

Thinking Life: The Force of the Biopolitical

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Abstract: The demand that stems from a particular vesion of political theology is ‘choose life’. A concern with a philosophical thinking of life continues to have a predominate place within contemporary philosophy. More exactly that concern figures most usefully when refracted through terms such as ‘biopolitics’ and ‘political theology’. Both of these domains of inquiry can be seen as forming an important part of the history of philosophy’s continual engagement with life. Indeed, the broader claim would be that life – present as a necessarily plural term and thus always understood as devolving into an engagement with forms of life set within differentials of power – has always had a central role within the philosophical. The project of this paper is to sketch out a number of instances that indicate the ubiquity of the interplay of life and power and then to trace some of the consequences. The continual question is; what is chosen in a positive response to the demand ‘choose life’?

Keywords: Biopolitics, Political Theology, Life, Judgment, Seneca, Arendt

See, I set before you this day life and good,
death and evil . . . I have put before you life
and death, blessing and curse. Choose life
—so that you and your children after you will live”
(Deut. 30:15,19).

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A concern with a philosophical thinking of life continues to have a predominate place within contemporary philosophy.¹ That concern figures most usefully when refracted through terms such as ‘biopolitics’ and ‘political theology’. There is no attempt here to refuse what either term offers. Both of these domains of inquiry can be seen as forming an important part of the history of philosophy’s continual engagement with life. Indeed, the broader claim would be that life – present as a necessarily plural term and thus always understood as devolving into an engagement with forms of life set within differentials of power – has always had a central role within the philosophical. The project of this paper is to sketch out a number of instances that indicate the ubiquity of the interplay of life and power and then to trace some of the consequences. The continual question is; what is chosen in a positive response to the demand ‘choose life’? Within any attempt to engage that demand the role of the history of philosophy is fundamental. After

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1 I am indebted to Nathan Bell, Lucy Benjamin, and Miguel Vatter for their insightful comments on an earlier draft of this paper.

all what is Plato's concern with education and rulership in *The Republic*, other than a deliberate and necessary encounter with the problems that stem from the ineliminable presence of structures of knowledge, control and sovereignty within life. (And thus as integral to the constitution of life itself.) The result is that there cannot be a thinking of life that could ever be independent of an engagement with that presence. If there is a broad conclusion that can be drawn – and it is a conclusion for which this paper is an attempt to provide argumentation - then it is simply that the continual concern with life within the history of philosophy necessitates the recognition that life as a locus of philosophical thought cannot be separated from its interarticulation within, and as, regimens of power and control. In general terms, what this also means is that the biopolitical, despite the attribution of a sense of novelty to the term, can now be seen as always having been the way in which life is understood. Note the position advanced by Judith Butler.

By biopolitics, I mean those powers that organize life, even the powers that differentially dispose lives to precarity as part of a broader management of populations through governmental and non-governmental means, and that establish a set of measures for the differential valuation of life itself.²

In other words, to think that it is possible to posit forms of life as though life were not already structured by the way in which power is distributed is not just simply to misunderstand what life is, equally, it is premised on either the denial or the refusal of the presence of the very differentials of power that have always exerted a structuring influence on the presentation of life within the philosophical.³ Neutrality, as is the case with the naturalism, are both feints imposed upon the philosophical to rid philosophy of its having to engage with, from within its own terms, what will continue to be identified as founding disequilibria of power that are always already – at work.

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2 Butler 2012.

3 Clearly what is asserted here is a position that draws as much on Foucault's reading of the history of thought as it does on Derrida's deconstruction of what he identified as phallo-logocentrism. For Derrida the latter exerted a structuring effect on the history of philosophy. Moreover, phallo-logocentrism cannot be separated from political questions and thus ultimately from the way power operates. The approach being taken here notes both of these positions, however it adopts a different path due to its inscription of the question of judgment as central to any philosophical consideration of life. The criteria of judgment have to be located in life, not brought to it. Neither Foucault nor Derrida evinced a concern with the complex relation between judgment and life.

1.

