

**HANNAH ARENDT: FREEDOM, POLITICS, AND LAW**  
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**ABSTRACT**

This study investigates the concept of freedom in Hannah Arendt, which transcends individual autonomy to manifest itself as a political commitment. The central question addresses how political freedom is only achieved in moderate regimes that respect plurality and citizen participation. The theoretical-analytical research is based on works such as *On Revolution*, *Truth and Politics*, and *Denktagebuch*, as well as analyses by Christian Volk and Jeremy Waldron. The results indicate that political freedom depends on the de-hierarchization between Law and Politics, the recognition of others, and an enlarged mentality that allows for the consideration of multiple perspectives. Active participation in public assemblies and the stabilizing role of Law are fundamental to ensuring political order. It is concluded that political freedom is a distinct way of guiding action among different communities, experienced through concerted action in a pluralistic environment.

**Keywords:** Freedom. Pluralist Politics. Law.

**RESUMO**

O presente trabalho investiga o conceito de liberdade em Hannah Arendt, que transcende a autonomia individual para se manifestar como um compromisso político. A questão central aborda como a liberdade política só é alcançada em regimes moderados que respeitam a pluralidade e a participação cidadã. A pesquisa teórico-analítica baseia-se em obras como *Sobre a Revolução*, *Verdade e Política* e *Denktagebuch*, além de análises de Christian Volk e Jeremy Waldron. Os resultados indicam que a liberdade política depende da desierarquização entre Direito e Política, do reconhecimento do outro e da mentalidade alargada, que permite considerar múltiplas perspetivas. A participação ativa nas assembleias públicas e o papel estabilizador do Direito são fundamentais para garantir a ordem política. Conclui-se que a liberdade política é um modo próprio de conduzir a ação entre diferentes comunidades, vivenciada por meio de uma ação em concerto num ambiente pluralista.

**Palavras-chave:** Liberdade. Política Pluralista. Direito.

**RESUMEN**

El presente trabajo investiga el concepto de libertad en Hannah Arendt, que trasciende la autonomía individual para manifestarse como un compromiso político. La cuestión central aborda cómo la libertad política solo se alcanza en regímenes moderados que respetan la

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pluralidad y la participación ciudadana. La investigación teórico-analítica se basa en obras como *Sobre la Revolución, Verdad y Política* y *Denktagebuch*, así como en los análisis de Christian Volk y Jeremy Waldron. Los resultados indican que la libertad política depende de la desjerarquización entre Derecho y Política, del reconocimiento del otro y de la mentalidad ampliada, que permite considerar múltiples perspectivas. La participación activa en las asambleas públicas y el papel estabilizador del Derecho son fundamentales para garantizar el orden político. Se concluye que la libertad política es un modo propio de conducir la acción entre diferentes comunidades, vivida a través de una acción concertada en un entorno pluralista.

**Palabras clave:** Libertad. Política Pluralista. Derecho.

## 1 INTRODUCTION

The perspective presented in this paper lies in the conviction that the growth of plural societies provides evidence that we are agents of progress, or in other words, we are active agents of recognition of the link of modern policies in the conceptual structures of contemporary policies.

Hannah Arendt's political theory was not literally followed as if it could accurately translate a certain classical model of integrative politics such as that found in Aristotle. It is stated that contemporaneity is an ongoing consequence, of an effect of (dis)figuring tendencies and ways. The understanding that has been acquired of society cannot be transcribed without understanding these metamorphoses, whether occurring in the horizon of ethics or in world (economic-social) policies. Thus, a perspective-proposal that would attenuate the tension between abuse of power and the common good would be welcomed, and it is in this sense that a rereading of Hannah Arendt can serve the purpose.

Considering what can be seen as political freedom, it is important to consider the presence of law as a relationship between ethical principles and their prescription in political life. It should be noted that the definition of law implies a normativity (rights and duties) of regulation of conduct. The various control mechanisms, now more visible, make it necessary to have the presence of the legal domain in these times of permanent change, despite the fact that there are no rules imposed without discussion, but a desire to seduce (rather than deduce) that touches the public domain indistinctly.

