

# The *lex* of the earth? Arendt's critique of Roman law

Journal of International Political Theory

2021, Vol. 17(3) 394–411

© The Author(s) 2020

Article reuse guidelines:

[sagepub.com/journals-permissions](https://sagepub.com/journals-permissions)

DOI: 10.1177/1755088219898237

[journals.sagepub.com/home/jipt](https://journals.sagepub.com/home/jipt)**Shinkyu Lee** 

Lutheran School of Theology at Chicago, USA

## Abstract

How political communities should be constituted is at the center of Hannah Arendt's engagement with two ancient sources of law: the Greek *nomos* and the Roman *lex*. Recent scholarship suggests that Arendt treats *nomos* as imperative and exclusive while *lex* has a relationship-establishing dimension and that for an inclusive form of polity, she favors *lex* over *nomos*. This article argues, however, that Arendt's appreciation occurs within a general context of more reservations about Rome than Roman-centric interpretations admit. Her writings show that *lex* could not accommodate the agonistic spirit and Homeric impartiality that helped the Greeks achieve human greatness and surpassing excellence. Arendt also points out that Roman peace alliances occurred at the expense of disclosive competition among equals and assumed some form of domination. Indeed, although Arendt appreciates *lex*'s relationship-establishing aspect, she is undoubtedly critical of anti-political practices accompanying *lex*, manifested when the Romans required enemies' submission to terms of peace the Romans themselves set. In the end, Arendt's statements regarding *nomos* and *lex* highlight the fundamental challenge in free politics: balancing the internal demand of agonistic action with the external need to expand lasting ties.

## Keywords

Agonistic action, Arendt, democratic inclusion, empire, freedom, political association

Hannah Arendt formulates an idea of politics that exists for its own sake. To articulate a unique aspect of politics apart from other dimensions of human life, Arendt (1998) turns to the ancient Greeks' experience with politics and action. Her principal task is to enable us to see political phenomena or ideas that we have taken for granted differently.

---

## Corresponding author:

Shinkyu Lee, Department of Political Science, DePaul University, 990 W. Fullerton Avenue, Suite 2200, Chicago, IL 60614-3586, USA.

Email: [slee241@depaul.edu](mailto:slee241@depaul.edu)

Primarily, Arendt wants to show a form of free politics that is far from the familiar image of politics oriented toward sheer survival or rulership.

Despite this laudable task, however, Arendt's views have encountered severe criticism. The common charge is that her ideas suffer from some kind of Graecomania and generally ignore anti-democratic aspects of ancient Greeks' lives, such as their brutal dealings with barbarians and exclusion of women and slaves from politics (Jay, 1986; Parekh, 1984; Wolin, 1994). Recent works have effectively shown that such a charge is mostly incorrect and misses Arendt's broad point. Notably, Dana Villa (2007) argues that the real point of Arendt's Greek engagement is methodological, not strictly prescriptive. Villa (2007: 985) points out that, like a diver descending to the sea's bottom to find crystallized pearls, Arendt turns to polis experiences at the bottom of our political existence "to bring forth, in 'crystallized' form, the phenomenological bases of politics as practiced by diverse equals in a public space."

Certainly, Arendt's appropriating the polis experiences as a heuristic method for her articulation of free politics does not mean that she eventually abandons ancient Greek politics. Villa's interpretation only prompts us to address specific inquiries regarding which aspects of Greek politics Arendt finds inspirational or problematic and how these elements of polis experiences affect her political ideas. To contribute to the renewed scholarly interest in Arendt's reliance on ancient political thinking and experiences, this article investigates her thoughts on the scope of spatial/legal limits for free politics. Specifically, it raises questions about what form of political association can match Arendt's action-centric politics and how she incorporates the merits and dangers of Greek polis experiences into her vision of free politics.

For this analysis, I engage with Arendt's appropriation of two ancient sources of law: Greek *nomos* and Roman *lex*. *Nomos* closely relates to the foundation of the polis, "the Greek solution" that Arendt (1998: 196) discusses in *The Human Condition* following the section on the frailty of human affairs. She observes that the polis helped Greeks multiply their chances of distinguishing themselves in words and deeds, making organized remembrance possible. Arendt (1998: 64) also stresses that establishing a city-state required *nomos*, a "wall-like law [considered] sacred." The ancient Greeks considered such a legal demarcation to be the precondition for action rather than "the content of politics" (1998: 195). However, the Roman understanding of law, *lex*, was different. For the Romans, Arendt (1998: 195) notes that legislation and foundation were also part of politics, not pre-political matters as the Greeks viewed them.

In analyzing Arendt's reflections on *nomos* and *lex*, the present study has two goals. One is polemical. Contrasting Arendt's views on *nomos* and *lex* has become increasingly popular (Ashcroft, 2018: 132–138; Axtmann, 2006: 112–117; Bates, 2010: 118; Volk, 2010: 774–778; cf. Breen, 2012: 24). Scholars note that whereas *nomos* is imperative and exclusive, *lex* has a relationship-establishing dimension. Identifying Arendt's approving references to the Roman conception of law in her unpublished work, several Arendt commentators have countered the notion that she engages in Graecomania (e.g. Taminiaux, 2000: 173–177). In this framework, Arendt favors the Roman experience over the Greek and considers the former a remedy for the latter, as she thinks that *lex*'s functions complete her ideas on *nomos* (Jurkevics, 2017: 357; Markell, 2011: 35–36). I argue, however,

that such an interpretive move fails to reflect a clear problem with *lex*, of which Arendt is well aware. Arendt makes it clear that *lex*, despite its relationship-generating feature, was also closely associated with Roman empire-building. In practicing *lex*, the Romans reveal its limitations, as they threatened opponents with destruction if they did not submit to the terms of peace the Romans themselves set up. Hence, the concern about the Roman-centric interpretation is that in attempting to rescue Arendt from the anti-democratic charge associated with her reliance on Greek thought and experiences, it overstates her appreciation of *lex*, undermining her acute observation that Roman peace alliances occurred at the expense of disclosive competition among equals and assumed some form of domination.