In the *De Vita Beata* Seneca outlines that which circumscribes and defines the possibility of a 'happy life', for example, 'virtue', 'tranquility' and 'freedom'. There are two formulations of this specific subject position that have a defining link to happiness. Both deserve consideration. The significant point here is that even though they are not presented as such, both evidence the way differentials of power are always already at work within presentations of life within Seneca's version of Stoicism. Noting their presence opens up essential aspects of Seneca's thinking of life, and that thinking's inscription within the biopolitical. In the first instance Seneca writes that the 'the happy life is in harmony with its own nature (*Beata est ergo vita conveniens naturae suae*).⁴ The second formulation clarifies what this evocation of the nature of 'the happy life' actually entails. He adds that 'man' (*vir*) should not be corrupted by that which is external and thus, as a result, he is also be able to 'be the molder of his own life' (*artifex vitae*). The idea of human being as self-making or self-fashioning does of course have its own history.⁵ Nonetheless, what is involved when both of these formulations are taken together is that human nature is given a sense of propriety. Happiness comes from the possibility of an accord that 'man' (*vir*) is free to bring about. Happiness in this context has to be linked to '*libertas*'. Freedom and tranquility arise from overcoming the threats to selfhood and thus from that which would hinder the possibility of self-making. As the passage continues the 'tranquility' and 'freedom' (*libertatem*) that would then follow are described by Seneca as having an enduring quality (*perpetuam*).

Two points need to be made here. The first is that what Seneca is describing is a form of self-definition, a type of inner accord; the concept of the self within it is of one that is in accord with that self's own proper project. The second is that liberty is the situation that allows human being – and thus any one human being – to enter into this state. This becomes the key aspect since, as Chaim Wirszubski has argued, only 'a Roman citizen enjoys all the rights, personal and political, that constitute *libertas*'.⁶ Happiness, once linked to liberty, cannot be separated from citizenship and thus from the ways in which citizenship functions as a limit condition in relation to human being; a condition which once naturalized is then taken to have universal applicability. And yet, of course, such an application is premised on the disavowal of that initial limit. In other words, universality depends upon this naturalization. The limit in question can be further underscored by the link between

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4 Seneca. 1932. *De Vita Beata* 7.3.3. The following lines are a discussion of this entire passage of *De Vita Beata*. (Occasionally translations here and elsewhere in the text have been modified.)

5 I have analyzed in greater detail the implications of self-making in both Seneca and Pico della Mirandola in Benjamin 2019.

6 Wirszubski 1950, p. 2. See in addition my: *The Figure of the Slave. Notes on Seneca Letter XLVII*.

the conception of 'leisure' and self-direction that appears in *De Otio* in which Seneca argues that it is possible to live a life based on 'some model' (*aliquod exemplum*). As a result, this means that 'we can direct our lives' (*vitam derigamus*).⁷ (The inclusive and equally excluding use of the 'we' - *derigamus* - needs to be noted.) If this self-direction is to occur, then it is best done 'in leisure' (*in otio*). The conclusion is clear. What is proper to human life, a life that is then identified implicitly with the life of human being, necessitates the possibility of 'leisure'. There is however an important contrast that can be made between the necessary and generalizable state of 'leisure (though the same argument could also be made in relation to 'tranquillity') and St Augustine's report in *De civitate Dei* of what Seneca 'thought about the Jews'. It is not just that the Jews are described as an 'accursed race' (*sceleratissimae gentis*) more significantly in this context is the description of the Sabbath as the loss of a day due to 'idleness' (*vacando*).⁸ The full force of the distinction between 'leisure' and 'idleness', which is a distinction that positions free time within an already present conceptual framework, is that there could only ever be a generalized state of human being if it were premised on the refusal to recognise that 'leisure' always has a restricted application. Again, the general is the after-effect of a founding restriction.

The attribution to Seneca of the position Augustine claims is his brings its own set of attendant considerations into play, nonetheless what the presence of such a position serves to underscore is, as noted, the impossibility of allowing 'leisure' universal application. The conclusion is that any projected form of universality can only function as such if the universal is predicated upon maintaining the distinction between slave and citizen on the one hand and insisting on the subject positions that works to hold 'leisure' apart from 'idleness' – *otio* apart from *vacando* – on the other. In sum, the conditions under which universality is possible are those which indicate its impossibility. Within this configuration the realization of universality is nothing other than the operative presence of modes of inclusion, exclusion, and separation.

