtue for Aristotle is ‘a state of potentiality.’¹¹ And yet the problem of actualization will continue to haunt Aristotle’s engagement with the complex relationship between potentiality and ‘self-sufficiency.’ Nonetheless, it is precisely the necessity of the founding ontological configuration and the inscription of the teleological within it - even knowing that actualization has an inevitable contingency - that guides the assessment of the lived life as ‘the good life.’ The guide emerges since life as lived cannot be separated either from this initial description of the being of being human, or from the necessity that the human life has to be lived out within the setting created by that which defines human being, namely the *polis* (the latter, again, as the place of human being). What *logos* makes clear therefore, or at least this would be the argument, is the current state of either individual or communal being as it is defined by the living out of the ‘good life.’

Having created this setting the question that arises is the following: What does it mean to claim that ‘the good life’ (εὐδαιμονία), working on the basis that it provides life with its *telos*, is ‘self-sufficient’ (αὐτάρκης)? (Given that this is the claim of *Nicomachean Ethics* 1098a8.) Taken more generally, what is at stake here can be understood as having a fundamental commensurability with the problem of actuality and thus of actualization (and then with the production of the subject as the *eudaimon*). If ‘the good life’ is a *telos*, and if it is recognized that ‘the good life’ is not an endpoint but is inextricably bound up with life as lived, then self-sufficiency becomes the possibility, where possibility and inevitability coincide, of the continual actualization of the *telos* of life. Within this setting the success of a life being ‘the good life’ is a proposition that can be assessed in terms of the criteria yielded by life as that which is - *is what it is* - in its being lived out. In sum, it is only possible to be self-sufficient within a setting in which *eudaimonia* is ‘self-sufficient.’¹² However, an addition needs to be made here since this position in the argumentation of the passage is immediately qualified. (A qualification that marks the introduction in the text of the

Nicomachean Ethics of the position noted above that human being is *being-in-place*.) The qualification is that ‘self-sufficiency’ does not pertain to a ‘life lived in isolation’ but to a life lived within a complex network of relations. This is the life afforded by *logos*. What then of the claim of ‘self-sufficiency’ knowing that it is not the project of any one individual subject, if that subject position were taken as an end in itself, but rather of a subject inscribed within the always already present set of relations that define human being as *being-in-place* and *being-in-common*? In other words, what arises once it has to be assumed that both place and commonality are at work? They produce the subject. As a result that subject then lives out that production as a placed entity.¹³

At a slightly later stage in his engagement with ‘the good life’ (and formulations that have a similar extension) Aristotle links ‘the good life’ and ‘virtue’ (*aretê*). The significance of the connection is that it opens up, once again, actualization as a problem. While it is possible to account for the presence of virtue where that presence is not enacted, such a state of affairs would be the exception. In a complex formulation of what is intended to counter any possible account of virtue in which virtue was characterized by its presence as a mere disposition, Aristotle writes of virtue that it,

in active exercise cannot be inoperative - it will of necessity act and act well [τὴν δ' ἐνέργειαν οὐκ οἶόν τε: πράξει γὰρ ἐξ ἀνάγκης, καὶ εὖ πράξει].¹⁴

Again there is a similar structure. Virtue is such that it is in its being acted out. Virtuous activity allows for the identification of *praxis* and *eupraxia*. It cannot be that which is other than what is there in its being acted out. Hence ‘acting’ and ‘acting well’ do not lend themselves to any form of radical disassociation. Indeed it can be argued that in the formulation in *Metaphysics* 1048b25 - “We are living well and have lived well, we are happy and have been happy, at the same time [εὖ ζῆν καὶ εὖ ἔζηκεν ἅμα, καὶ

εὐδαιμονεῖ καὶ εὐδαιμόνηκεν]” - the temporal marker ἅμα sustains the position that there is a temporal continuity rather than a disjunction that would have demanded the actualization of ‘living well’ or ‘the good life.’ There is a sense of what can be termed *at-the-same-timeness* that enforces continuity rather than allowing for the staging of a discontinuity.¹⁵ As will emerge it is the presence of an opening marking the move from potentiality to actuality that demands a reconfiguration of *at-the-same-timeness*. Within the immediate context of Aristotle’s presentation of virtue however, the latter, once present, will continue to present itself. Virtue’s potentiality becomes its actuality. This is what virtue’s self-sufficiency would be. There is an essential additional point here that indicates that what is operative is both virtue and ‘the good life.’ *Logos* becomes that in relation to which self-sufficiency, once set within the structure of *at-the-same-timeness*, is staged. As part of a discussion of *Politics* 1253a 14-15 Adriel Trott writes that it is in

logos we make what is good for us what life is the good life, apparent. We cannot understand what this is before we work it out with others.¹⁶

While this is right insofar as it correctly assumes that ‘the good life’ is a project that is inherently relational a problem still persists. It arises because of the conditions in relation to which it is, or is not, possible to participate with others.

The problem does not inhere in the accuracy of Trott’s description of Aristotle. Rather the problem can best be positioned in terms of a distinction between, in the first instance, an agonistic sense of relation in which deliberation and judgement have a regulative force, and then in the second, a form of relationality defined in terms of fundamental disequilibria of power. With the latter the presence of power relations have an effect on relationality and thus participation in decision making. Rationality may allow for a sense of negotiation in which it is possible to sustain a sense of

concord in which differences are lived out. Equally, however, rationality may define contestation within power relations in which the possibility of concord is impossible as a result of the exclusion from what Arendt would call the ‘space of appearance’ of those between whom concord would need to obtain.¹⁷ Hence the twofold claim made in the *Nicomachean Ethics* that, in the first instance, “the good life” is the “end of human life” and that ‘it consists in activity in accordance with virtue.’¹⁸ At work in both of these interrelated formulations there is the reiterated presence of abstract human life. And yet there is another conception of life. This is the life that is not life, a conception that is made clear in Aristotle’s claim that “no one allows a slave any measure of the good life, any more than a life of his own.”¹⁹ The formulation is precise. The slave is allowed a relation of pleasure to the body but not a relation to life: εἰ μὴ ...βίου. Hence, as a result of this separation, bodily life - the life of the body - is not life. This is of course a position that is presented with equal clarity in the *Politics* in which slaves are linked to “lower animals” and “do not participate in the good life or a deliberative life [νῦν δ’ οὐκ ἔστι, διὰ τὸ μὴ μετέχειν εὐδαιμονίας μηδὲ τοῦ ζῆν κατὰ προαίρεσιν].”²⁰ The use of the Platonic formulation of ‘participation’ (μετέχειν) as that which provides identity should be noted. Participating ‘in life’ (τοῦ ζῆν) would yield the one participating in it as alive. Hence while bodily, indeed it is the slave’s body which allow it to function as ‘living labour,’ the slave is not to be identified as alive and thus as living a life. The slave is excised. The significant point here however is that the distinction within life in which the slave as alive does not ‘participate’ in life would itself have both secured and maintained by *logos*. It is in terms of *logos* that the slave comes to be described. *Logos* secures the distinction within life hence *logos* would have been essential to the production of the slave is *aneu logon*. As Arendt notes the slave is,

deprived, of course, not of the faculty of speech, but of a way of life in which speech and only speech made sense and where the central concern of all citizens was to talk with each other.²¹