## 2 DEVELOPMENT

### 2.1 BASES OF POLITICAL FREEDOM: INFLUENCES OF MONTESQUIEU

A first question to be asked would be how to avoid the excesses that positions of power normally favor, or if you prefer, how to avoid the abuses of power so that political freedom could be an effective, disinterested, transparent reality. One cannot fail to think in this regard of some recommendations from the recent past. We allow ourselves to quote Montesquieu in this regard:

Political freedom is only found in moderate governments. But it does not always exist in moderate governments. It is only found there when power is not abused, it is necessary that by the disposition of things, power stops power. Thus, the Constitution should be such that no one is obliged to do things to which the law does not oblige him, or to stop doing things that the law permits him to. (Montesquieu, *On the Spirit of the Laws*, XI, 6)

Montesquieu's quote on political freedom reminds us that political problems are not solved by the possession (or abuse) of power, but by prioritizing moderate regimes. Montesquieu thus pointed to the need to institute a kind of alternative — a moderate policy based on laws that would guarantee political freedom.

Like Montesquieu, Hannah Arendt also inevitably criticizes the abuse of power. For Arendt, councils and popular societies are paradigmatic institutions of discursive and democratic spaces. In Volk's analysis, Hannah Arendt begins by defining political freedom as follows:

Being free is inherent in acting, and the power to do so is guaranteed by others as a security. Freedom does not consist in an I will, which, according to the case, can mean or contradict an I can without this questioning human freedom; To be free is manifested only in action, so that not having the power to act is the same as not being free, even if the (philosophical) freedom of the will remains intact. In other words, political freedom is not identical with inner freedom [...] it depends on whether a free nation guarantees the space within which action can have an impact and become visible. (Volk, 2017, p. 233)

Thus, following Hannah Arendt in this conception of political freedom, it can be said that this freedom consists of acting together in a concerted way. Such concerted action implies that individuals are aware of the meaning and scope of freedom in the global horizon of actions that impact the lives of all. Such a horizon can be translated into the participation that must take place in governance and in the emanation of laws. In this sense, let us take into account the words that Hannah Arendt reproduces in *On Revolution*, taken from one of the regiments of one of the Parisian sections:

Society will deal with everything that concerns the freedom, equality, unity, indivisibility of the republic; [its members] will instruct each other and especially inform each other about the respect due to the laws and decrees that are promulgated; The order in the debates: if a speaker digresses too much or gets tired, the listeners will stand up. (Arendt, 2011, p. 306)

A careful reading of this text allows us to understand that, in Hannah Arendt's thought, political freedom can only exist through joint action with others (naturally, one perceives here the echoes of Heidegger's thought, of being-with-others). And acting with the other(s) – which is an effective and real relationship – not only presupposes, but attests, ensures, certifies the plurality that exists in the political sphere. In this regard, Hannah Arendt, referring to a speech by Robespierre in 1791 in the National Assembly, points out:

Thus these associations were the true "pillars of the Constitution," not only because within them had come "a great number of men who will soon replace us," but also because they constituted the very "foundations of liberty"; anyone who interfered with their meetings would be "attacking liberty," and among the crimes against the revolution "the greatest was the persecution of societies." (Arendt, 2011, p. 303)

Thus, to be politically free means, in the first place, to recognize that the human being receives from the other members of the community the constitutional guarantee that he can act, if he so wishes. The opposite, that is, not being free in political terms, means that a person's power will be denied by the other members of the community. However, this does not mean an impediment to non-action, that is, it does not make it impossible for the person to act as a result of the impeding actions of others. In simpler language, if a person does not act, he will not have the experience of the true meaning of political freedom. In practice, this lack of political experience generates negative (i.e., sterile) long-term consequences. Thus, it is up to us to ask: what is the role of law in such a context? Can the Law express a contradiction in the conception of political freedom?

## 2.2 RELATIONSHIP AND DEHIERARCHIZATION BETWEEN LAW AND POLITICS: THE THEORETICAL-CONSTITUTIONAL PERSPECTIVE OF HANNAH ARENDT

For Hannah Arendt, Law and politics are closely related and refer to each other. Consequently, both the legal and political spheres take into account each other's requirements and include their needs. However, if one sphere is given primacy over the other, that is, if there is sovereignty of law or sovereignty of the people, and if the dichotomy between law and politics is maintained, the stability of the entire political order is put at risk. Therefore, what is intended to be exposed is that, according to Hannah Arendt, it is possible to argue in favor of a dehierarchization of the relationship between Law and Politics. This dehierarchization marks the political-normative core of Hannah Arendt's theoretical-constitutional thought. In this regard, it is important to mention two important examples to better understand his thinking: a successful policy that esteems the meetings in town *halls* in North America and the council system of the Hungarian Revolution.