This positioning of human being needs to be developed. A number of elements have to be noted. The first of which is that even though self-fashioning is linked to the project of becoming who one is, and that this mode of becoming is in turn linked to the sense of propriety in which the 'happy life' is defined in terms of an accord with its own nature, it is also the case that there are possible impediments to the realization of such an end. If these restriction or impediments occur, and this may happen for a number of reasons, one of which would be the complex role played

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7 Seneca. 1932, *De Otio*. I.

8 St Augustine. 1960, VI. XI. For an attempt to establish a complex relation between Augustine and Judaism and Jews see: Fredriksen 2008. For the other side of the discussion on the Sabbath see Heschel 2005.

by *fortuna* within human life, it is also true that, in Seneca's own terms, the 'happy life' necessitates both liberty and a reckoning with 'chance' (*fortuna*) in which the deleterious effects of the latter can be held off. This means that what counts as a 'happy life' is given in advance. And yet, its realization cannot be taken for granted. Rather, it takes the form of a potentiality to be actualized. That potentiality is linked to freedom. As Joy Connolly argues being free needs to be understood as 'the capacity to live not *in potestate domini*'.⁹ Accounts of the impediments to the happy life appear in the structure of Seneca's own argumentation. There is, however, an additional point. Noting it allows for the identification of the organising logic that allows the 'happy life' to be presented.

If the supposition is that if the 'happy life' is the actualization of a potentiality, then any one subject has to be in position such that self-fashioning is in fact a genuine possibility. The ability must be realizable. What has emerged however is more complex. The ability in question needs be understood in terms of a potentiality to be actualized. It is not axiomatically actualizable. Seneca continues to present it however as though it is. The process is naturalized and thus thought to pertain as though it were a general description of human being. In fact, the opposite is the case. What is in fact involved is the creation of set of positions that depends on the freedom that comes from a strictly delimited sense of autonomy. That freedom, which can always be thought to apply automatically, is neither natural nor universal. Excluded are both certain ethnic or religious positions that are the result of already present assumptions about citizenship and the presence of slavery. Moreover, questions of sexual difference are resolved – resolution as preclusion - in advance. That '*vir*' is as much 'man' as it is 'husband' should be noted. In other words, it is a sense of freedom that cannot be separated from the differentials of power that secure the relationship between liberty and self-fashioning in the first place. And yet, of course, it is a sense of freedom in Seneca's writing that, in being naturalized, is projected back – hence the idea that there is a sense of retroactive application at work - and thus is taken to provide the description of an original state of human being. The contrary is, of course, the case. Once that state of affairs is uncovered, then it is precisely the presence of this projection which enables the designation 'life' to become a site of negotiation. (Negotiation stands in relation of distance, at the very least, from any claimed subject position defined by the centrality of *otium*.) Once there is the recognition that processes of naturalization are original then question of what counts as life and also the 'good' or 'happy life' are then ones whose answers remain to be determined. As will become clear, this undoing of processes of naturalization is part of what is involved in the transformation of the given into a locus of judgment. What needs to

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9 Connolly 2015. p.27

be noted is that potentiality and actualization are linked, in Seneca, to a sense of universality which is merely there in name alone. In fact, the relationship between potentiality and actualization thus construed is the way in which differentials of power are maintained. Hence the thinking of life implicit in Seneca is circumscribed in advance.

Self-fashioning is also a dominant theme in the Renaissance. In Pico della Mirandola's *Oration on the Dignity of Man* (1486), for example, human being is given a specific description that brings self-fashioning into play. Again, it is a power that is proper to the self. Pico voices God's description of the creation of human being.

We have made you neither of heaven nor of earth, neither mortal nor immortal, so that you may, as the free and extraordinary shaper of yourself, fashion yourself in whatever form you prefer.¹⁰

The response to Pico is not to doubt this claim. Moreover, it is a conception of human being that is reinforced by the assertion a few lines earlier in the *Oration* that the human has been set 'at the centre of the world' (*medium..mundi*). Contesting claims of this nature would be pointless. Pico's argument should be analysed in a way similar to Seneca's. Were this to occur it would have been demonstrated the way the relationship between this conception of self-fashioning, with its almost too obvious anthropocentrism, the related introduction of 'emulation' as part of the means by which self-making occurs, and the overall configurations of power that enabled their complex interrelation to have been made in the first place, are all productively interconnected. All have to be thought together. Self-fashioning cannot be excised and the taken to be the neutral expression of self-care.

