



## Arendt and Analogies

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In this essay, I review the argument of Patricia Owens stellar new book, *Between War and Politics*. Specifically, I engage with, although am skeptical of, her claim that that the current detention camps founded and governed by the United States in the global war on terror are dissimilar to those founded and governed by Germany in the Holocaust.

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More than once in the course of reading Patricia Owens' outstanding book, *Between War and Politics: International Relations and the Thought of Hannah Arendt*, I found myself upright and pacing as I sought to more fully digest Owens' engagement with and exposition of Arendt. Placing the book down so as to seek out sources and scholars only to retrieve it some time later, I read with an intensity that results from such intelligent and passionate provocations. Reflecting on this experience, I suggest that Owens' book is itself an example of the graceful achievement of two distinct yet thoroughly entwined tasks; tasks that are perhaps best described as classically Arendtian.

First, Owens effects a renewal and recovery of Arendt's thought via a return to it that is both learned and original. Owens contends that the plethora of informed commentaries on Arendt address her unique conception of violence, and her careful distinction among corresponding concepts such as force, authority, rule, and power, but few examine her writings in relation to what, now, appears to be an obvious occasion of all five — war. Building on Arendt's favored quotation from Clemenceau 'war is too serious a matter to be left to the generals,' Owens details how Arendt's political theory is 'fundamentally rooted in her understanding of war and its political significance' (Owens, 2007, 3; Arendt, 2007a, 138), while simultaneously deriving from Arendt the 'beginnings of a sophisticated and original political theory of war' (Owens, 2007, 5).

Arendt did indeed discriminate between war and politics, excluding war from her idiosyncratic conception of politics. However, as Owens decisively shows, Arendt neither negated the significance of war for politics, nor did she simply reverse Clausewitz's dictum, although she does agree with his view that



war is an act of force. Finally, Arendt did not reduce war to politics or politics to war. So, what, precisely is the relationship of war and politics envisioned by Arendt? To truly appreciate the answer, Owens' book must be read in full. Suffice it to say, Owens discloses the presence and import of the irreducibly multi-faceted relationship of war and politics in Arendt's scholarship by tracing how and why war became an epistemological and ontological crucible for the development of Arendt's thinking. In so doing, Owens elucidates another source of Arendt's passionate defense of the integrity and necessity of a singularly public and distinctly political realm.

The second task that Owens undertakes is as noteworthy as the first. Owens offers her work not simply as a solitary pursuit, but rather as one of the many 'footpaths' that 'widen out' from Arendt's work, open to those who seek to join this critical excursion (Arendt, 1993, 77). Invoking another of Arendt's metaphors, Owens describes herself as following 'a number of theoretical "thought trains" inspired by Arendt' to teach students of a particular discipline (international relations) or occurrence (war) '*not ...what to think but how to think about politics and war today*' (Owens, 2007, 7, italics added). It is in this spirit of a collaborative exercise in 'how to think' that I proceed.

We are the nation that saved liberty in Europe, and liberated death camps, and helped raise up democracies and faced down an evil empire. Once again, we accept the call of history to deliver the oppressed and move this world toward peace. (President G. W. Bush, 2006a)

It is difficult to consider Arendt in this historical moment without bringing her thought to bear on the predicament of the US led 'war on terror.' The desire, as Elisabeth Young-Bruehl poses it, to 'put to her imaginatively the questions that come to mind' intensifies as the uncertainty and confusion of these 'dark times' continues seemingly unabated (2006, 15, Arendt, 1983). This uncertainty and confusion is in no small part perpetuated by an incessant recourse to the threat of totalitarianism as that which President Bush and his administration are fighting against; a refrain matched only by the insistence that it is the threat of totalitarianism that President Bush and his administration best represent. These competing invocations of totalitarianism putatively signal what is at stake in this long war, but, in truth, do little to clarify the matter. As Arendt admonishes us 'absence of thought is not stupidity,' but it can result in the most 'monstrous' of deeds (Arendt, 1978, LOM, 13, 4).

Giving this admonition its due, how should we think of President George W. Bush's railing against a 'new totalitarian threat' that takes as its goal the death of all 'innocents' 'Christians and Jews' (2002). How should his claim be understood that not only has the United States, led by himself and his administration, been *called by* history, but also has been *called to* specifically deliver 'freedom to the oppressed' (maybe a slightly less complicated mission



than delivering the oppressed themselves), and that this war is ‘the decisive ideological struggle of the 21st century, and the *calling* of our generation’ (President G.W. Bush, 2006b)? How are we to understand what sorts of politics, what sorts of war, and what sorts of relationships between the two emerge from these claims?