Since it is not possible here to explain in detail the references presupposed by the philosopher, it remains, however, to ask: what is a successful policy? First of all, it would be a "structured policy" (Cf. Waldrom, 2000, p. 210). In this same sense, Arendt points out in *On Revolution*:

It was not any theory, theological, political, or philosophical, but the decision to leave the Old World and venture into an enterprise of one's own accord that led to a sequence of acts and occurrences, in which they would have perished if they had not thought about the matter with dedication and time enough to discover, almost

inadvertently, the elementary grammar of political action and its more complicated syntax. whose rules determine the rise and fall of human power. (Arendt, 2011, p. 226)

Following Hannah Arendt's line of thought, it is clear that it is through the concept of relationship that the dehierarchization between Law and Politics can be shown. In other words, just as an individual cannot claim to be superior to another, no one can claim to be sovereign over others. It can, however, refer to a distinction of functions, or, in other words, individuals operate in interrelated logical spheres.

In this sense, it is possible for Hannah Arendt to discern a mode of political action that follows the principles capable of safeguarding the recognition of the other and respect for their opinion. However, this requirement, and on this we agree with C. Volk, does not arise from an ethical formalism and therefore cannot claim universal validity. Volk is clear in this position when he states:

It is certainly possible to find a specific theorem running through all of Arendt's work and suggesting the recognition of the other and plurality – justifying is not exactly the word. He defends. However, as I must elaborate throughout the reflections on the Arendtian concept of politics, it is possible to discern a mode of political action that follows the principles capable of safeguarding the recognition of the other and respect for their opinion. This demand for recognition does not originate in ethical formalism and, therefore, cannot claim universal validity in the style of philosophical-moral foundation. I argue that, instead, the recognition of the other is the substrate of an "ethics of power developed from the force of judgment", as the author writes in her intellectual diary (*Denktagebuch*). (Volk, 2017, 233)

From these considerations, it is clear that, for Arendt, the durability and stability of the political order constitute its main point of orientation. And it is in this same sense that the philosopher says:

It was the modern preoccupation "with the perpetual state," so evident in Harrington's writings, that led Adams to call "divine" the new political science that dealt with "institutions that endure for many generations," and it was in Robespierre's maxim, "Death is the beginning of immortality," that the specifically modern emphasis on politics, evidenced in revolutions, found its most concise and grandiose definition. (Arendt, 2011, p. 292-293)

### 2.3 THE RECOGNITION OF THE OTHER AND THE "EXTENDED MENTALITY" AS CONDITIONS OF POLITICAL FREEDOM IN A CHANGING WORLD

"Tyrannies isolate men [from each other, physically]; isolated men are powerless, they cannot act in concert." (Freitas do Amaral, 2012, p. 559). This statement brings us back to totalitarianism and to Arendt. Totalitarianism was an entirely new form of government, applied

only in the first decades of the twentieth century, and which is, in his view, the only form of government with which it does not seem possible to coexist. Consequently, Hannah Arendt, in her political thought, focuses precisely on a politics of coexistence, on a political thought of recognition of the other, or more clearly, on a humanist politics. In this sense, Christian Volk says:

According to Arendt, although acting for another and acting against another arise repeatedly in the political sphere generating consensus and, thus, generating power, according to Arendt only acting with another is capable of producing a form of power in which plurality can be politically realized. In the author's view, being free means being able to participate in this action with another. (Volk, 2017, 185)

In *Civil Disobedience*, Arendt states:

No civilization – the human artifact to house successive generations – would ever have been possible without a cohesive and stable structure that provided the advent of scenarios that generate flows for change. Among the stabilizing factors come first of all the legal systems that regulate human life in the world and its daily affairs with each other, and which, of course, are more enduring than fashions, customs and traditions, it is constituted by the legal systems that regulate our life in the world and our daily relations with each other. (Arendt, 2017, p. 37)

In all political philosophy, legal systems impose themselves as organs for stabilizing and preserving political action. However, they do not seem to be satisfactory in themselves, because the problem of political freedom is not a problem of legislation, nor of law, but of a specific way of conducting political action, obeying rules that are based on the recognition of a plural society. In this sense, Arendt writes:

Moreover, the councils have always been organs not only of action but also of order, and in fact their aspiration was to establish the new order that generated conflict with the groups of professional revolutionaries, who wanted to reduce them to mere executive organs of revolutionary activity. (Arendt, 2011, p. 329)

Consequently, in a plural society, it is necessary to have representativeness and critical thinking as means of auditing and communication in political life. Without them, public life, in a world of rapid change, ceases to make sense. In this way, Hannah Arendt states that "the formation of opinions on which all political life is inevitably based can only gain from putting into practice a 'broad mentality'" (Volk, 2017, p. 290-291), a concept that Kant points out in his *Critique of the Faculty of Judging*, although without making explicit the political and moral implications of this concept. It is precisely to these implications that Arendt draws attention. In this regard, it states:

The more positions of people I have in my mind when reconsidering a certain problem, and the better I can imagine how I would feel and think, if I were in your place, the stronger my capacity for representative thinking will be and the stronger my conclusion, my opinion, therefore. (Arendt, 2005, p. 92-93)

In opposition to philosophical reflection that requires solitary dialogue with oneself, in the search for a new founding truth, the determining factor for the formation of opinion is, according to Arendt, that, even in the absence of those who are represented, their positions must be present in the spirit of those who represent them. For Arendt:

This process of representation or extended mentality does not blindly adopt the effective positions of those who are absent and contemplate the world from another perspective, it is not a matter of empathy, as if I seek to be or feel like someone else, nor of counting the votes of a majority to join them, but of being and thinking about my own identity somewhere, where I really am. (Arendt, 2005, p. 92-93)

Inevitably, the question arises: how is this representation possible? And how does this process of representation become legitimate? According to the philosopher, this situation is only possible when certain rules are followed during the formation of opinion. Hannah Arendt was a constitutionalist thinker and not just a thinker of the beginnings as she is generally known. Thus, political action, in order to be an action where political freedom occurs, must obey a set of rules, that is, there must be what Christian Volk calls political rationality. Hannah Arendt writes:

Opinions arise whenever men communicate freely and have the right to express their positions in public; but these positions, in their infinite variety, also seem to need purification and representation, and the original specific function of the Senate was to be the "medium" through which all public positions should pass. (Arendt, 2011, p. 288)

In this way, critical thinking is the way to combat isolation, because one is in the company of others and with others in a context of comprehensive representation. Let us recall what Hannah Arendt argues:

The more positions of people I have in my mind when reconsidering a certain problem, and the better I can imagine how I would feel and think, if I were in your place, the stronger my capacity for representative thinking will be and the stronger my conclusion, my opinion, therefore. (It is this aptitude for an enlarged mentality that enables men to judge.)" (Arendt, 2005, p. 92-93)

For Jeremy Waldrom, political action in Hannah Arendt can never function without (certain) rules, which effectively establishes the difference between structured politics and all

forms of "undifferentiated eruption of mass opinion in an extra-parliamentary context that so disturbed Arendt." (Apud, Volk, 2017, p. 200).

### 3 CONCLUSION

Political freedom can only occur in moderate regimes and obeys rules, functioning as a specific way of conducting political action, being, therefore, the opposite of the abuse of power. For Hannah Arendt, Law is seen as a relationship that is established between different entities. Law is desubstantialized, it means that it is something relative, as Arendt says "relations that exist and preserve different spheres of being" (Arendt, 2011, p. 244). Politics and Law have a relationship of dehierarchization, functioning according to different logics, which implies that neither is sovereign in relation to the other. The "extended mentality" represents a way of moving from pluralism to moral and political equality among human beings, and it is through this mentality that the recognition of the Other is achieved.

The multiplicity of interests and the diversity of opinions are essential characteristics of what can be considered a "free government". In addition, no one is able to form their own opinion without benefiting from a multiplicity of opinions from others, and it is important to highlight that the role of public opinion can put at risk even the opinion of those few who have the courage to disagree with it.

Critical thinking is, therefore, an essential condition to ensure the diversity of perspectives and ensure the acceptance of multiple interests in the face of a diverse reality. Critical thinking with a comprehensive view of perspectives is therefore necessary. In this way, participation in assemblies is a fundamental form of involvement in public governance. Based on the above, we conclude that Hannah Arendt can be considered a constitutionalist thinker, whose work reflects crucial issues for Politics and Law.

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