Beyond this interpretive issue, this article articulates the implications of Arendt's critical take on *nomos* and *lex* for her broad thinking on law and politics. *Nomos* and *lex* are not the only conceptions of law Arendt addresses. In *The Origins of Totalitarianism*, for instance, Arendt (1973: 463) refers to totalitarian laws as the laws of motion. Totalitarian laws simply reflect the movements of supra-human forces of Nature or History; the evolution of the Aryan race or the triumph of the proletariat in the class struggle were seen as directing natural and historical processes. Though harshly critical of totalitarian laws, Arendt (2006a: 87) also problematizes a natural law approach. Her concern about natural law theory lies in its depoliticizing effect. As it posits a single, universal law, it not only destroys law's sense of limit but also demands obedience and submission, qualities Arendt considers detrimental to free politics. For Arendt (2006b: 181–182), the command-and-obedience law has its root in the Hebrew tradition, as represented by the divine commandments of the Decalogue. Arendt's judgment on Jewish law apparently ignores the narrative commentary of the *Haggadah*, which modifies the extant laws and shares the multi-perspectivism her free politics fosters (Klusmeyer, 2014: 230; Liska, 2012: 96[n31]). Indeed, a less rigid aspect of law exists in Judaism, and similar cases are found in other religions. But, Arendt wants us to be aware that a legal approach that relies on a transcendent source of authority and harbors hope for divine redemption increases the risk of underappreciating “the ‘pagan’ value of worldliness” (Villa, 1997: 187).

Arendt's opposition to natural and quasi-natural sources founding law and institutions closely relates to her firm belief that they are detrimental to free politics characterized by public talk and mutual deliberation. For Arendt, the purpose of establishing law and institutions is to facilitate free politics. This, in turn, raises the broad question of what kind of political association makes Arendt's free politics most effective. Arendt's statements about *nomos* and *lex* contain important insights. In her view, the Roman way of integration and expansion can affect action's quality. Although Arendt genuinely appreciates the Romans' relationship-generating capacity, her problem with their empire-building is equally clear. In the end, Arendt's thoughts on *nomos* and *lex* suggest for us the need to cautiously estimate what we can gain and lose from each ancient source of law in achieving free politics. Such a balanced insight, as I will show, is instructive for scholars of international relations, including those who want to establish Arendt's strong approval of international human rights and criminal laws.

## A misplaced focus

Part of the reason Arendt does not favor *lex* over *nomos* and vice versa is that her real problem lies elsewhere, namely in the philosophical tradition of Western political thought, which relies its judgment on a variety of resources against action that is futile, boundless, and uncertain in outcome. When Arendt mentions *nomos* and *lex* in *The Human Condition*, she is clearly more interested in articulating the difference between the conceptions of lawmaking held by the pre-philosophic Greek experience and the Socratic school. Consider Arendt's (1998: 195) reference to "the political genius of Rome: legislation and foundations." This brief statement signifies her approval of *lex* but is part of a discussion of the transition from the Greek consideration of lawmaking as a pre-political matter to Plato and Aristotle's view of it as the supreme political activity. In the life of the polis, while action was the prototype of the political, legislation in the sense of building a structure for subsequent actions was a strictly pre-political affair (Arendt, 1998: 194–195). Arendt (1998: 195) observes that a reversal happened later, prompted by Socratic philosophers who saw lawmaking, not action, as political because, in their view, "the result of [this making-activity] is a tangible product, and its process has a clearly recognizable end." It appears that Arendt agrees with none of this thinking, and her passing reference to Rome's genius indicates some kind of endorsement of the Roman attempt to extend the initiatory dimension of action to foreign relations. However, equally important is that nowhere in the section on the Greek solution can we find a substantial critique of *nomos* because Arendt focuses on spotlighting problems with the Socratic school and its view of law-making as having the highest importance in political life.

We also can see Arendt's ambivalence toward these two ancient sources of law in works other than *The Human Condition*. For example, several times in her so-called Marx manuscripts, Arendt (2007a: 713–726; 2007b: 941–954) discusses the Greek and Roman conceptions of law. Her discussions show how the *artificial* feature of these understandings of law differs from cosmic law, which claims to be "universal in every respect, applicable to all things and to every man in every situation and condition of life" (Arendt, 2007a: 718). As in the passage from *The Human Condition* mentioned above, Arendt critiques those sources inimical to free politics that, to her, occurs only through continuous exchanges of diverse opinions and constant appearances of action. Identifying a traditional line of thinking that views law as universal and discoverable, Arendt (2007a: 718, 720) suggests that such a conception of law departs from the Greek view, which sees "laws in the image of fences and boundaries that hedge in, protect, and establish the various common worlds of the polis," and from the Roman view, which treats laws as "the specific channels of communication and intercourse that are necessary between city and city."

Arendt's critical focus, which is on other broader issues, renders her view of *nomos* much less critical than some commentators allege. Thus, where she deals with "the specific cruelty of Greek history" toward barbarians outside the polis walls, Arendt (2007b: 953, 945) does not associate that symptom with the principal target of her critique: the Western tradition of political thought that maintains "the distinction between ruling and being ruled," assumes this separation "to be the essence of all political organization," and

embeds it in law and power. Instead, she describes the Greeks as lacking a division of rulers and subjects, rendering them incapable of ruling conquered peoples. For her, the Greeks had two choices: war results in either complete annihilation or enslavement, the latter of which, unlike ruling, should be restricted to the private realm. This does not exonerate the Greeks from the charge of brutality, and Arendt clearly gives more credit to the Roman model of law in the area of integration. However, Arendt's problem with the traditional understanding of politics (based on the distinction between ruling and being ruled) outweighs the subtle difference between *nomos* and *lex*.

## What *nomos* does and *lex* does not

Once we stop approaching Arendt's thoughts on the Greek and Roman sources of law in an either/or manner, we can better identify their strengths and weaknesses. Arendt's comments on the Greek law suggest that she does find problems with it. In fact, Arendt's own public realm is not the same as the polis model, though it highly informs her ideas. From her accounts in *The Human Condition*, we can recognize three essential characteristics of the polis. One is the agonistic citizen capable of acting. Another is the web of human relationship that such agonistic citizens create through acting together. Arendt (1998: 52, 199) famously calls this the space in-between, or the space of appearance. The other is *nomos*, the Greek law that marked the borders of the city-state.