2.

At this stage in the argument however it is essential to begin the task of sketching some of what is entailed by the attribution of centrality to processes of judgment. Judgment is often linked to the evocation of norms and normativity as though what the terms 'norms' and 'normativity' identified functioned as ends in themselves. In other words, it is as though simply stating them was sufficient. Normativity can be defined in different ways. However, in order to begin the supposition is that claims that evoke both norms and normativity refer, if only initially, to the capacity of humans to reason, come to decisions and therefore to act. It is also true that reflection – which might also be described as the work of reason - on those acts or events, whether by the agent (him or herself) or by others may equally be taken as a form of judgment having normative implications. Even though it demands clarification an important distinction

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¹⁰ Mirandola 2013, p.117, paragraph 22.

emerges here; significantly, it is a distinction that troubles in advance any apparently straightforward use of discursive formulations that deploy the language of norms and normativity in an unproblematic way.

The distinction in question is between, the apparently immediate forms of presence (incorporating acts, events, decision, objects thus particulars in general and this will include the equation, perhaps conflation, of the object of interpretation with its literal presence), and, in contrast, what might generally be described as the specific instance of reflection on the decision, act, event or object. This way of configuring the difference between them contains an important opening. Even though the immediate decision, the brute presence of an act, the givenness of an object, etc., may be taken as temporally immediate in the sense that they all occur - where the occurrence of an act and the givenness of an object have a similar status since both may be characterized by the appearance of immediacy – what is actually present is the possibility of judgment. Events and acts are necessarily *judgeable*. The fact that in all instances what takes place, again accepting the position that sanctions forms of coalescence between occurrence and particular, can be judged, means that any one occurrence cannot be reduced to its simple appearance. There cannot be pure activity, or a pure event. Any particular is always already informed; formed, in part, by what allows it to be judged. The immediate is therefore always already a mediated site. Again, the refusal to acknowledge that such a state of affairs obtains is premised on reducing judgment to description since what always has to be disavowed is the informed presence of anyone one appearance. If appearance is always already complete and therefore it is assumed that any description is definite (and definitive) then judgment becomes no more than a heightening of that description. And yet, what informs the appearance of immediacy are the concepts and categories whose presence have the doubled effect of allowing any one particular to be both meaningful and judgeable. (And again it should be noted that the ‘particular’ ranges from the singular decision to the object.) The important additional point is, of course, that immediacy reappears as secondary. Immediacy is always produced. The immediate – present as mediated immediacy - is marked in advance. To which it should be added that this underscores further why there cannot be a simple event or a pure singularity. The singular will always have been premised on a founding relation. The connection between immediacy and universality should be noted. Both are produced. Neither is original. If this position can be assumed, then the question to be addressed is how original states of relationality are to be understood.

Prior to pursuing the nature of the distinction between the apparently immediate and mediated presence (which will continue to be undertaken here via the concept of normativity) it is essential to note the consequences of insisting on what has been designated as the *judgable*. Terms such a *judgable* and *judgeability* may have a distinctly

odd register, nonetheless they play a fundamental role in the arguments to come. Both terms presuppose the presence of an occurrence, i.e. the particular's presentation. And yet, as has already been suggested, there cannot be pure particularity. However, it is not just that form is informed, it is equally the case that any particular also announces, in virtue of its being what it is, a relation to the history of which it forms a part (and thus the other histories into which it might be incorporated). A drawn line is already part of the history of drawing. A robbery, a stutter, a philosophical text, a poem, even a grimace, because they are particulars, are already incorporated into a network of relations in which they become meaningful. This position is taken as given. And yet, a note of caution needs to be introduced. Becoming meaningful is not the same as a judgment. It is important therefore to acknowledge that despite there being moments of overlap, points of interdependence and possible visual imbrications, it is nonetheless important to indicate some of the elements that maintain the distinction between meaning and judgment.