Having a body the slave still speaks. And yet, of course, *logos* is that which serves to secure the slave's non-relation to *logos*. In other words, this means that *logos* cannot be taken as end in itself. And it is precisely this particular identification of the limit of *logos* that opens what might be called the problem of authority. *Logos* can no longer function as that which guarantees acts that have, or should have, a singular status. The consequence is that the ground of authority can no longer be assumed by that which is held in place by 'self-sufficiency' as secured by this specific instance of the temporality of *at-the-same-timeness*.

There is an additional point that needs to be made. The result of limiting *logos* in this way is that it undermines the possibility of 'self-sufficiency' if the latter is taken as a given rather than as produced. Once produced, of course, then 'self-sufficiency' is the after-effect of a founding site of difference, citizen/slave for example, that is itself the locus of an original differential of power. While a return will be made to the formulation concerning the interplay between the production of subject positions and power, it is essential in this regard to note the description of the slave as outside a life that takes place *κατὰ προαίρεσιν* namely, it occurs outside a life lived 'according to deliberation'. The consequence of such a position is that the slave cannot act virtuously in the strict sense of the term in which virtue is the result of deliberation. Hence, the slave cannot participate in the realm of deliberation and decision making that was itself regulated by *logos*.²² As has been argued there is a structuring effect, namely the creation here of a position in which *logos* works to exclude the slave from relations that are defined by *logos*.

More generally therefore the claim is not that virtue and 'the good life' preclude any form of self-definition, it is rather that their actualization cannot be assumed since what restricts the actualization of that potentiality is external to the structure of self-sufficiency. If this is the case then a fundamental result of such a state of affairs is that the absence of a modal distinction between life and 'the good life' would then have to be taken up.

The actualization of ‘the good life’ now acquires a contingency that complicates in advance the nature of the interconnection between the ontological and the teleological. Indeed, the position to be sketched out in what follows is that the problem of contingency, in being recast, opens up the needs for an inscription of a genuine modal (now understood as both temporal and ontological) distinction between potentiality and actuality such that it is the structure of that distinction that will allow for a way of addressing the problem of authority that Arendt uncovers though which, it can be argued, her work is unable to resolve. It is essential to be precise here in terms of the limits of Aristotle. Arendt accepts, with justification, the identification of the being of being human with *being-in-place*, evidence for which is in part provided by a reformulation of Kant in which humans become “earthbound creatures.”²³ However, the Aristotelian extension of this position is linked to a conception of ‘self-sufficiency’ that cannot be sustained for two reasons.

The first that it is a produced state and thus the link between self-sufficiency, *eudaimonia* and life is predicated on a setting in which the absence of that interconnection in the life of another, or the possibility of excluding them from it, means that the restriction of potentiality has an external ground that results in the refusal of self-sufficiency. The second reason for the impossibility of ‘self-sufficiency’ is that what modernity discovers - a discovery in which the moderns’ predicament is itself disclosed - is that the possibility of deliberation that is central to Aristotle and which structured the move from ‘life’ to the ‘good’ life is no longer available if the locus of deliberation is taken to be a produced form of collectivity that is itself dependent upon modes of exclusion. Hence, the Aristotelian conceptions of *being-in-place* and *being-in-common* while formally correct come undone once there is a move from the formal determination to its determined and thus particular enactment or realization. To be effective therefore these conceptions have to remain immanent and thus are present as the ground of judgement. ‘Self-sufficiency’ as traditionally conceived precisely because it is produced cannot account for the inscription of power

into *being-in-place*; moreover, already present forms of relationality make the actualization of ‘the good life’ fundamentally more complex than had been first envisaged. *Logos* fails if it is positioned outside the realm of the differential. However, the Aristotelian point of departure which involves accepting a specific definition of the being of being human, and furthermore the interarticulation of ontology and teleology once recast in terms of the problem of how a potentiality is actualized rather than actualization having to be assumed, when taken together, provide a way ahead. There is a further point that can be made here. ‘Self-sufficiency’ is the predicate of a subject. As such it assumed the sovereignty of the subject. Once such a position is allowed then the exclusion of the slave is the refusal to grant the slave sovereignty. However, if this were taken as the end point, one resolved by extending rights to the slave and thus presenting the philosophical problem raised by the slave in terms of individual autonomy, then it would have misconstrued what is at work. Moreover, the force of *being-in-place* and *being-in-common* would also have been misconstrued. What both name as well as demand is the primacy of relationality. Hence what slavery sustains is the retained elimination of the slave from any active position within relationality. Consequently, while the slave is ‘living’ (ἔμψυχον) - *Politics* 1253b 30 - the slave, as has already been indicated, does not ‘participate’ in life. What this opens up is the need to move from the sovereignty of the subject to the sovereignty of the relation. It is important to note that the possibility of attributing sovereignty to the relation is already there in Arendt. In *The Human Condition* she notes that,

the Romans, perhaps the most political people we have known, used the words “to live” and “to be among men” (*inter homines esse*) ... as synonyms.²⁴

The force of Arendt’s position emerges once what is taken as central in the formulation ‘*inter homines esse*’ is the ‘*inter*’ rather than those between whom relationality obtains. Even though its initial formulation can be

located in Aristotle the locus of sovereignty has shifted fundamentally in this presentation of the move from Greece to Rome.

2.