Arendt (1998: 198) finds in the polis experience that a public space of appearance could not "endure [and] survive the moment of action and speech" because action itself is agonistic, disruptive, and boundless. Thus, the Greeks thought that although the public space directly rises out of acting together, it needs the stabilizing protection of the physical wall of the polis and the legal boundaries of *nomos*. Arendt, however, never ceases to emphasize the political potential of the polis as a space of appearance. The Greek catchphrase "Wherever you go, you will be a polis" suggests that spatial, legal limits were not a precondition for action and the public space in between acting individuals (1998: 198). Indeed, Arendt (1998: 205) sees in Pericles' words that the Athenians were convinced that their acts and deeds were "enough to generate *dynamis* and [did] not need the transforming reification of *homo faber* to keep it in reality."<sup>1</sup>

But, the polis differs from Arendt's idea of the public realm in conception of law. For Arendt (1998: 194), political action creates and maintains the laws, whereas in the Greek city-state, "the laws, like the wall around the city, were not results of action but products of making." As will be clear, this part of her reflections on the Greek view of law does not lead to a wholehearted endorsement of the Roman way of legal integration. Nevertheless, Arendt clearly appreciates the need for modification of the Greek model. So, while observing that among the Greeks "the commonness of the political world was constituted only by the walls of the city and the boundaries of its laws," Arendt (2004: 435) indicates that such a commonality should have been "seen or experienced in the relationships between the citizens." Unfortunately, although the Greeks had the novel idea of action that had a "tremendous capacity for establishing [new] relationship" and generating new voices for change and could have been used to engage in and revise extant legal criteria, they failed to discover this role of action for law (Arendt, 1998: 191).

That said, before disposing of *nomos* too quickly, we should ask why the Greeks maintained such a restricted conception of law. For this, it is important to see that Arendt's (1998: 194) accounts of *nomos* come right after her discussion of the Greek agonism, the roots of which we find in Achilles' heroic action. This transition suggests a close correlation between agonistic action and stabilizing law. In fact, Arendt (1998: 194) herself notes, "[a]n outstanding symptom of this prevailing influence [of Homeric agonism on the city-states] is that the Greeks . . . did not count legislating among the political activities." The concern among the Greeks Arendt (1998: 198) identifies is that the public space was not guaranteed to exist in a context like Athens, where an intensely agonal spirit lived on. Therefore, the Greeks needed the formal law to be the walls of the polis and believed that legislation should not be part of agonistic action.

For Arendt, then, *nomos* reflects the Greek endeavor to balance the needs of agonistic competition and spatial limits for their free politics. Of course, such a balance was not guaranteed to last: Athens itself succumbed to excessive agonism, eventually ruining city life (Arendt, 2004: 435). The fall of the Greek city-state entailed several factors, as historical and archeological details show, but this need not distract us from excavating Arendt's views on forms of political association. More relevant here is a correlative relationship between agonistic action and the stabilizing law that Arendt's *nomos* accounts suggest: a public realm filled with intense agonism such as the Greek polis requires *nomos*-like law. Equally important is the implication of such a correlation of action and *nomos* for the Roman model of law. In fact, Arendt's (1998: 195; 2005: 183; 2007b: 953) observation that action was managed in a polis with a high level of legal stability implies difficulty in viewing *lex* as directly extending the Greeks' action to the area of legislation. Eliciting the questions of whether and to what extent the Romans succeeded in promoting agonistic action within the republic while collapsing its external boundaries through *lex*, Arendt's *nomos* accounts point to the challenge the Romans faced.

The Romans were not successful on this score, at least not as much as the Greeks. In Arendt's (2005: 165) view, "the agonistic spirit of the Greeks" helps to explain why "within the few centuries of Greece's golden age we find a greater and more significant concentration of genius in every intellectual field than anywhere else in history." Arendt (2005: 187) understands that what made this excellence possible was that *nomos* "[gave] actions their enduring form, turning each action into a deed that in its greatness—that is, in its surpassing excellence—can be remembered and preserved." If the demarcating *nomos* rendered the Greeks unable to build an empire and eventually caused them to perish yet be remembered for having "man's highest potentialities within the world" (2005: 188), the reverse was the case for the Romans. While their law (*lex*), which was in itself unlimited, "allowed them to establish lasting ties and alliances," it in turn prevented them from accommodating a Greek-like intense agonism and attaining surpassing excellence because these pursuits are virtually impossible when the boundaries of a polity are constantly expanded and reestablished (2005: 187). As a result, the Romans are not remembered for their remarkable human potential for excellence but for the ability to form new alliances and claim Rome as "the hub of a world" (2005: 187).

As noted earlier, Arendt's intent is not to argue that one ancient model of law is superior to the other. Rather, each has its own merit: *Nomos* has an advantage in the Greeks'



incorporating agonistic action into domestic politics; *lex* helps the Romans form foreign alliances. Yet, even in foreign politics, the Roman model of law turns out to be less beneficial than initially thought. This is evident when Arendt (2005: 153–191) discusses the Greek and Roman ways of handling war. For her, war has two features: although war reveals heroic words and deeds, it also “oversteps the bounds set by politics” and destroys politics itself (2005: 159). The question of war, then, is whether and how humans have opportunities for heroic disclosure while avoiding total destruction of the political space and politics. The Greek solution, Arendt observes, was the foundation of the polis. The Greeks created the political space of agonistic struggles for appearance and separated it from the military world of war (2005: 171). For them, politics could only grow among citizens of equal rank within a city. By contrast, the Romans thought politics occurred in a battle between “alien and unequally matched peoples” (2005: 178). Arendt sees that through *lex*, the Romans made alliances with former enemies and established a society for coexistence.

The difficulty in positioning the Roman solution as Arendt’s own view lies in her discussion of the Romans’ total destruction of Carthage, an event that obviously contradicts the Roman conception of foreign relations. This problem relates to what Arendt (2005: 188) sensibly recognizes as the price the Romans had to pay for their expanded empire, “the loss of Greek and Homeric impartiality.” Homeric impartiality means that greatness is judged solely by one’s real appearance in a struggle, whether it results in victory or defeat. Of course, this Greek model “never went any further than Homer’s historical recollection and decidedly poetical rescue of those who were defeated and destroyed” (2005: 164). But, such a Greek weakness should not make us ignore that the Romans lacked Homeric impartiality. Arendt observes that although they constantly expanded their ties and alliances through their brilliant conception of law and effective foreign policy skills, the Romans made their history and literature exclusively Roman. In terms of recording history, what mattered for the Romans was solely the deeds directly related to their city, specifically how they founded and expanded it. This differs from the Greek historiography and literature, which preserved the principle of Homeric impartiality and thus were “never Greek, even in their decline” (2005: 188). Arendt (2005: 188) makes the crucial point that “the Greeks, who destroyed their enemies, were historically more just to them and passed on to us much more about them than did the Romans by making allies of their enemies.”