Even though the term 'normativity' is itself a locus of debate, appeals both to norms and to the belief that there are preexisting norms to which reference might be made in order that forms of evaluation or judgment occur, is in fact a commonplace. What will be suggested here is that references to norms and normativity are for the most part premised on not having considered certain aspects that are fundamental to any claim based on their assumed use. What needs to be investigated therefore is the presence of that which might check the invocation of norms or appeals to normativity. In the first instance it should be noted that the criteria of evaluation might not have been available at a particular time, or at least not in a way that reference to them could itself have exercised any form of 'normative' force. The history of slavery, for example, did not have inscribed within it sustained arguments or positions that sought to counter its continuity, or at least not in way that those arguments could have had the status of norms. The continual 'threat' of the slave revolt and the continual policing of racialized subservient bodies was not normative in any positive sense. In fact, the contrary was the case. The history of slavery contains justificatory claims that were attributed a normative dimension. Almost until the very end of organized slavery norms sustained it. The apparent end of slavery might be identified in the UK with the *Slavery Abolition Act 1833* or on the case of the USA with the *13th Amendment*, which took force on December 18, 1865. While these dates are far from arbitrary, it should be clear that the end of slavery is a more complex state of affairs. Indeed, it can be argued that rather than signalling an end they have both been incorporated into slavery's history and thus now form part of its transformed continuity. The question therefore is how they are both present and yet slavery continues.¹¹ Clearly

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¹¹ For an engagement with the continuity of slavery see: Kara 2017.

part of the answer lies in the failure to understand the possibility of continuity through, and despite transformation. Moreover, it means that norms will always involve contestation. Hence, as will continue to be suggested, the locus of concern should be contestation or conflict rather than the norms as ends in themselves.

It should always be recognized that even when slavery was contested, as is also the case with contemporary forms of sexism and racism, coupled to the complacency that greets the continual presence of poverty, none of these differing configurations of social relations, then and now, could have been or can now be countered by reference to norms that were thought to have had or now have automatic force. Norms and normativity always have a content that is marked by the presence of contestation. Hence what has to matter is the primacy of contestability such what is always present are conflicting norms. This is a clear instance in which even though meaning and judgment have an affinity they can be separated. Even accepting that the meaning of a word may be the subject to a form of contestation, the presence of *poverty*, to continue with this example, yields responses that are divided between strategies that aim for its elimination, though there are others which would hold, even if reluctantly, to its inevitability. Both are judgments made in relation to poverty. The reason that they can be contested is not simply that any one judgment is contestable by nature. More significantly, they are contestable because there cannot be settled by recourse to norms. They are neither neutral nor universal. Norms are themselves the articulation of differentials of power. There is no point defining normativity in terms of 'what ought to be believed and or done'.¹² Both the attempt to eliminate poverty and the position that accepts its inevitability can be linked to oughts. Arguing in relation to an already given set of conditions – the conditions harbouring norms – is simply to naturalize the setting in which norms occur. How would any 'ought' provide anything other than further evidence for the presence of contestation?

And yet, were this to be the end of the argument then all that would have been discovered is that relativism can incorporate differentials of power. If relativism obtained then the allocation of primacy to a specific play of forces means that forms of adjudication are not possible other than those linked to having greater strength or power, on the one hand, or, on the other, a sense of equanimity regarding the use of violence. In order to avoid the continual oscillation between positions within such a setting, what becomes necessary is a short cut; a way out. The argument is going to be that the way through the problem posed by relativism and the reduction of judgment to a play of forces, can be found by returning to the point of departure, namely, returning to life.

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¹² Pippin 2009, pp. 35-43, 105. For part of the undoing of normativity by rethinking it in terms of enforced and enforcing conceptions of normalization see Ahmed 2006, p.113.

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To begin, the claim has to be that the absence of contemporaneous criteria of judgment – e.g. the absence of a clear and sustained opposition to slavery during the Greek or Roman period (other than the continual threat of the slave revolt) - does not mean that events/occurrences linked to it fall outside the realm of judgment. The implicit premise here is that what counts as the basis of judgment, which assumes the fact of an event/occurrence being inherently judgeable, does not entail the copresence of criteria of judgment in a way that has to accord with the being-present of that which is to be judged. History has to have a more complex temporality. *Judgeability* does not depend on the simultaneous presence of events and criteria of judgment. What this means is that what continues to confront thought is the possibility that prevailing norms do not allow judgment to be effective, or even to have taken place. (Certain historical periods, in other words, envisaged nothing other than their own perpetuity.) To return to one of the examples used above. Poverty continues. (13.6% of the population in Australia live below the poverty line. The number is 11% in the USA.¹³) That continuity is not countered by normative claims precisely because such claims are always contestable. What counts as the norm therefore, in such instances, is not the content of norms. What is normative is their actual contestability. For example, while it was not possible to contest slavery during the Roman period, this does not mean that Roman slavery cannot become a locus of judgment. Moreover, it might be that the absence of the possibility of contemporaneous contestability indicates the need to rethink how that absence was understood. Emerging as a result would be the question of what there has to be in order that judgment is in fact possible.

