

Contents

<i>Preface</i>	v
<i>List of Abbreviations</i>	xvii

Introduction	1
1. The Paradoxes of the Nation-State	14
I. Introduction.....	14
II. The Paradox of the Right to Self-determination.....	19
III. The Paradox of De-assimilation and De-naturalisation.....	26
IV. The Paradox of Rightlessness.....	32
V. The Paradox of Human Rights.....	38
2. The Concept of the Nation in Hannah Arendt's Thought	45
I. Introduction.....	45
II. Arendt and the Social Question— A Political-theoretical Readjustment.....	52
A. Revolution and Discourse.....	52
B. Sovereignty and Misery.....	57
C. Misery and Consensus.....	62
III. The Concept of the Nation and the <i>Volonté Générale</i>	67
A. Arendt, Rousseau and the French Revolution.....	67
B. General Will and Alienation.....	70
C. The Internalisation of the Political.....	74
i. From Compassion to Pity.....	74
ii. Pity and the Concept of Nation in the French Revolution.....	79
iii. The New Virtue and the Exclusion of the Other.....	83
3. Law and the Modern State—Hannah Arendt on the Trail of Max Weber	93
I. Introduction.....	93
A. In Which Line of Tradition to Think About the State? Neither Hegel nor Elias.....	95
B. An Initial Plea for Max Weber.....	99

II.	On the Origin of the Modern State.....	102
A.	State and Modern State in Weber.....	102
B.	Arendt and the Genealogy of the Modern State	104
i.	Accentuation of the Economic Structure.....	104
ii.	The Development of the State into a Political Power and Business Concern.....	106
iii.	The Functional Importance of the Bureaucracy.....	107
iv.	The French Revolution and the Genesis of the Modern State.....	109
III.	On the Rationality of Law.....	111
A.	What is Rational Law? A Look at Weber's Sociology of Law.....	111
B.	Arendt and Rational Law.....	116
i.	Bureaucracy as a Form of Rule and the Materiality of Law	116
ii.	Bureaucracy as a Form of Rule and the Irrationality of the Law.....	118
4.	Hannah Arendt's Critique of Popular Sovereignty.....	125
I.	Introduction.....	125
II.	Popular Sovereignty and the Law	126
A.	The Political-theoretical Architecture of Arendt's book on Totalitarianism	127
B.	Arendt and the Sources of Juridification.....	134
C.	Nation and Law.....	138
i.	The Indefiniteness of the Law.....	138
ii.	Arendt on the Abrogation of the Law During the French Revolution.....	144
iii.	From the Internalisation of the Political to its Ethnicisation	146
III.	Popular Sovereignty and Politics	152
A.	Politics in Mass Society.....	155
B.	Mistrust and Authority	159
C.	Mass Movement and Power	167
5.	The Order of Freedom: On the Dehierarchisation of the Relationship Between Law and Politics	173
I.	Introduction.....	173
II.	Arendt's Understanding of the Political.....	180
A.	Arendt and the Normativity of the Political	181
i.	Power and Violence—A New Accentuation	181

ii.	Forms of Consensus and Modes of Action.....	184
iii.	The Acknowledgement of the Other: An Attempt at a Political Answer to the ‘Normative Lacuna’	189
B.	From the Power of Judgement to the Procedural Rules of the Political System.....	196
i.	Political Rationality within Institutions	200
ii.	Political Rationality Between Institutions.....	207
iii.	Political Rationality Between the Political System and the Public Sphere	210
III.	Arendt’s Theory of Law.....	214
A.	The Concept of Law: Relationship versus Substance	215
B.	What is Legitimate Law?	221
i.	Neither Foundation nor Promise.....	221
ii.	Enlargement and Preservation: Arendt’s Understanding of Political Order	225
C.	Arendt’s Demanding Concept of Political Enabling.....	237
i.	On the Dialectic of Subjective and Objective Rights.....	237
ii.	On the Internal Reference of Constitution and Democratic Politics.....	240
iii.	The Incomplete Dehierarchisation	244
	Conclusion	249
	<i>Bibliography</i>	255
	<i>Index</i>	271