Does this mean that the Romans successfully practiced Homeric impartiality in reality via their relationship-building law, though not in history? Here, we should further discuss Carthage and its total destruction. Arendt (2005: 184–185) understands that once Rome recognized Carthage as its equal, it had to violate its own political principle of forming alliances because it perceived Carthage as having an anti-Roman political principle that could have destroyed Rome. For Arendt, then, two factors played in the preemptive destruction. One is the recognition that “Carthage was the first city Rome had to deal with that equaled Rome’s power and simultaneously embodied a principle opposed to Rome’s” (2005: 185). The other is that despite their lack of “will to power or lust for domination,” the Romans thought Rome was the only entity that initiated alliances and set the terms of peace (2005: 187). Behind this is hubris: because Rome must be the hub of the world, peace alliances with adversaries are possible only when they are

willing to partner with the Roman empire. Ultimately, Arendt reminds us that the Roman idea of making treaties and forming alliances did not apply everywhere. Facing a true rival, Rome engaged in a war of destruction rather than an alliance of peace and, by doing so, ignored what *lex* demands (2005: 184).

The Carthage example shows *lex*'s clear limitations when exercised in actual politics. The crucial facts are that the Roman peace alliances occurred at the expense of disclosive competition among equals and that those "mutual" customs and practices, after all, assumed some form of domination and demanded submission beforehand. The Romans did not know the Homeric impartiality the Greeks had maintained. As Arendt (2005: 189) judges, "the idea that there could be some other absolutely different entity equal to Rome in greatness and thus worthy of being remembered in history . . . was utterly alien to the Romans."

Raising the point that Arendt is critical of the Roman idea and practice of law does not mean that Arendt wholeheartedly endorses the Greeks' political experiences or even approves of their brutality against barbarians. Again, this kind of interpretation repeats the error of an either/or approach to her writings and misses her broader point. Arendt appropriates Greek and Roman sources to reveal the basic assumptions of Western political thought and rectify modern political prejudices. By envisioning the worldly politics of diverse equals participating in a public space, Arendt appreciates Greek action and Roman legislation but approves of neither Greek exclusion and cruelty nor Roman empire-building and deception. Certainly, during the peak of the Cold War, Arendt must have found the Romans' conception of law and their integration ability quite relevant.<sup>2</sup> "Whatever Rome's limitations," Arendt (2005: 189) concedes, "there is no doubt that the concept of foreign policy . . . is solely of Roman origin." However, as my preceding discussion suggests, this acknowledgment occurs within a general context of Arendt's thinking that shows more reservations about Rome and more praise for Greece than increasingly popular Roman-centric interpretations admit.

## On the analogy of action and *lex*

I have focused on articulating Arendt's attitude toward two ancient sources of law and the problems with the recent interpretive trend that undermines her acknowledgment of the merits of *nomos*. Before accounting for how *nomos* and *lex* relate to her own idea of the public realm, I will analyze a variant of the Roman-centric interpretation, which I briefly mentioned above. My intent here is to show a gap between the individual and collective levels of politics the preceding discussion has suggested while discussing how the *lex*-oriented reading in question misses a challenge that free politics encounters.

The interpretation argues that rather than considering Arendt's views on *nomos* and *lex* as diametrically opposed, one can view *lex*'s relationship-building aspect as completing *nomos*'s world-creating feature. The analogy of action and *lex*, which takes its cue from a symbiotic relationship between the activities of demarcating work and agonistic action, is central to this reading. If work demarcates the world, it also stabilizes it. Likewise, although action is agonistic, it also creates new relations and insights, as it is fundamentally initiatory. Scholars following this line of reasoning have revisited Arendt's distinction between work and action, claiming that law has work's demarcating function



and needs action, as diverse opinions and initiatory actions' inputs enliven public law and institutions. Based on action's symbiotic relationship with work, they further ask whether this insight can also apply to Arendt's conceptions of *nomos* and *lex*.

Notably, Patchen Markell (2011) makes the most innovative argument for this approach. By conceiving of the relationship between work and action as that of "provocation and response between things in their meaningful appearances," Markell (2011: 36) equalizes "artifacts of all sorts" that work creates. This helps Markell (2011: 35) identify what he considers the principal mistake of a narrow reading of Arendt's thoughts on work and action, one that "underestimates the range of worldly artifacts that are relevant to action, and misunderstands the nature of their relevance, by focusing narrowly on their function of guaranteeing stability." Markell attributes the problem of this reading to its reliance on *nomos*. Alternatively, he constructs an approach that combines *nomos* with *lex*. Recognizing the commonality of the relationship between work and action and between *nomos* and *lex*, he applies the analogy of work's dynamic relationship to action to the field of law. On this basis, Markell (2011: 42[n29]) argues that "we can begin to make sense of how law could be understood in the Roman sense as an artifact that does not merely set boundaries, but also establishes relations."

As will be further articulated below, Arendt (1998: 57) characterizes the public realm as "the common meeting ground" of distinctive individuals. For their diverse viewpoints to appear reliably, Arendt finds it important to establish and maintain a stable world of common objects and institutions. Meanwhile, the presence of a common world implies that not all human artifacts are the same; some are more public than others. Thus, it is not simply that worldly artifacts of all sorts coexist and are connected through the phenomenological process of constant appearance. Rather, artifacts vary depending on how common, public, and collective they are. Said differently, once an artifact has a collective feature, it takes on a quality of stability that complicates the equal treatment of all artifacts. For instance, the constitutional state is a collective kind of worldly artifact designed to provide stability, as it contains different individuals in its institutionally articulated space and facilitates the reliable appearance of political actions.

Is this collective artifact the same as an individual object? Certainly, openness is observed at individual and collective levels of Arendt's free politics. In boundless action, the self is decentered and open; likewise, the bounded *nomos* is provoked to refigure itself via the *lex*-oriented integration (Arendt, 1998: 179, 63). However, the decisive fact is that for Arendt, a legal limit or constitution exists to provide the space and opportunity for individuals to appear in public and have such public appearances be reliable. Owing to this internal demand for stability, the constitution cannot be perpetually open to change. If it constantly reestablishes its external boundaries with other polities, internal stability decreases, which is generally not conducive to making opinions significant in the polity and the appearance of actions effective.

Although a certain commonality between the initiating dimension of individual action and the relation-building feature of *lex* in Arendt's thinking is observable, we should also note the difference between the individual and collective levels on which such insights apply. If we compare the rates of change at the collective and individual levels, the former is much slower. The stable world of institutions, for Arendt, "change[s], but it should change gradually and imperceptibly, so that the men who live in it experience it as being

more durable than themselves” (Canovan, 1974: 83). Therefore, the nature and scope of change generated in individual action and collective *lex* are not the same. This is so for the legitimate reason of maintaining internal stability to enable the reliable appearance of actions. After all, the synthesis of *nomos* and *lex*, via the analogy of action and work, is problematic because it overstates the similarity between boundless action and relationship-generating *lex* while underrating the challenge that the internal demand for the reliable appearance of action creates for the external demand to establish new relationships with others.