It is Arendt who taught us how such an eschatological reading of history, in which the hubris of the chosen nation is matched only by its surrender to the seemingly inexorable laws of history and its dictates, renders the unique plurality of individuals — those who protest its logic and those who do not — superfluous in its wake (cf. Arendt, 1979, Chapter 13). It is also Arendt who, while expressing her fervent support for the organization of a Jewish Army to fight against the Nazi regime, tartly remarked ‘(a)n old and very contemporary Zionist proverb says that (f)reedom is no gift. Freedom is also not a prize for suffering endured’ (Arendt, 2007a, 137). Finally, it is no epiphany for Arendt, and no comfort for any, that those who seek to fight totalitarianism risk imitating, if not sharpening, its strategies.<sup>1</sup>

To be sure, it would be an infelicitous reading of Arendt if the war on terror is simply read into or read as another manifestation of totalitarianism, as if the unprecedentedness of the latter is now made common by the former. Arendt would without a doubt eschew the ‘indiscriminate, analogizing application of the term “totalitarian” to whatever regime the United States might oppose’ (Kohn, 2003, viii). Owens’ book never succumbs to these temptations; it is caught up in, but it is not utterly caught by the war on terror. Nevertheless, when Owens turns to directly confront Arendt’s analysis of totalitarianism, and the purchase it provides for understanding the war on terror, she brings to the fore questions of just how to think about the war on terror, and by what standards it can be judged. It is not within the scope of this essay to do full justice to the complexity of the analyses offered by Arendt or Owens, instead I want to examine, in an all too provisional way, three elements animating both of their works — empire, law, and the camps.

Empire, imperialism, race imperialism are significant dimensions of Arendt’s thought that receive little explicit analysis separate from their elemental role in totalitarianism. Owens’ account corrects this oversight by drawing out three interrelated strands of Arendt’s argument: ‘dreams of global rule,’ the successful rise of racism and nationalism, and the ‘institutionalization of degenerate military practices and the tendency to final solutions’ (Owens, 2007, 60–61). She carefully untangles these strands underscoring how the wars of imperialism, with their ideologies of race and global reach, manifested in a limitless search for expansion and power, prepared the way, both strategically and ideologically, for the transmutation of the imperial principle of everything is permitted into the Nazi principle of everything is possible. Of significance is how a consistent habituation to racial thinking dehumanized entire



populations and individuals as ‘other,’ while simultaneously converting those individuals and populations to the sum of their functions, mere commodities for the ‘master’ race, and, finally, as means to an end. In addition to legitimating global rule, and informing the rise of nationalisms, this habituation normalized a brutally demeaning, instrumental, and deadly mode of thinking and acting with others.

As practiced and refined by the Nazis, this grotesquerie became utterly meaningless exactly at the point at which it became wholly institutionalized in the concentration camps. In the camps, the Nazis undertook the ‘ghastly experiment’ of degrading individuals to mere ‘things,’ ‘bundles of reaction’ that could be ‘exchanged at random for each other’ (Arendt, 1979, 438–439). As Jean Améry recounts from his own internment, the camps were impossible to describe because of their perverse methodical horror, but also, more alarmingly, because they were literally incomprehensible — standing in contrast ‘to everything he had regarded until then as possible and humanly acceptable’ (Améry, 1980, 4). Owens underscores this insight, iterating that the camps were equally incomprehensible because they served no discernible end or function, thus rendering them unimaginable in ‘normal, common sense, categories of thought,’ casting a ‘peculiar unreality’ around their existence (Owens, 2007, 67; Arendt, 1979, 438).

It is this recognition of the ‘horrible originality’ of the concentration camps that Owens wishes to preserve against those who would compare concentration camps to the detention camps established by the US in Guantánamo Bay, Cuba and in Iraq (Owens, 2007, 68). She dismisses with a rather quick retort the claim made by Giorgio Agamben, although he is not alone in making it, that the detention camps can be approached as analogous; she writes ‘this analogy is nonsense’ (Owens, 2007, 68). I am sympathetic to Owens’ insistence that, following Arendt, the Nazi concentration camps were without a historical parallel, not in the least because of how they brought ‘to light the ruin of our categories of thought and standards of judgment’ (Arendt, EU, 1994, 318). However, I am less certain that this continues to hold true from the vantage of the 21st century. Even if the ‘event’ of the detention camps can never be decisively ‘deduced from’ it, surely it may ‘illuminate its own past’ (Arendt, EU, 1994, 319). Put slightly differently, is it not possible to find a concordance between these camps without insisting on equivalence? A concordance that allows the distinctions and details of each yet also illuminates our contemporary condition? To pursue this line of thought, I might add, is to do exactly what Owens herself suggests, to learn ‘*not ... what to think but how to think about politics and war today*’ (Owens, 2007, 7, italics added).