Though its pathos would only ever emerge retrospectively, the closing lines of Arendt's *The Jew as Pariah: A Hidden Tradition* evince an acuity of thought whose registration is still to be taken up. Only within what she describes in that particular work as 'the framework of a people' is it possible to live as a human being without that being as human becoming exhausted in the process, remembering that for her Kafka's K dies 'exhausted.'²⁵ She concludes the text thus:

And only when a people lives and functions in consort with other peoples can it contribute to the establishment on earth of a commonly conditioned and commonly controlled humanity.²⁶

The terms guiding this conclusion are decisive. There is the possibility of acting in 'consort.' It is however only a possibility. Nonetheless, as a possibility it is able to maintain a specific identity. Her conclusion, moreover, stages the need for a specific philosophical project. That need arises, for Arendt, from thought's own predicament. Relationality returns since the reference to the possibility of being in 'consort' functions as providing a link to the 'common.' It also underscores the centrality of relationality, which, as has been noted above, underscores the sovereignty of the '*inter*.' The initial question is therefore: What does it mean to live and function in 'consort.' In sum what is *being-in-consort*? The difficulty arising from such a demand is clear from the start; that difficulty inheres in the distinction between living in consort, thus *being-in-consort*, as a claim, a claim with either a positive or negative determination, and both the possibility of living in consort as well as the capacity so to do. The problem of the nature of the connection between potentiality and actuality that has already been noted is therefore recalled. Living in consort as a potentiality

is not undone as a result of its present, thus actual, impossibility. (It is precisely the inscription of a form of contingency, the contingency whose condition of possibility is the necessity of *being-in-place* and *being-in-common*, which renders inoperative the Aristotelian conception of *at-the-same-timeness* since within what is named as 'living in consort' there is a disjunction at the center of the relation. As a result what is there *at-the-same-time* is that disjunctive relation.) Again, not only is there a clear modal distinction, there is now also an ontological one. In sum what this means is that while living in consort, i.e. *being-in-common*, is there as a potentiality that attends the actuality of human life, its force does not depend upon its actualization. As a result, its presence as a potentiality, and therefore as the unconditioned itself, has then to be thought. The exigency that pertains here is not unique. On the contrary, it is the problem that attends any evocation of potentiality, i.e. the non-necessity of actualisation opens up as a problem how actualization is to occur. In this context this has a specific consequence, namely, that there is an important distinction between actual life and a potentiality where the latter is immanent within life. Immanence is a form of presence. To recall the position to which an implicit allusion has already been made, this modal and ontological distinction is of a genuine significance as it institutes a space, a breach that yields the ground of judgement and equally is any one judgment's condition of possibility. This is the point at which there is both an allusion to Aristotle and a genuine departure.²⁷ (Though this position, as will be seen, is inherently more complex.)

Judgment within such a setting can occur precisely because what is designated by the possibility of living in consort is *yet* to attain actuality. The opening that is signalled by the presence of that which is *yet* to occur allows for judgment because it defines the locus in which the demand for judgment is situated. In addition, and the addition will prove decisive, once it can be argued that the potentiality awaits actualization, then what has to be addressed is not just the question of how the relationship between potentiality and actuality is to be understood but what the actualization of

a potentiality actually entails.²⁸ The possibility of what now can be described, following Arendt, as *living-in-consort* can only be understood adequately if it is understood as a potentiality that is itself positioned between naturalized normativity on the one hand and, on the other, whatever it is that endures as the 'other' possibility. What demands to be thought therefore is the presence of *living-in-consort* as a potentiality whose necessity, which here is the necessity of presence (presence as immanence) and not the necessity of actualization - is grounded in an ontological claim about the being of being human. Guiding this thinking is the already noted modal distinction and the founding breach that the identification of *living-in-consort* has evoked. There is a further consideration that should be added here. Namely, that what is identified is a mode of living in which identity and thus either individual or group freedom is relational and acted out such that identity would then become the lived out presence of differences. Identity is associated with a set of claims that links freedom to non-universalizability in the precise sense that *being-in-consort* necessitates the retained set of connections between identities in relation to which consort then pertains as a possibility. Non-universalizability is the retention of particularity within *living-in-consort*. Non-universalizability is the minimal condition for particularity. What has to be staged therefore is the possibility of *living-in-consort* which is the articulation of the necessity for a reformulation of the relation between universal and particular in terms of *indetermination*.²⁹ Present here is a setup that is itself located within the distinction between potentiality and actuality such that it does follow from the non-actualization of *living-in-consort* that it cannot function as a form of potentiality that sets, at the same time, the conditions for the actual's judgment. (At work within it therefore is a fundamental shift in how *at-the-same-timeness* is to be conceived; from the conjunctive to the disjunctive.) Indeed, while it might be suggested that moving away from Aristotle demands that judgment is possible as a result of the way the distinction between the potential and the actual has been repositioned, as will emerge at a later stage, part of the argument will be that Aristotle's own engagement with 'political justice'

demands the exact same reconsideration of the relation between potential and actual existence in terms of immanence and the disjunctive. Despite the difficulties already encountered in Aristotle the way the distinction between *physis* and *nomos* is presented in his formulation of 'political justice' demands that this conception of justice be thought in terms of the distinction between the unconditioned and the conditioned.

While there is a necessity that attends *living-in-consort* insofar it is a continual prompt for thought, in the context of Arendt's writings that prompt does not exist in isolation. Rather, it is coterminous with that form of exigency, which, for Arendt, arises from the presence of a historical occurrence. The demand that such an occurrence sets in play for thought opens in a certain direction. The demand here is integral to the constitution of such occurrences as events. (The event is the historical occurrence thought philosophically.) In this instance it is the task that occurs once there has been the recognition of the determining effect of totalitarianism. Here is the first real intimation of the predicament of thought. In the First Preface to *The Origins of Totalitarianism* she argues that as a result of the totalitarian what has been 'demonstrated' is,

that human dignity needs a new guarantee which can be found only in a new political principle, in a new law on earth, whose validity this time must comprehend the whole of humanity while its power must remain strictly limited, rooted in and controlled by newly defined territorial entities.³⁰

If this passage were read not merely as a pragmatic claim but within the framework created by the way the universal and the particular occurs within it, i.e. a framework held in play by the relationship between the 'whole of humanity' on the one hand and the 'limited' on the other, then a specific interpretative challenge emerges. The problem to be investigated involves a twofold set of connections. The first is between, in the first instance, the presence of a 'new political principle,' a 'principle' that

would need to be held as a ‘new law on earth,’ and thus as a law of the earth. Here is the presence of law founding. The founding of law occurs even if that law (now as founded) is then delimited by specificity and the locus of which would always be the presence of specific political considerations. Hence, the second set of connections concerns the interplay of action and judgment.³¹