Arendt’s statements about *nomos* and *lex* suggest that meeting the internal and external demands of free politics to the same degree simultaneously is difficult and that maintaining their balance is always precarious. This challenge implies that, if the Arendtian political association—in line with the Roman conception of law—establishes new relationships with others by integrating them, such a change in external boundaries should not endanger the reliable appearance of action. If the public realm constantly collapses established spatial and legal limits, doing so will affect the quality of action. The problem with *lex*-oriented integration, as discussed earlier, is magnified when we consider that it can accompany the implicit call for other parties’ submission.

## **Nomos and *lex* in the Arendtian public realm**

So far, the discussion has made three interpretive points. First, when Arendt discusses two ancient sources of law, her real target of critique is a traditional way of thinking that turns against action and puts rulership at the center of politics. This choice of focus weakens Arendt’s opposition to *nomos*, for instance, when compared with her critique of the cosmic law that proposes common measures applicable to all political communities. In addition, whereas Arendt is critical of *nomos* and *lex*, she remains much warier of the consequences of *lex*’s association with empire-building than the Roman-centric interpretations suggest. Finally, Arendt’s thoughts highlight the importance of spatial/legal limits for action’s reliable appearances. For Arendt, how to secure an institutionally articulated space for action is a crucial standard that determines the scope of political communities’ closeness and openness.

Arendt’s (1998: 50–58) articulation of the public realm in *The Human Condition* affirms these aspects of her thinking. The public realm, for her, has phenomenological and spatial features. The phenomenological sense is concerned about how agonistic individuals appear in public with others’ assurance, while the spatial aspect emphasizes the relatively stable world of institutions that enables the reliable appearance of action. Discussing these basic features of the public realm, Arendt identifies two dangers. She worries that setting up reductive utilitarian or moral criteria for politics diminishes the richness of diverse perspectives. Hence, Arendt (1998: 57) claims that “the reality of the public realm relies on the simultaneous presence of innumerable perspectives and aspects . . . for which no common measurement or denominator can ever be devised.” However, Arendt is also anxious about highly individualistic action that occurs at the expense of others. Such concern about intense agonism leads her to appreciate law’s function as a stabilizing force (1998: 191). These two concerns help us understand why she maintains a dual interest in action and institutions and why, for her, political action necessarily

occurs in a certain local context, specifically a public realm characterized by its own particular institutions, practices, and background understandings. Quite apart from the sheer reductionism that comprehensive criteria imply and the false sense of fungibility they create, Arendt wants the focus kept on the need for a particular public world—a world of laws, institutions, and practices that we can call our own. For Arendt, the common world is a locally common site that can serve as the shared meeting ground for inhabitants.

Recall what we identified earlier from Arendt's discussion of *nomos* and *lex*. Arendt's view of the public realm resonates with what her critical statements about two ancient sources of law suggest: pluralism inside and outside of a polity. On one hand, in her scheme of thinking, different polities establish their own common political standards based on particular institutions and the specific legal and political cultures they create. On the other hand, because the principal purpose of the Arendtian public realm is to provide a common meeting ground for political actors, polities reflecting this function foster the constant sharing of diverse perspectives and opinions on public affairs. Thus, in contrast to *lex* and especially its association with empire-building, Arendt's thinking argues for inter-polity pluralism, or the pluralistic existence of polities with different sets of legal/political criteria. Yet, the public realm, for Arendt, is also filled with agonistic citizens who continue sharing their diverse views on public issues. The role of law here, as partly informed by *nomos*, is to cultivate intra-polity pluralism, as it facilitates action by providing the space and opportunity for public appearances.

But, while stressing internal diversity, does this presentation of Arendt's thinking envisage a world of unified political communities that are permanently differentiated from each other by different institutional structures and ways of life? Scholars of Kantian cosmopolitanism, when dealing with communitarian positions, invoke such a Schmittian politics and the dangers therein (Benhabib, 2012, 2013). Similarly, in Arendt's case, critics question whether her free politics creates, if not a Schmittian enmity, a normative vacuum in inter-polity relations (Arato and Cohen, 2010: 162; Scheuerman, 2014: 117).

As already mentioned, Arendt's thinking suggests that, while the Greeks knew action's great capacity to generate new opinions and relationships, they failed to notice that action could modify the internal criteria of legal judgments and narrow the gap in inter-polity relations. Before addressing this insight, however, we first need to explicate Arendt's concern about *lex*'s impact on the quality of action, which she thinks loses its revelatory quality and fails to fulfill Homeric impartiality in a constantly expanding world of politics. The root of this anxiety seems to be her problem with a particular form of global governance. "The world government," Arendt (1972: 230) claims, "could easily become the most frightful tyranny conceivable, since from its global police force there would be no escape—until it finally fell apart." Yet, her thinking also suggests a more fundamental idea: free politics occurs at the grassroots level as people politically organize themselves and actively participate in public matters. That is, the idea that drives Arendt's concern about cosmopolitanism is that a political community's dependence on norms that are "universal" and "superior" in its decision-making increases the risk of depoliticizing the local, which should be the basis of politics, and of tainting the revelatory quality of "acting in concert" that should appear in a bounded space for freedom.

For cosmopolitanism, this de-emphasis of the local may be inevitable. From its perspective, locality is a problem to (eventually) overcome. Indeed, for some hardline human rights advocates, the urgency of human rights implementation means there is no time to attend to local circumstances (Snyder, 2000: 39–42). Even when the latter are considered, the usual approach is to develop strategies to correct and regulate local criteria (of legal/political judgment) according to higher human rights standards (Brown, 2012: 224–226). But, Arendt would point out that the absence of intense and open-ended debate, deliberation, and decisions at the local level can only detach “universal” values from people’s actual experiences. Moreover, overstating cosmopolitan criteria for politics may diminish, not strengthen, people’s capacity to form and maintain vibrant, mature political communities (Honig, 2009: 113). Hence, Arendt (1973: 296) emphasizes the need for a bounded, ocular space of appearances that “makes opinions significant and actions effective.”