Owens’ argument pivots off the crucial division between everything is permitted and everything is possible. For her, the argument for the imprisonment of the detainees is one of everything is permitted, understood



in terms of political expedience. First, President G.W. Bush and his administration justify and legitimate the imprisonment of those detained in the war on terror as necessary for the protection of national security. He and his administration defend the detention of these individuals based on the potential threat they are said to pose and the manner in which they fought. For example, in October of 2002, Secretary of Defense Donald Rumsfeld named those detained as the ‘worst of the worst,’ further suggesting that to release any of them would lead to the killing of ‘more Americans’ (Rumsfeld, 2002). Most insistently, President Bush and his administration deem that those who fight are to be detained because of the manner in which they fight. Unlawful, uncivilized, barbarous in their strategies of donning civilian clothes and selecting civilian targets, these individuals are to be detained indefinitely, their innocence presumptively denied and their very recognition put into question.<sup>2</sup>

However, here the distinction of everything is permitted and everything is possible becomes difficult to maintain as clearly Owens proposes. For, as many have noted, this ostensible rationale cannot remain solely the outcome of an observation of a strategy, and choice of expediency. Instead, such observations and choices work to limit who can be identified as worthy of rights and recognition, and thus, in turn, possessing of an allowable humanity — the absence of which is perhaps best expressed by the phrase ‘don’t pet the terrorist,’ in use at Guantánamo Bay, Cuba (Shiffman, 2007).

To return to Owens, her second point is not only that the detention camps are ‘amenable’ to legal and political disputation as to the legitimacy of their existence both in terms of international and domestic law, but also that the documented abuses which took place within those camps that are prosecutable in terms of international and domestic law (Owens, 2007, 69). In this sense, then, the detention camps are formally or legally intelligible in a way that the concentration camps were not. Without diminishing this point, there is a certain anachronism that deserves explicit attention; and that is, it was not until post World War II (WWII) that the regimes of international law articulated and prosecuted such crimes. In other words, this difference in intelligibility cannot be definitive for it is, to a degree, tautological.

Finally, and third, Owens suggests that for all of the degradation and violations occurring in these camps, the camps are not ‘Hell’ in the way that Arendt named the concentration camps (Owens, 2007, 69). By classifying the concentration camps as Hell, Arendt instituted a hierarchical system of categorization that placed Hades as a ‘relatively mild form’ of the camps that hold ‘undesirables,’ and Purgatory as best represented by the Soviet labor camps where ‘neglect is combined with chaotic forced labor’ (Arendt, OOT, 445). Owens insists that the detention camps of the US-led war on terror are in the category of Purgatory, because they are not ‘thoroughly and systematically organized with a view to the greatest possible torment’ (Owens, 2007, 69). I



would forward that this is not a conclusion we are yet able to reach if only, but not only, for the secrecy in which the existence and administration of these camps, as well as the composition of their population, is kept. Indeed, the very character of the descriptions invoked signal the effort to apprehend the degree of secrecy — to be a ‘ghost prisoner’ is to be ‘disappeared’ to a ‘black site’ in an ‘undisclosed location,’ subject to unknown measures of ‘harsh interrogation’ (Priest, 2005; Human Rights Watch, 2007). In what remains of this essay, I want to see if I can continue to loosen the certainty with which Owens holds her claim, paying special attention to the concept of the law.

Arendt’s interpretation of the presence and potential of the law is profoundly complex. According to her, the process by which global rule, racism and imperialism, and military degeneracy contributed to the crystallization of totalitarianism requires a shift in an understanding of the law. This shift involves accepting that nationality and citizenship — to which she devotes so much of her provocative analysis of the right to have rights — turned out to be the sole possible, but uniformly denied, source of protection for the Jews during WWII. This, but not solely this, prompted her examination of the presence and the potential of the law itself.

Arendt consistently depicts the law as a fence, a boundary, or a hedge, that circumscribes and defends the public, the realm of the political. In this sense, law is akin to an architectural edifice, a static boundary or barrier that delimits the space of the public, but law is also animate in that it quite dramatically provides for the ‘spacing’ of individuals within the public. It does so by both ensuring formal equality ‘before’ the law, and also protecting the inter-esse, literally the space between. Without this protective bulwark, power becomes absolute. ‘Where law provides no genuinely protective boundaries, absolute power can move without resistance, revising the criteria of enemies of class or race, and expanding the categories of the condemned innocence’ (Villa, 1999, 18).

It is my premise that there is a concordance to be found between the detention camps of the US-led war on terror and the concentration camps. It is to be found, as Agamben would have it, in the exercise of sovereign fiat that suspends the jurisdiction of the law and erases the juridical status of those detained. It is also to be found, as Arendt would have it, in one individual’s desire for omnipotence and self-proclaimed identification with the law. In Peg Birmingham’s words, Arendt suggests that the ‘totalitarian vision of hell is an attempt to establish an omnipotent presence on earth itself’ which, according to Arendt, ‘arises from the delusion...of one man’ (Birmingham, 2006, 107).