Again, it is essential to take Arendt’s formulation carefully. Note that she argues for the presence of ‘human dignity’ as that which needs a ‘new guarantee.’ The need for such a ‘guarantee’ is not arbitrary. On the contrary, it comes from the fracturing of the identification of the subject of right with the citizen such that what has to be investigated is another way of thinking the nature of the relationship between right and the citizen though now where the latter is recast as the human subject given within the setting in which the ‘*inter*’ delimits human being. The refugee occasions; what is occasioned however cannot be found in the pragmatic. There needs to be an ontological configuration in which ‘dignity’ is not a contingent predicate of human being. Rather, the claim has to be that dignity is coterminous with the being of being human. Here is the opening of the link to Aristotle, or at least the reiteration of the Aristotelian insistence that what is proper to human being has to be thought in terms of *physis* and thus in terms of the being of being human. And yet, and here is the move away from Aristotle, this is a moving away that takes his configuration of human being into the contemporary. This other move has to occur because dignity has become precarious. It is precisely not self-sufficient. Indeed, dignity can now be seen as having been precarious from the start. There is no necessity for the presence of dignity to be actualized as such. Humans enslave other humans. Humans impoverish other humans. In both instances participation in the life that holds open ‘the good life’ has a potentiality that has either been annulled or radically diminished. Within the Greek context slaves were denied human dignity precisely because of the separation of the slave from ‘life.’ They were denied the possibility of the actualization of that which is proper to human being i.e. *being-in-place* and *being-in-common*. As such

they were, to deploy Walter Benjamin's category, 'mere life' (*das bloße Leben*), or Arendt's term, 'mere existence,' and yet despite what could now be understood as the need for such a category, it was unavailable to Aristotle.³² Even though Aristotle argues in the *Politics* (1280a31) that a "polis exists for the sake of 'the good life' and not for the sake of life," the life that is opposed to 'the good life' is not a sense of 'mere life' where the latter is either a produced state or a *yet-to-be* actualized potentiality. In other words, for Aristotle life in its opposition to 'the good life' is not a conception of life that would have been defined by a sense of a radical and sustained exclusion from the sense of life that can become 'the good life.' The movement between them, the move from 'life' to 'the good life,' for Aristotle, is simply developmental. The slave, by definition, is excluded from the structure of the developmental itself.

It is within this context that slaves could not be seen as that which would have checked virtue's self-sufficiency. As has already been noted, slaves whilst human were not able to be virtuous in ways that linked them to life. They did not lead a life resulting from deliberation. This is the force of the formulation τοῦ ζῆν κατὰ προαίρεσιν, a formulation which identifies that from which they were excluded, deliberation itself, which is a setting where both *logos* and the inbuilt sense of relationality that it assumes remain integral elements. To deliberate is to act in accord with others. Hence, the power of the formulation that what relationality means for Aristotle is communal life and thus not "living a life of isolation [τῷ ζῶντι βίον μονώτην]." ³³ Now, the presence of dignity as inseparable from what always already pertains to human being needs to be understood as an immanent potentiality that allows action to endure within a locus of judgement because actions occur in the opening created by the disjunction between the potential and the actual. The key point however is that the elements comprising this disjunctive relation hold *at-the-same-time*. What this means is that judgment takes virtue's non-self-sufficiency as axiomatic.

The direct question that arises from Arendt's formulation is clear: To what does 'human dignity' refer? In order to make the claim specific the argument is going to be that 'human dignity' names that setup that is identified at a much later stage in *The Origins of Totalitarianism* as 'the right to have rights.'³⁴ What is significant is how this original right - the right that will henceforth be understood as naming the incorporation of dignity into human being - is discovered. It arises from a specific sense of orientation, and thus the determination of what sustains an effective and effecting hold on the contemporary, namely what counts as 'our' predicament. She writes that the awareness of

the existence of a right to have rights (and that means to live in a framework where one is judged by one's actions and opinions) and a right to belong to some kind of organic community, only when millions of people emerged who had lost and could not regain these rights because of a new global situation.³⁵

There is a clear divide between rights and the right to have them. The problem that arises here does not concern the presence of a divide yielding two senses of right. On the contrary, what endures as problematic is how the divide is to be thought. The philosophical task therefore is different. The predicament is different. Consequently, its registration involves the thinking of that difference. What this entails here is that in order to avoid a possible infinite regress in which one right would be dependent upon an earlier one, what has to be maintained is the qualitative distinction between these two different loci of rights. However, a setting needs to be identified. The setting is provided by a return once more to authority.

From Arendt's perspective the problem of authority is clear. Authority has gone. Its power lay in what it was. If there were a form of retention of what might be described as authority's authority, then it could be noted in moments of foundation and thus in the practices of revolution.

Of these revolutions Arendt writes the following. They are the lines that bring her extended investigation of 'authority' to a close.

They seem to be the only salvation, which this Roman-western tradition has provided for emergencies. The fact that not only the various revolutions of the twentieth century but all the revolutions since the French have gone wrong, ending in either restoration or tyranny, seems to indicate that even the last means of salvation provided by tradition have become inadequate. Authority as we once knew it, which grew out of the Roman experience of foundation, and was understood in the light of Greek political philosophy, has nowhere been re-established either through revolutions or through the even less promising means of restoration, and least of all through the conservative moods and trends which occasionally sweep public opinion. For to live in a political realm with neither authority nor the concomitant awareness that the source of authority transcends power and those who are in power, means to be confronted anew, without the religious trust in a sacred beginning and without the protection of traditional and therefore self-evident standards of behaviour, by the elementary problem of human living-together.³⁶

Questions arise. To begin: What is this 'confrontation'? What, moreover, would the structure of recognition demanded by such a 'confrontation' and its taking place, were it to take place 'anew,' actually be? The absence of religion is not the absence of an epistemological framework in which the presence, as known, of a deity would have functioned. Religion, in Arendt's use of the term, needs to be understood in relation to her own evocation of the Latin root in which religion is *religare*. The absence of religion is a form of presence; i.e. the presence of a maintained *unbinding*. The language of 'confrontation,' once set within the context both of an ineliminable *unbinding* and, it might be conjectured, of the naturalization of that setting, when taken together entail not that the problem of authority cannot be addressed in terms of the setting from which it arises; since

differing modes of naturalization create the problem they do not provide a way out. As a result there would have to be a denaturing of nature were there to be a way through. Arising therefore as part of the process would be another conception of nature; a conception that opens up the possible move from the interplay of myth and fate and towards history. What follows from this description is that the way into the problem of authority, were Arendt's opening to be pursued, would lie in taking seriously her claim that "the source of authority *transcends* power and those who are in power" (emphasis added). Hence, her description that 'power' cannot be thought simply in terms of specific modes of actualization. Power "enables," rather than being a "means to an end."³⁷ Power is pure. Affirming the primacy of the Arendtian conception of power entails that the dominance of the instrumental or the calculable would have been subdued. The non-instrumentality of power locates it in a relation of *indetermination* to specific acts. Authority has to be thought in connection to this conception of power. (Hence the fundamental separation of power and violence.³⁸) The problematic presence of authority becomes the question, and it might be added the possibility of the non-instrumental utility, of 'transcendence.' It should be noted however that she deploys the notion of transcendence in a very specific way elsewhere. In "Philosophy and Sociology" transcendence comes to be identified as "crucial to the concept of brotherly love in early Christianity."³⁹ What underpins that configuration is described in the following terms as,

the possibility of living in the world but being guided by a transcendence that does not conceive of itself as realizable on earth (eschatological consciousness).⁴⁰