Of course, Arendt is not dismissive of human rights. As her accounts in *The Origins of Totalitarianism* show, Arendt (1973: 222–302) is deeply concerned about the miserable fate of stateless people in the interwar period and the destructive impact of “tribal nationalism” on the whole of Europe. From here, it is tempting to establish a “Kantianized” Arendt who would confirm a human rights universalism. In the same book, however, Arendt also cautions about the limitations of cosmopolitan values in politics. Those norms of humanity, for her, ought to be viewed as a broad yardstick to guide, not determine, political activities. As Arendt (1982: 76) put in her Kant lectures, “one is supposed to take one’s bearings from the idea, not the actuality, of being a world citizen.” In their implementation, human rights must have “some kind of organized community,” one that differs from not only “tightly organized closed communities” but also a world state aspiring to “a completely organized humanity” (Arendt, 1973: 294, 297, 299). Arendt in *The Origins* does not provide a clear solution to human rights issues. However, Arendt (1973: 296–297) makes it clear that establishing a human rights-oriented governance for the whole world is a much more vulnerable task than liberal scholars acknowledge and that the abstract idea of humanity is insufficient or even inadequate for meeting the crucial demand “to live in a framework where one is judged by one’s actions and opinion.”

Such a mixed attitude toward cosmopolitan norms hardly disappears in Arendt’s later works. For some scholars, Arendt’s accounts of genocide in *Eichmann in Jerusalem* suggest a shift in her thinking. An oft-quoted Arendt statement for this interpretation is “[genocide] is an attack upon human diversity as such” (Arendt, 1963: 268–269). To Arendt (1963: 279), the only reason Adolf Eichmann should be executed is his denial of human plurality, evidenced when he acted “as though [he] . . . had any right to determine who should and who should not inhabit the world.” From this observation, Seyla Benhabib (2010: 222, 223) argues that, by establishing plurality as “a firm ontological grounding” for international law and human rights, Arendt now abandons her early skepticism toward them and approvingly considers “their role in shaping politics among nations.”

However, whether the mere fact of plurality generates a strong normative maxim of equality is debatable. It is one thing to say that our plurality, along with our capacity for action, can serve to achieve free politics. It is another to argue that anything similar to the moral idea of equal human rights can be deduced from human plurality. In Arendt’s case,

as Canovan (1992: 198) points out, these two arguments are never conflated. Rather, Arendt makes a modest recommendation to establish lasting institutions upon voluntary agreements that recognize human plurality. This differs from an endorsement of procedures or mechanisms to enforce moral norms worldwide. Setting aside this conceptual issue, though, we still find Arendt's call for caution. The concern is that, even when we confirm that the destruction of plurality is the most evil of political wrongdoings, what particular act warrants this criminalization require a careful political judgment (Owens, 2007: 49). Without the latter, we encounter a crude practice, as seen in some of the liberal justifications of the "War on Terror" that treat radical Islamist ideology as a "terrorist-totalitarian threat" that denies coexistence with the West (Berman, 2004). We must note that Arendt herself emphasizes the novelty and specificity of totalitarian terror, and this challenges any attempts to indiscriminately treat all ideological hatreds as manifestations of radical evil and to grant international actors a license for intervention therein (Villa, 2008a: 103–109). Finally, textual evidence questions if Arendt really overcame her concern about international norms' practical limitations. For instance, in *On Revolution*, published the same year as *Eichmann in Jerusalem*, Arendt (2006b: 267) still assures us that "the elementary coincidence of freedom and a limited space" remains manifest even under the modern conditions of international treaties and guarantees.

But, without fully acknowledging *lex* and cosmopolitan thinking, how does the Arendtian political association eschew the Schmittian charge? Said differently, if we form a polity with a distinctive political structure and culture, does this not create a permanent normative and political gap in inter-polity relations, possibly to the extent of fostering permanent antagonism? Such a concern, however, tends to ignore that for Arendt, a world of legal institutions is not immune from modifications in opinions and exchanges of views. Arendt makes this point explicit in *On Revolution*. Using the American Revolution, Arendt (2006b: 192–206, 219–221) demonstrates how political communities integrate new voices for change into constitutional amendments as a means of "augmentation" through which people actively apply and expand constitutional principles in their public lives and incrementally modify existing arrangements of public judgment.<sup>3</sup> The result of this theoretical scheme is the gradual change in political communities' internal arrangements, and we can expect that the existing stipulations regarding one polity's external relations with other polities will not remain intact.

True, Arendt (1998: 194) introduces *nomos*, the establishment of which preceded "the numerous activities which eventually went on in the polis." The Greeks thought political actions alone could occur within the walls of the polis, as they did not consider lawmaking to be political. As we confirmed earlier, Arendt perceives this Greek conception of law as a problem and praises the Romans' emphasis on building relations. However, we must note that even in the Greek model, Arendt does not understand constitutional or fundamental law as occupying an entirely separate or isolated level apart from internal political activity. Scholars emphasizing Arendt's reliance on *lex* point out this statement: "[T]he law of the city-state was neither the content of political action . . . nor was it a catalogue of prohibitions, resting . . . upon the Thou Shalt Nots of the Decalogue" (1998: 63). Yet, Arendt's actual point here is that in the Greek tradition, law was not in constant flux due to citizens' unpredictable whims and agonistic actions, nor was it simply a fence that enforced what not to do, regardless of the actual political

context. The real value of such fundamental law is functional, providing a stability that facilitates the reliable appearance of political action and the sharing of words and deeds. Indeed, for the Athenians, the object of their “loyalty” was not the law of the polis so much as the public space as a stage upon which an agonal civic spirit could manifest itself (Arendt, 1998: 195). In serving this political purpose, law was respected and considered “sacred” among the Greeks (Arendt, 1998: 64).

This presentation of *nomos* does not say that the Greeks had the fully fledged view of integrative constitutionalism mentioned above. Nor does it argue that an approach building on this insight can effectively address all the pressing issues we face in an increasingly globalized world. Rather, the point is that we should understand Arendt’s intent implied in her ambivalent attitude to *nomos* and *lex*. Bringing to the fore the fundamental issue of how to balance the internal demand of agonistic action with the external need to expand lasting ties, Arendt’s reflections on *nomos* and *lex* urge us to consider what we gain and lose from attending to each side of free politics. Through her critical engagement in ancient legal sources, Arendt offers important parameters that we ought to have in mind when judging the future of our common spaces for freedom.

## Greek Arendt for modern politics

To conclude, I further articulate two contemporary implications of this research. Above all, action’s quality matters. In an increasingly globalized world, attending to a small political space, such as the polis, seems outdated. Indeed, the participatory, agonistic feature of ancient Greek politics appears to be eclipsed by the growing capacity for social interaction that modern communication technologies enable. Yet, Arendt’s thought on Greek law presented in this article questions whether these developments have created a tangible space for freedom that facilitates action’s effective appearances and the exchange of diverse opinions in public. In other words, it raises the question of whether these social opportunities generated by popular networking mediums could be identical qualitatively to what can be actualized through public activities that occur within the stage-like space of appearances.