In a sense this is the predicament that Arendt discovers in her analysis of the totalitarian. One significant consequence of the totalitarian, for Arendt, was that its having been present, its historical actualization, necessitated the subsequent creation of modes of argumentation accompanied by forms of institutional presence that would come to guarantee and secure human dignity. This is not a minor point given the fact that resistance to the actuality of the totalitarian – both conceptual and institutional - was ineffective in this regard. Secondly, inherent in the promulgation of such settings were claims made about human life. Claims that were linked to a form of propriety. However, it was not propriety as an abstract form of self-accord that posited the centrality of the individual. That would be the Stoic legacy within neo-liberalism (perhaps as neo-liberalism). Rather, in the place of the self-centered subject there is the continual and effective primacy of relationality. Indeed, there is in Arendt's thinking a continual insistence on the centrality of

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¹³ For poverty number see: <https://worldpopulationreview.com/country-rankings/poverty-rate-by-country>

relationality. That insistence focuses on several aspects of Roman thought and political activity. The most important in this context is the position she attributes to the Romans who she described as the 'most political people we have known' since they identified the being of being human with the formulation advanced in *The Human Condition*, '*inter homines esse*'; i.e. 'being between men'.¹⁴ What this deceive formulation underscores is the proposition that being is always relational. Moreover, claims that inscribe relationality at the center do not pertain to life as simply a lived event. Rather, claims of this nature concern those elements which, even if not actualized, are proper to life. Propriety moves therefore from the singular subject to the primacy of the relation; a relation that has both temporal and evaluative priority. The fact that it is possible to recover from the Roman world instances of the affirmation of the primacy of relationality underscores the impossibility of recourse to norms as though they had a singular quality to which reference might always be made. What in fact has to endure is an insistence on the primacy of contestation and conflict. The famous line from Horace's *Epistles* (1.XVIII: 85-6) stages this position:

*nam tua res agitur, paries cum proximus ardet,
et neglecta solent incendia sumere vires.*

(For it is your concern when the wall of your neighbour is burning
And neglected fires are accustomed to assuming great power.)¹⁵

The locution *tua res agitur* (generally, 'this thing concerns you') creates the setting in which relationality is both announced and then taken to be inescapable. It is clear from this example that conflicts concerning relationality could have had normative force. Were this conceded then in contrast to the link between the normative and (putative) ought claims, there would be the recognition of an attendant democratic impulse within those relations in which a dominating power delimited and defined the normative. A generalized and inclusive conception of being-concerned would have questioned the forms of policed segregation demanded by slavery.

In this context it is essential to note the formal description that Arendt gives to the 'space of appearance'. That space is the setting in which human being is able to live out that which is proper to it to it; i.e. live relationally. She writes that the

space of appearance comes into being wherever men are together
in the manner of speech and action, and therefore *predates* and

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14 See in addition, Connolly 2018

15 Horace 1926

precedes all formal constitution of the public realm and the various forms of government, that is, the various forms in which the public realm can be organized. (Emphasis added.)¹⁶

While the 'space of appearance' is the locus of relationality, her description contains another element. There is a temporal register of fundamental importance. Even though it may involve reading Arendt against herself, what has to be pursued centers on the conception of time implicit in the terms 'predates' and 'precedes'. The claim is that these terms point towards the other element that is often overlooked, or even resisted, in considerations of normativity which, if it were expressed negatively, would involve the non-pragmatic nature of the 'space of appearance'. (This should not be seen as denying, of course, that the 'space of appearance' also has pragmatic and thus a necessarily actual dimension as well.) What has to be taken up is the doubled nature of the 'space of appearance'. It has both a complex temporal as well as an ontological register. As a beginning therefore the question that has to be addressed, and the necessity here is not being adduced, it arises because of the language Arendt used, is how is the temporality of the terms 'predates' and 'precedes' to be understood? In relation to that question there is another, namely, what further ontological implications would that temporal configuration then have. In other words, what has to be addressed, in addition, concerns how the existence of that which 'predates' and 'precedes' any one particular is to be understood?