The problem that arises in this context concerns the possibility of a different conception of 'transcendence.' While what is at stake in the above formulation links transcendence to the realm of 'early Christianity,' what is of interest is the possibility of a rearticulation of transcendence within the terms that are set by the dynamic opposition between the actual and the

potential. It will be a rearticulation in which the 'earth' figures. Transcendence, though this is the challenge that is posed, will become a quality of the earth. (Transcendence is *of* the world, not from it.) This accounts for the nature of her critique of Plato. The earth and the world have to remain. In *Between Past and Future*, Plato's stance is presented as fundamentally discontinuous with the world. Her claim is that,

Plato's truth, found and actualized in solitude, transcends, by definition, the realm of the many, the world of human affairs.⁴¹

The question that emerges is clear: While Arendt's project necessitates the retention of a distinction between potentiality and actuality, where the former is defined as immanent or transcendent and is present in its irreparable divide from the actual as the ground of judgement, are there the resources within her philosophical project to think what the project itself demands?⁴² It should be noted that the irreparable divide is imposed as much by the philosophical tradition that is constituted by a fundamental distinction between the unconditioned and the conditioned, on the one hand, as it is by the presence of that division as a result of the demand made by the presence of the totalitarian - and its consequences - once the latter is constituted as an event for philosophy, on the other. The argument has to be that dignity, as a 'new political principle,' needs to be unconditioned in relation to any conditioned for it to be 'a new law on the earth.' The unconditioned and the conditioned have to be present *at-the-same-time*. Again there is a furthering of *at-the-same-timeness* thought in terms of disjunction in which that latter quality is what allows, in any one instance, the possibility of judgment.

Arendt has a specific sense of judgment. It arises from her engagement with both Aristotle and Kant. She argues the following:

Judgment, and especially the judgments of taste, always reflect upon others and their taste, take their possible judgments into account.

This is necessary because I am human and cannot live outside the company of men. I judge as a member of this community and not as a member of a supersensible world.⁴³

While the subject position is correct insofar as she names the worldliness of subjectivity, and thus there is the recognition that justice must be a quality of this world, it does not follow that the criteria of judgement are themselves worldly in the same way. The contention is that what is necessitated is a realm of transcendence. Transcendence describes the right that precedes the having of rights. Once it can be argued that this 'right' is commensurate with human dignity. The question to be taken up is how the non-necessity of its actualization is to be understood. Arendt demands that the unconditioned be thought. That is the predicament of thought itself.

3

There is, in Aristotle, an already present recognition of the position in which a demand for judgment is linked to the transcendent or the immanent understood in terms of a both potentiality and the unconditioned, both of which are present in their separation from the actual. While a full account of the problem would necessitate locating this setup within the context created by the sustained treatment of potentiality in *Metaphysics* Θ , if only then to engage critically with that treatment, for these concerns in can be identified as at work in the account of 'political justice' in the *Nicomachean Ethics*. It is essential to be clear here. This is not to argue that the account of 'political justice' deploys the distinction between potentiality and actuality in any direct sense. Let alone that it establishes a connection or affinity between potentiality and the unconditioned. Rather, the claim is going to be that the nature of the difference within the realm of political justice between *physis* and *nomos* necessitates a reworking the potential/actual distinction in terms of a founding breach whose constitutive elements, in both their ontological as well as their temporal

determinations, pertain *at-the-same-time* and that all these individual elements would be necessary to account as much for the viability of the position as it would for tracing its implications. Aristotle's formulation is the following:

Political justice is of two kinds, one natural, the other conventional. A rule of justice is natural that has the same force everywhere [τοῦ δὲ πολιτικοῦ δικαίου τὸ μὲν φυσικόν ἐστι τὸ δὲ νομικόν, φυσικὸν μὲν τὸ πανταχοῦ τὴν αὐτὴν ἔχον δύναμιν].⁴⁴

The interpretive problem with which a start can be made concerns how the contrast between *physis* and *nomos* is to be understood. There is a genuine issue here, especially as there will be an enactment of justice on the level of *nomos* that is informed by *physis* rather than mere 'convention.' While there may be uses of *physis* that appear to operate within a modern opposition between 'nature' and 'culture,' the argument here is that such an interpolation is for the most part anachronistic. More significantly, however, such an interpolation would nullify the philosophical force inherent within the *physis/nomos* relation. What *physis* means in these instances is linked to the propriety of being. Hence the claim that has already been made, namely, that in the *Politics* the use of the term *physis*, in identifying human being as a *polis* dwelling animal - in other words, as having a life that is defined by the *polis* as place, what has been called *being-in-place*, a life that is always already with others - does not name a contingent predicate of human being. On the contrary, the claim is that *being-in-place* is intrinsic to the being of being human. It is this intrinsic quality that is identified and named by the term '*physis*.' A similar form of argumentation occurs in the passage that has already been cited above from the *Nicomachean Ethics*. Here, again, the claim is that the distinction between *physis* and *nomos* is not a simple opposition. Indeed, the contrary is the case. As an opposition not only are two distinct ontological realms identified, the opposition has an operative and thus workful presence because it is temporalized in advance. It needs be understood, to deploy

Aristotle's own vocabulary, in terms of a sustained distinction between the 'immutable' (ἀκίνητον) and the 'variable.' The 'immutable' (ἀκίνητον), as that which is located in its opposition to the 'mutable,' has an ontological as well as a complex temporal determination. Intrinsic being is counter posed here to simple contingency and both pertain in their difference *at-the-same-time*.