I put forth that this ‘madness for the superlative’ is made manifest in the actions of President Bush and his administration — the persistent invocation of being ‘called’ by history to wage this war on terror that I discussed above is one such example, but so is his and his administration’s refusal to accept, much less



ponder, the exigencies of their own actions (Birmingham, 2006, 107, quoting Arendt). Illustrative of this stance is the statement made by President Bush when queried why he was not asking Rumsfeld to resign after demands were publicly made: notably, by six US generals two of whom who held combat commands in Iraq. Bush responded. 'I'm the decider and I decide what's best' (President G.W. Bush, April 2006c). Less remarked on, but no less telling, was Rumsfeld's answer when asked why the United States was not letting the 3rd Geneva Convention 'officially apply' to those detained; he stated quite matter of factly, 'well, first of all we don't have to' (Rumsfeld, 2002).

Normatively, it would be a relief if President Bush and his administration did treat international and domestic law as more than a decoration for decisions already determined, and if the rule of law did bind the administration to ensure fundamental judicial guarantees. Yet, the disquieting dimension of these claims is the persistent invocation of sovereign omnipotence that is taken as an absolute guide to the authority, legality, and morality of the administration's decision. The evidence of such failure to reflect or engage in the flaws of such a position created the odd scenario of presidential permission, if not orders, to commit acts of torture, and the almost eerily non-existent notice given by the President and his administration to the effects of such permission. 'The fact of the matter is that of course some people on the midnight shift at Abu Ghraib did some things they clearly should not have done' (Rumsfeld, 2006).

Yet another example of this madness for the superlative is found in the preponderance and use of Presidential signing statements. In the words of one commentator, 'former administration officials contend that just because Bush reserves the right to disobey a law does not mean he is not enforcing it: In many cases, he is simply asserting his belief that certain requirement encroaches on presidential power' (Savage, 2006). This complex of action, whereby disobedience becomes a dimension of enforcement that is, itself a reinforcement of presidential power, can also be understood in terms of a sovereign exception as developed by Agamben theorizing from Carl Schmitt.

Interestingly, Arendt herself marveled at a 'curious equivocality' concerning this relationship of the law, observing 'power enforces law in order to bring about lawfulness... (or)...law is conceived as the limitation and boundary of power which must not be overstepped...Power in the first instance appears as an instrument to execute the law, and in the second instance the law appears as an instrument to hold power in check' (Arendt, 2007b, 714). But, she continued to believe in the protective power of the law against sovereign excess. Instead, Agamben and others posit that this curious equivocality points not to a confusion, but rather the core of the relationship of power and the law, and the constitution in particular of sovereign power. Sovereign power is found not solely in the exercise of the law, but the power to make exceptions to that law. The sovereign exception is not external or additional to the



examination of the law, but rather establishes the law by demarcating the space, scope and radius of its application — it defines the conditions and the context of its reach.

Agamben argues that the detention camps of the US-led war on terror are analogous to the Nazi camps because of the careful elimination of any recognizable legal status of those detained, whereby all those detained (regardless of where or how they came to be imprisoned, including those who were literally sold to US forces) are determined to be ‘unlawful combatants’ through the order of the President of the United States. Although ‘unlawful combatants’ is a term of international humanitarian law, the use and application of it has been utterly deformed by the President and, equally, by the Congress in its redefinition of the term combatant in the Military Commission Act of 2006. In this way, all those detained — again regardless of the absence of review of their actions or participation in the war on terror — are condemned as guilty or, as Villa puts it, they remain the ‘condemned innocent’, by sovereign fiat for a crime without legal status created by sovereign power (Villa, 1999, 18).

‘I would rather die than stay here forever, and I have tried to commit suicide many times. The purpose of Guantanamo is to destroy people, and I have been destroyed. I am hopeless because our voices are not heard from the depths of the detention center. If I die, please remember that there was a human being named Jumah at Guantanamo whose beliefs, dignity and humanity were abused. Please remember that there are hundreds of detainees at Guantanamo suffering the same misfortune. They have not been charged with any crimes (Jumah al-Dossari, 2007).’<sup>3</sup> For these, and other reasons, I am not so sure that Hell is not arrived once again on earth.

### About the author

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### Notes

1 For a general exposition of such corrosive strategies see the *New York Times*’ editorial of December 31, 2007, entitled ‘Looking at America.’ Not only does this list of strategies corroborate Hannah Arendt’s discussion in *Origins of Totalitarianism*, but the Editorial hyperlinks to a letter discussing Nazi Germany and the role of the ‘Good Germans.’



2 See Kinsella, Helen 'Discourses of Difference: Combatants, Civilians, and Compliance with the Laws of War', in *Review of International Studies*, 31, 2006, 163–185.

3 Dossari is a 33-year-old citizen of Bahrain.

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