Arendt’s intent is not to revive ancient Greek politics in total resistance to modern science and technology. To her, technological automation is inexorable. But, Arendt wants us to be “self-conscious” about the quasi-natural process in which we are entangled (Simbirski, 2016: 611) and appreciate institutions’ important role in holding at bay natural and quasi-natural forces that threaten to overrun the artificial world of civilization. The Arendtian concern regarding “acting” on online social networking campaigns is whether it creates a communal power in between people that can lead to the founding of “a stable worldly structure” (Arendt, 2006b: 166). Despite their technological innovation, online social networks lack durability, a quality that makes the reliable appearances of action possible, and as a social medium, they tend to foster an affinity culture rather than a continuous exchange of diverse views on public matters (Schwarz, 2014: 181–185). Arendt herself appreciates greatly the human artifice’s stability and durability, the manmade world of things, including the constitutional state and the terms of association it sets. Her emphasis on the need for action’s reliable appearances and her deep appreciation for the constitutional state’s function in meeting such a demand urge us to see the



difference between political action and social interaction and this distinction's significance for free politics.

Emphasizing the need for political communities that attend to action's quality pertains to other pressing issues we face, as doing so brings our attention to Homeric impartiality and durable power and institutions for free politics. Overall, my interpretation of Arendt's reflections on *nomos* and *lex* shares the broad insight among the recent critical approaches to global politics that appropriate Arendt's thoughts. For example, in her careful study of migrant rights, Ayten Gündoğdu (2015: 22) brings home Arendt's "aporetic" method and argues that it helps to shift focus from what grounds human rights to the generative feature of human rights that would serve to "articulate new rights or bring to view new subjects entitled to rights." Similarly, my presentation of Arendt's ambivalence toward *nomos* and *lex* accentuates the "open-ended" aspect of her thinking regarding political association. However, this study also greatly concerns who or what would be a reliable entity for dealing with global problems. A critical approach attentive to the perplexities of global politics opens itself to new ideas or subjects and adjusts to accommodate them. Yet, the matter of concern often goes beyond identifying new issues. Regarding the migration and refugee crisis, for instance, we need a durable power taking a specific role for addressing it. This certainly relates to the important issue of how to enlarge the scope of solidarity for power (Hayden and Saunders, 2019; Horst and Lysaker, 2019). But, Arendt also assures us that action and power need institutions that provide them with stability and durability. Without public law and institutions, action is fleeting, and power is easily dissipated (Arendt, 2006b: 174). From this perspective, human rights engagements without reliable sites of power and lasting institutions must be limited.

Although opposing both the nation-state and the world state, Arendt argues for organized communities for human rights implementation. No doubt those communities Arendt has in mind are not driven by national interests or sheer survival; instead, they seek to manage action's quality and its reliable appearances. Still, her emphasis on organized communities raises challenging questions about how to form power and transform it into durable institutions and the relationship between action and law for free politics. Arendt's reflections on *nomos* and *lex* add much-needed sensitivity to this area of inquiry by showing the Greek difficulty in achieving alliances with others and the problems the Roman expansion encounters. Advocating integrative constitutionalism different from either *nomos* or *lex*, Arendt assures us of the importance of forming powers at the local level and founding lasting institutions, while acknowledging the fundamental complexity in balancing the internal demand of agonistic action with the external need to expand lasting ties.<sup>4</sup>

Regarding refugee rights, Arendt's novel idea of political association not only sensitizes us to recognizing new rights or subjects in a changing situation but also reminds us of the importance of (extant and emerging) institutions for free politics. These two tracks of her thinking result in the suggestion that, in addition to meeting the crucial demand for people's membership in a political community for their human rights, we must have a strenuous process of exchange and discussion between the newcomers and the old members of a community (though this should not be based on natural criteria of ethnicity, nation, or race). Simply putting people in a new land and imposing the existing common law on them is not Arendtian. But, for a meaningful encounter between old and new

voices to occur, it is also essential to maintain action's quality by securing durable power and lasting institutions. What emerges from this dual side of Arendt's thoughts is a transformative community that provides newcomers with a full opportunity to appear and share their distinctive views with others and thereby gradually modifies the existing arrangements of political/legal judgment.

This approach, as informed by Arendt's genuine yet qualified appreciation of Greek law and politics, does not resolve all global perplexities. However, it can help to reduce the difficulty free politics faces through incremental changes at the local level, without ignoring the precariousness and contingency of practical politics. This aspect of Arendt's thinking deserves proper attention and credit.

## Acknowledgements

An earlier version of this article was presented to the International Ethics: Past and Present panel at the 2019 meeting of the International Studies Association. The author is grateful to the participants in this event for their sensible questions and critiques. The article has also benefited from constructive comments and suggestions from two anonymous reviewers for the *Journal of International Political Theory*.

## ORCID iD

Shinkyu Lee  <https://orcid.org/0000-0002-7803-9744>

## Notes

1. Arendt qualifies Pericles' statement by pointing out that he made it at the beginning of Athens' decline. Yet, such a caution exists to confirm a fragile balance between individual action and collective limits in Athens, not to suggest that the Greeks never understood the needs to tame the Homeric type of action and establish stable institutions. Cf. Ashcroft (2018: 133).
2. Arendt's piece that contains "The Question of War" was known to be written sometime between 1958 and 1959.
3. As Villa (2008b: 104) notes, the Roman sense of augmentation accompanies a quasi-religious deference to the founding itself, and Arendt's real intent is clearer when we view this idea alongside her Greek-oriented suggestion of "a public-spirited individualism."
4. A good candidate for Arendtian political association is the federated council. Yet, the crucial issue regarding the council's specific status in Arendt's free politics (e.g. whether it stands alone or plays a supplementary role for higher institutions, such as the constitution or international law) remains contested. See Lederman (2019: 30) and Verovšek (2018: 14).

## References

- Arato A and Cohen J (2010) Banishing the sovereign? Internal and external sovereignty in Arendt. In: Benhabib S, Tsao R and Verovšek P (eds) *Politics in Dark Times: Encounter with Hannah Arendt*. Cambridge: Cambridge University Press, pp. 137–171.
- Arendt H (1963) *Eichmann in Jerusalem*. New York: Viking.
- Arendt H (1972) *Crises of the Republic*. New York: Harcourt.
- Arendt H (1973) *The Origins of Totalitarianism*. New York: Harcourt.
- Arendt H (1982) *Lectures on Kant's Political Philosophy*. Chicago: University of Chicago Press.
- Arendt H (1998) *The Human Condition*. Chicago: University of Chicago Press.