Once the nature of these oppositions is settled another set of concerns arises. The issues that have to be taken up involve having to work with the recognition that the content of the 'conventional' (in this context the conventional can be identified with normativity) is not arbitrary even though is not fixed. Indeed, there can be both a contextual analysis as well as a history of *nomoi*. *Nomoi* are subject to diachronic as well synchronic divergence. In other words, on the level of *nomoi* there can be conflict between two sets of laws or that one set of laws is open both to modification if not amelioration. In other words, *nomoi* in terms of the conventional are mutable.⁴⁵ Mutability therefore names the conditioned. This is the domain of the pragmatic. Were the force of law to be delimited by this domain, and if this domain were then taken as an end in itself, then law's force would have been radically restricted. Equally, the possibility of judgment would have been severely delimited. It would have been limited by a specific form of judgment, i.e. one whose conditions of possibility would be restricted to law's and thus justice's own pragmatic determination. With that determination not only would judgment and normativity coincide, law would be coercive in that it would have been equated with justice. Such an equation would be immediate. Moreover, this is the sense of immediacy whose overcoming signals both the separation of law from justice and the reciprocally allowing justice to emerge as the ground in relation to which law itself can be judged. Again judgment's condition of possibility is located in the breach between law and justice. This is the position that has to be pursued.

Standing opposed to the pragmatic is therefore another understanding of the force of law.⁴⁶ And here it is of fundamental importance to note Aristotle's use of the term *dynamis*. It names force. That which is 'immutable' has force. The condition of its having force is its immutability and thus the necessity of its separation from the domain of contingent actuality; the latter is the locus of the actual in its opposition to the setting named here as *physis*. The latter's actualization occurs as much in specific, local acts of judgment as it does in maintaining itself as held apart from the actual in terms of the *yet-to-be* determined quality of justice. A question arises here. It involves the formal problem of how the relation between the immutable and the mutable (the unconditioned and the conditioned) is to be understood. This is a speculative question, since it concerns the relation between these two domains. Moreover, it is a question that allows for the limit of Aristotle's thinking to be established insofar as the answer is always going to be that once content is given to that which is essential to 'political justice' - where the essential is understood both in terms of its immutability and the universality of its 'force' - then what occurs is the problem of moving from that which has unconditioned force to that which is inherently conditioned from the start. In other words, the structure in which 'political justice' is located stages, once again, the problem of moving from *physis* to *nomos* - recast now in terms of potentiality and actuality - such that the movement has to be understood as that actualization of the unconditioned which forms and is formed by the occurrence of indetermination. 'Self-sufficiency' would undo the possibility of *physis* functioning as a ground of judgment and yet, to return to the details of Aristotle's earlier formulations, the impossible possibility of 'self-sufficiency' means that it continues to create the setting that in the first place delimits the force of Aristotle and, in the second, opens both the way to Arendt and the emergence of the questions to which her thinking is constrained to respond. This is the predicament of her thought.

In the final lines of the *Nicomachean Ethics*, as a prelude to the identification of the necessity of writing a politics, Aristotle suggests that

what would have taken place once a treatise on the political had been written is that it would “bring to an end the philosophy of human affairs [ἡ περὶ τὰ ἀνθρώπεια φιλοσοφία τελειωθῆ]” and therefore a philosophical anthropology would have been accomplished.⁴⁷ The contention here, perhaps also as a conclusion, is that it is in light of this formulation that what endures as central to an understanding of the being of being human emerges with greater clarity. While there is an opposition between the *bios politikos* and the *bios theoretikos*, in this instance not only will the former be privileged; the claim is that it is this sense of life that accords with ‘human affairs’ and in addition accords with the centrality that has been attributed to both *being-in-place* and *being-in-common*. More significantly, however, the *bios politikos* brings the centrality of relationality into play. As such the *bios politikos* names what has been identified as the ‘*inter.*’ In other words, it names the necessity to think relationality rather than simply assume its presence. As a result there is the need to stage a form of connection between what has already been approached in terms of thought’s predicament and the primacy of relationality. Thinking relationality within the predicament bequeathed by Arendt is to approach it in terms of what is implicit in Aristotle even though that implicit quality remained unnoticed. A limit was established. The limit emerged once the impossibility of self-sufficiency was linked to the recognition that subject positions were produced. The state of being a *eudaimon* and thus the generalised state of *eudaimonia* were after-effects that were themselves predicated on maintaining the slave as alive but not participating in life. In other words, that the non-relation to the slave and the slave’s non-relation to ‘life’ created the conditions in which the move from life to ‘the good life’ or from *praxis* to *eupraxia* were always developments and therefore continuous processes without beginnings.

The slave’s actions and thus the slave’s life were held in place; the place that was not, and more emphatically could never be, *being-in-place*. Were the slave to move from life to ‘the good life,’ that move’s condition of possibility would entail a cessation of the place of the slave. Hence the move from life to ‘the good life’ would entail that the actualization of a

potentiality would have necessitated a rupture and thus a necessary undoing of the temporality of *at-the-same-timeness* that secured Aristotle's conception of the relation between life and 'the good life.' (The slave would have had this potentiality in virtue of being human.) There would need to have been a beginning or a revolution that occasioned the slave's participation in life and thus a reconfiguration of the political in terms of another politics of time.⁴⁸ If there is to be a return to the problem of authority then it has to be positioned in relation to the *unbinding* that constitutes the problem. Authority can only be recovered if it is recognised as immanent in the being of being human. The *unbinding* is naturalized and thus understood as the norm in which normativity takes the place of authority. What has to occur therefore is another *unbinding* in which the place of a gradual evolution from 'life' to 'the good life' is undone in the name of a disjunctive relation between these two forms of life - an *unbinding* that involves the effective presence of the distinction between potentiality and actuality. The political, thought philosophically, operates within the setting that this distinction sustains. Moreover, this setup is itself informed by a philosophical anthropology in which what is proper to the being of being human is named in advance as *being-in-place* and *being-in-common*. As has already been argued what the immanent presence of these two modalities provides is the ground and thus the possibility for judgement. Aristotle and Arendt both gesture towards the necessity of this other *unbinding*; the *unbinding* that founds. An *unbinding* whose necessity forms and informs thought's predicament, the predicament that limits the writings of Aristotle and Arendt and delimits their authority.

¹ I wish to thank Miriam Leonard for inviting me to give a version of this paper at the workshop *Hannah Arendt and the Ancients* which was held at University College London September 16-17, 2015. Equally, I wish to thank the Department of Philosophy at the University of Sussex for the invitation to give another version on December 4, 2015. Both opportunities were invaluable in helping me develop the project of this paper. In addition I want to thank Georgios Tsagdis for discussing the details of Aristotle with me, and Gordon Finlayson for his comments on an earlier draft. All references to Aristotle are to the Loeb Editions. Occasionally translations have been modified. Aristotle, *Nicomachean Ethics*, trans. H. Rackham. (Cambridge: Harvard University Press, 1934). Aristotle, *Politics*, trans. H. Rackham (Cambridge: Harvard University Press, 1932). Aristotle, *Metaphysics*, trans. Hugh Tredennick (Cambridge: Harvard University Press, 1934).

² Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958), 193.

³ Aristotle, *Metaphysics*, 1048b25.

⁴ There is an important interpretive question here concerning the translation of *eudaimonia*. The term is often translated as ‘happiness.’ Here the more direct translation of ‘the good life’ is preferred. Happiness can always appear as a mere singularised affect. However, ‘the good life’ is a more general state of being in the world. It could always be the case that a *eudaimon* is not ‘happy’ but is still flourishing as a result of the life that is led.

⁵ Aristotle, *Nicomachean Ethics*, 1098a8.

⁶ Aristotle, *Politics*, 1253a, pp. 14-15.

⁷ Aristotle, *Politics*, 1253a9 (see also *Nicomachean Ethics*, 1097b7). There is of course a diverse range of interpretations of this particular line. While the path pursued here moves away from the retention of any biological register in terms of how the question of animality/life is understood, for an interpretation which positions the line in relation to Aristotle’s extensive

writings on animals see: Wolfgang Kullmann, “Man as a Political Animal in Aristotle,” in David Keyt and Fred D. Miller, eds, *A Companion to Aristotle’s Politics* (Oxford: Blackwell, 1991), 94-107.

⁸ I have built on aspects of Arendt’s working on developing a philosophical anthropology and thus a conception of the being of being human in terms of place and relationality in a number of recent writings. See, for example, *Of Jews and Animals*. Edinburgh University Press. 2010 and *Towards a Relational Ontology. Philosophy’s Other Possibility*. SUNY Press. 2015

⁹ What is significant about the ‘space of appearance’ is that its vulnerability and thus its contingency necessitates that it be maintained. ‘Power’ names that which is indispensable for this process. Her position is that: “Power preserves the public realm and the space of appearance, and as such it is also the lifeblood of the human artifice, which, unless it is the scene of action and speech, of the web of human affairs and relationships and the stories engendered by them, lacks its ultimate *raison d’etre*.” *The Human Condition*, 204. For a sustained examination of ‘power’ within the context of Arendt’s larger philosophical project see: Leo J. Penta, “Hannah Arendt: On Power,” *The Journal of Speculative Philosophy* 10(3) (1996): 210-229.

¹⁰ Aristotle, *Metaphysics*, 1046a30.

¹¹ Nancy Sherman, *Making a Necessity of Virtue: Aristotle and Kant on Virtue* (Cambridge: Cambridge University Press, 1997), 11.

¹² The possibility of self-sufficiency gives it this double register. The term reappears in Epicurus where it is identified as almost the *sine qua non* for the ‘good life’ as well as the result of having achieved it. See Fragment 70: Πλουσιώτατον αὐτάρκεια πάντων (‘self-sufficiency is the greatest of all riches’), in Cyril Bailey, *Epicurus: The Extant Fragments* (Oxford: The Clarendon Press, 1926), pp. 136-37.

¹³ While its detail cannot be taken up it should be noted that there is an important link between commonality and what Aristotle calls ‘political friendship.’ For a discussion of this connection see John M. Cooper, “Political Animals and Civic Friendship,” in Richard Kraut and Steven

Skulley, eds., *Aristotle's Politics Critical Essays* (London: Rowman and Littlefield, 2005), 65-90.

¹⁴ Aristotle, *Nicomachean Ethics*, 1099a1.

¹⁵ I have developed what is termed here as the temporality of *at-the-same-timeness* in great detail elsewhere. See my *Virtue in Being: Towards an Ethics of the Unconditioned* (Albany: SUNY Press, 2016).

¹⁶ Adriel Trott, *Aristotle on the Nature of Community* (Cambridge: Cambridge University Press, 2013), 89.

¹⁷ While it cannot be pursued here Arendt links the 'space of appearance' to the question of potentiality and actualization. Note the following from *The Human Condition*, p. 200: "Power is what keeps the public realm, the potential space of appearance between acting and speaking men, in existence. The word itself, its Greek equivalent *dynamis*, like the Latin *potentia* with its various modern derivatives ... indicates its 'potential' character. Power is always, as we would say, a power potential. . . . While strength is the natural quality of an individual seen in isolation, power springs up between men when they act together and vanishes the moment they disperse. Because of this peculiarity, which power shares with all potentialities that can only be actualized but never fully materialized, power is to an astonishing degree independent of material factors, either of numbers or means" (emphasis added). I have discussed this passage in considerable detail in my *Virtue in Being*.

¹⁸ Aristotle, *Nicomachean Ethics*, 1177a14

¹⁹ Aristotle, *Nicomachean Ethics*, 1177a 9. For a general discussion of Aristotle's defence of slavery see: Paul Millett, "Aristotle and Slavery in Athens," *Greece & Rome* 54(2) (2007): 178-209. For a sustained engagement with the 'marginalization' of the slave in philosophical accounts of Greek philosophy and literature see: Tina Chanter, *Whose Antigone? The Tragic Marginalization of Slavery* (Albany: SUNY Press, 2011). For a more general account of slavery in Greek literary and philosophical texts see: Kelly L. Wrenhaven, *Reconstructing the Slave: The Image of the Slave in Ancient Greece* (London: Bloomsbury Academic, 2012).

²⁰ Aristotle, *Politics*, 1280a32

²¹ Arendt, *The Human Condition*, 27.

²² Hence the claim made by Troels Engberg-Pedersen that “*eupraxia* is *eudaimonia*,” *Aristotle's Theory of Moral Insight* (Oxford: Oxford University Press, 1993), 28.

²³ Hannah Arendt, *Lectures on Kant's Political Philosophy* (Brighton: Harvester, 1982), 27.

²⁴ Arendt, *The Human Condition*, 7.

²⁵ Hannah Arendt, *The Jewish Writings*, ed. Jerome Kohn and Ron H. Feldman (New York: Schocken Books, 2007), 295. See in addition Isak Winkel Holm, “The Calamity of the Rightless: Hannah Arendt and Franz Kafka on Monsters and Members,” in Brendan Moran and Carlo Salzani, eds., *Philosophy and Kafka* (Maryland: Lexington Books, 2013), 159-78.

²⁶ Arendt, *The Jewish Writings*, 297.

²⁷ See in this regard Stephen Engstrom, “Happiness and the Highest Good in Aristotle and Kant,” in Stephen Engstrom and Jennifer Whiting, eds., *Aristotle, Kant and the Stoics: Rethinking Happiness and Duty* (Cambridge: Cambridge University Press, 1996), 102-140.

²⁸ It can be suggested that the argumentation here problematizes any easy evocation of the will and the assumption of an already present subject position for the will. The slave's willing is not a sufficient condition for actualization. The will is undone through the separation of the slave from 'life.' For a discussion of the will in the context of Arendt's work see: James Martel, “Amo: Volo ut sis: Love, Willing and Arendt's Reluctant Embrace of Sovereignty,” *Philosophy and Social Criticism* 34(3) (2008): 287-313.

²⁹ Indetermination is a relation between universal and particular or unconditioned and conditioned in which the identity of the particular is not the result of a causal or determined relation. Rather the universal/unconditioned is integral to the judgment of the particular rather than determining its identity. Mediacy and mediation prevail as the way of thinking relationality.

³⁰ Hannah Arendt, *The Origins of Totalitarianism* (1951), rev. ed. (New York: Schocken, 2004), ix. There is an important link between the identification of the need for dignity's new foundation and the place of

dignity in Jean Améry, *At the Mind's Limits: Contemplations By a Survivor On Auschwitz And Its Realities* (Bloomington: Indiana University Press, 2009). I have taken up this connection in my “Améry, Arendt, and the Recovery of Human Dignity,” forthcoming in the *Journal of French and Francophone Philosophy*.

³¹ If there is an announced Judaic dimension to Arendt’s thought then it has to do with the identification of justice as that which pertains on earth. Recalled here is of course identification of the locus of law and thus justice that occurs in *Deuteronomy* 30:12. The place is described as ‘not in heaven’ (לֹא בַשָּׁמַיִם). For a detailed discussion of this thinking of the placed nature of law and justice within Judaism see: Eliezer Berkovits, *Not in Heaven: The Nature and Function of Jewish Law* (Jerusalem: Shalem Press, 2010).

³² One of the key formulations of ‘mere life’ (*das bloße Leben*) within the writing of Walter Benjamin occurs in the following passage: “Mythic violence is bloody violence over mere life [*das bloße Leben*] for its own sake; divine violence is pure violence over all life for the sake of the living [*reine Gewalt über alles Leben um des Lebendigen*]. The first demands sacrifice; the second accepts it.” *Gesammelte Schriften*, ed. Rolf Tiedemann and Herman Schweppengäuser (Frankfurt: Suhrkamp Verlag, 1980), GS II.1, p. 201. *Selected Writings*, vol. 1, ed. Marcus Bullock and Michael Jennings (Cambridge: Harvard University Press, 1996), 250. I have discussed this passage and Benjamin’s conception of ‘mere life’ more generally in my *Working with Walter Benjamin: Recovering a Political Philosophy* (Edinburg: Edinburgh University Press, 2013). Arendt uses the formulation ‘mere existence’ in the *The Origins of Totalitarianism*, 301.

³³ Aristotle, *Nicomachean Ethics*, 1097b6.

³⁴ While it is developed for another end see the discussion of the ‘right to have rights’ in Peg Birmingham, *Hannah Arendt and Human Rights* (Bloomington: Indiana University Press, 2006), 35-69. Werner Hamacher, also focuses on the ‘right’ to ‘have rights,’ albeit as part of a project with related but different ends. See his “On the Right to Have Rights: Human Rights; Marx and Arendt,” *CR: The Centennial Review* 14(2) (2014): 169-214. Part of the significance of Hamacher’s project is his argument that this

'right' is a right "to the possibilization of right" (190). While this is a claim that is formally correct, what it leaves undecided is the necessity to be able to judge in relation both to this right and thus to the 'future.' If the future remains open that openness is not open-ended. It has to be thought in terms of indetermination that takes dignity as its point of orientation. In other words, it has to be thought in relation to the immanent presence of the unconditioned.

³⁵ Arendt, *The Origins of Totalitarianism* (1951), 296-97.

³⁶ Hannah Arendt, *Between Past and Future: Six Exercises in Political Thought* (New York: Viking, 1961), 141.

³⁷ Hannah Arendt, *On Violence* (New York: Harcourt, Brace and World, 1970), 51.

³⁸ Hence, Arendt's description of violence in the Greek world as "the prepolitical act of liberating oneself from the necessity of life for the freedom of world." *The Human Condition*, 35.

³⁹ Hannah Arendt, *Essays in Understanding, 1930-1954: Formation, Exile, and Totalitarianism*, ed. Jerome Kohn (New York: Harcourt, Brace, 1994), 39-40.

⁴⁰ Hannah Arendt *Essays in Understanding, 1930-1954*, 40.

⁴¹ Hannah Arendt. *Between Past and Future*, 237.

⁴² Indeed it could be argued that while potentiality is present it is not named as such. Moreover, when she addresses potentiality as a directly named concept the position would have to be that its force is radically misconstrued. See for example the reference to potentiality in *The Life of the Mind* (San Diego: Harvest Books, 1978), 29: "The *liberum arbitrium* decides between things equally possible and given to us, as it were, in *statu nascendi* as mere potentialities, whereas a power to begin something really new could not very well be preceded by any potentiality, which then would figure as one of the causes of the accomplished act."

⁴³ Arendt, *Lectures on Kant's Political Philosophy*, 67.

⁴⁴ Aristotle, *Nicomachean Ethics*, 1134b20

⁴⁵ I have taken up the complex relation between *nomos* as a transcendental condition and *nomoi* as particulars elsewhere. See my *Place, Commonality*

and Judgment: Continental Philosophy and the Ancient Greeks (London: Continuum Books, 2010).

⁴⁶ While it is not argued for in any detail, the following lines need to be understood as a repositioning of a concern with the 'force of law' that accepts Derrida's point of departure and then attempts to reposition it in terms of being-in-place and being-in-common. In regards to Derrida see his *Force de loi* (Paris: Galilée, 2005).

⁴⁷ Aristotle, *Nicomachean Ethics*, 1181b15.

⁴⁸ The clear point here is that the move from life to 'the good life' is a form of development that naturalized chronological time. Hence it is not the structure of time within which the slave's dignity - the dignity that slave would always have had in virtue of being human - could have been actualized. Thinking the end of slavery is thinking a cessation of the temporality that sustains it. For a discussion of the term 'politics of time' see my *Working with Walter Benjamin*.