- Arendt H (2004) Philosophy and politics. *Social Research* 71(3): 427–454.
- Arendt H (2005) *The Promise of Politics*. New York: Schocken.
- Arendt H (2006a) *Between Past and Future*. New York: Penguin.
- Arendt H (2006b) *On Revolution*. New York: Penguin.
- Arendt H (2007a) The great tradition: I. Law and power. *Social Research* 74(3): 713–726.
- Arendt H (2007b) The great tradition: II. Ruling and being ruled. *Social Research* 74(4): 941–954.
- Ashcroft C (2018) The *polis* and the *res publica*: Two Arendtian models of violence. *History of European Ideas* 44(1): 128–142.
- Axtmann R (2006) Globality, plurality, and freedom: The Arendtian perspective. *Review of International Studies* 32(1): 93–117.
- Bates D (2010) Enemies and friends: Arendt on the imperial republic at war. *History of European Ideas* 36(1): 112–124.
- Benhabib S (2010) International law and human plurality in the shadow of totalitarianism: Hannah Arendt and Raphael Lemkin. In: Benhabib S, Tsao R and Verovšek P (eds) *Politics in Dark Times: Encounter with Hannah Arendt*. Cambridge: Cambridge University Press, pp. 219–243.
- Benhabib S (2012) Carl Schmitt's critique of Kant: Sovereignty and international law. *Political Theory* 40(6): 688–713.
- Benhabib S (2013) Moving beyond False Binarisms: On Samuel Moyn's The Last Utopia. *Qui Parle* 22(1): 81–93.
- Berman P (2004) *Terror and Liberalism*. New York: W.W. Norton.
- Breen K (2012) Law beyond command? An evaluation of Arendt's understanding of law. In: Goldoni M and McCorkindale C (eds) *Hannah Arendt and Law*. Oxford: Hart Publishing, pp. 15–34.
- Brown G (2012) The constitutionalization of what? *Global Constitutionalism* 1(2): 201–228.
- Canovan M (1974) *The Political Thought of Hannah Arendt*. London: J. M. Dent.
- Canovan M (1992) *Hannah Arendt: A Reinterpretation of Her Political Thought*. Cambridge: Cambridge University Press.
- Gündoğdu A (2015) *Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants*. Oxford: Oxford University Press.
- Hayden P and Saunders N (2019) Solidarity at the margins: Arendt, refugees, and the inclusive politics of world-making. In: Hiruta K (ed.) *Arendt on Freedom, Liberation, and Revolution*. London: Palgrave, pp. 171–199.
- Honig B (2009) *Emergency Politics: Paradox, Law, Democracy*. Princeton: Princeton University Press.
- Horst C and Lysaker O (2019) Miracles in dark times: Hannah Arendt and refugees as “vanguard.” *Journal of Refugee Studies*. Epub Ahead of Print 13 July 2019. DOI: 10.1093/jrs/fez057.
- Jay M (1986) *Permanent Exiles: Essays on the Intellectual Migration from Germany to America*. New York: Columbia University Press.
- Jurkevics A (2017) Hannah Arendt reads Carl Schmitt's The Nomos of the Earth: A dialogue on law and geopolitics from the margins. *European Journal of Political Theory* 16(3): 345–366.
- Klusmeyer D (2014) Law, narrative and politics in a Jewish key: Hannah Arendt and Robert Cover in comparative perspective. *Law and Humanities* 8(2): 217–246.
- Lederman S (2019) *Hannah Arendt and Participatory Democracy*. London: Palgrave.
- Liska V (2012) A lawless legacy: Hannah Arendt and Giorgio Agamben. In: Goldoni M and McCorkindale C (eds) *Hannah Arendt and Law*. Oxford: Hart Publishing, pp. 89–97.
- Markell P (2011) Arendt's work: On the architecture of *The Human Condition*. *College Literature* 38(1): 15–44.

- Owens P (2007) *Between War and Politics: International Relations and the Thought of Hannah Arendt*. Oxford: Oxford University Press.
- Parekh B (1984) *Hannah Arendt and the Search for a New Political Philosophy*. London: Palgrave.
- Scheuerman W (2014) Globalization, constitutionalism, and sovereignty. *Global Constitutionalism* 3(1): 102–118.
- Schwarz E (2014) @hannah\_arendt: An Arendtian critique of online social networks. *Millennium: Journal of International Studies* 43(1): 165–186.
- Simbirski B (2016) Cybernetic muse: Hannah Arendt on automation, 1951–1958. *Journal of the History of Ideas* 77(4): 589–613.
- Snyder J (2000) *From Voting to Violence: Democratization and Nationalist Conflict*. New York: W.W. Norton.
- Taminiaux J (2000) Athens and Rome. In: Villa D (ed.) *The Cambridge Companion to Hannah Arendt*. Cambridge: Cambridge University Press, pp. 165–177.
- Verovšek P (2018) Integration after totalitarianism: Arendt and Habermas on the postwar imperatives of memory. *Journal of International Political Theory* 16(1): 2–24.
- Villa D (1997) Hannah Arendt: Modernity, alienation, and critique. In: Calhoun C and McGowan J (eds) *Hannah Arendt and the Meaning of Politics*. Minneapolis, MN: University of Minnesota Press, pp. 179–206.
- Villa D (2007) Arendt, Heidegger, and the tradition. *Social Research* 74(4): 983–1002.
- Villa D (2008a) Political violence and terror: Arendtian reflections. *Ethics & Global Politics* 1(3): 97–113.
- Villa D (2008b) *Public Freedom*. Princeton: Princeton University Press.
- Volk C (2010) From Nomos to Lex: Hannah Arendt on law, politics, and order. *Leiden Journal of International Law* 23(4): 759–779.
- Wolin S (1994) Hannah Arendt: Democracy and the political. In: Hinchman L and Hinchman S (eds) *Hannah Arendt: Critical Essays*. Albany: State University of New York Press, pp. 289–306.

## Author biography

Shinkyu Lee currently teaches political theory at DePaul University. He has held postdoctoral research positions at the University of Notre Dame's Kroc Institute for International Peace Studies and the Lutheran School of Theology at Chicago. His research topics include political violence, reconciliation, nationalism, human rights, and political theology. His work has been published in *Polity*, the *European Journal of Political Theory*, and *International Politics*.