The first response ties the ontological and temporal questions together. It concerns how what Arendt designates as 'the space of appearance' can be both a particular with actuality and thus be an identifiable and describable state of affairs, as well as having that form of abstraction that cannot be ascribed particularity precisely because it 'predates' and 'precedes' any one – thus all - particular instances. The 'space of appearance' is not a self-identical particular in the precise sense that it cannot be made identical to the pragmatic instance. If that is the case than what can be concluded from the nature of this doubled presence is that the 'space of appearance' is characterized by a foundational irreducibility. It has a particularity that can always be dated and given an exact location and yet there is also that aspect of the particular that 'predates' and 'precedes' any one actualization as particular. This has a further important consequence. The argument is that this irreducibility marks the presence of a constitutive spacing between pragmatic instances of actualization and that which always and of necessity 'predates' and 'precedes' actualization is in fact the inscription of judgment's conditions of possibility; in sum, the claim is that the presence of this spacing forms (and provides) the basis of any

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¹⁶ Arendt 1958, p. 199.

one particular's capacity to be judged (thus its *judgeability*). While this point will be developed the argument is going to be that the sense of the *not-yet-conditioned* space of appearance that 'predates' and 'proceeds' is the 'space of appearance' as the unconditioned necessity integral to the definition of human being. Repeated here is the supposition that can be associated with Arendt namely, that, *to be is to appear*. Thus, the argument is going to be that restricting appearing is the diminution of being in the precise sense that it is a constraint on the actualization of what will be referred to as the *potentiality-to-be*.) In this context particulars, which are by definition conditioned, can be judged because of the immanent presence of the unconditioned as always coterminous with the conditioned or pragmatic instance. Both are present, present in their difference, and present at the same time. Judgment is possible, and only possible, if the object of judgment and that in terms of which judgment occurs are, or can be made, copresent. They are copresent in their difference. That difference is between the pragmatic and the immanent presence of the ground of judgment.

The second point to note follows on from the first. If the 'space of appearance' has this doubled designation, then not only is there the question of the status of the elements comprising it, what must also be addressed is how the relationship between them is understood. Taken overall the points noted above indicate that the precondition for thinking life, working with the recognition that life's insistent presence continues to create this need, necessitates recourse to judgment. Choosing life becomes the acknowledgement of the inescapability of judgment. At stake here, thus integral to thinking life, is that which grounds and thus allows for judgment. Again, even though detail is all, the results of this engagement with what is implicit in the 'space of appearance' can be presented in summary form. As has been suggested what is proper to the being of being human is the *potentiality-to-be* in place with others; in sum, to appear. Arendt does not refer to potentiality in this regard, nonetheless the identification of being and appearing is fundamental to her work. She argues in *The Life of the Mind*, for example, that,

in this world which we enter, appearing from a nowhere, and from which we disappear into a nowhere, Being and Appearing coincide.¹⁷

This coincidence needs to be supplemented. While it is not Arendt's argument, 'appearing', in the sense in which the term is used here, can be interpreted as the actualization of that potentiality. Its presence has a form of necessity when considered as a potentiality to be actualized. The distinction between the structure of potentiality and actualization at work in Seneca's conception of the 'happy life' is instructive. For Seneca

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¹⁷ Arendt, 1978, p. 19

the interplay of potentiality and actualization was defined in terms of forms of both delimitation and exclusion. As emerged, it was structured by the opposition between the citizen and slave on the one hand, and the implications of the distinction between *otio* and *vacando* on the other. Arendt's position is not delimited in advance in this way, namely by the restrictive and restricting presence of divisions that indicate the presence of founding disequilibria of power. Indeed, 'appearing', once taken as defining human propriety, has a universal presence. (Yielding, as a consequence, the already noted proposition: *To be is to appear.*) What the reference to the universal means is that there cannot be a case in which human being is not so defined. If to be is to appear then 'appearing' has the force of the unconditioned.

There is however another form of necessity that accompanies this set up. While 'appearing' is definitional and thus necessary to the being of being human, there is the necessity of a type of pause that is built into the position. Given that 'appearing' is present as a potentiality, then it is also going to be the case that any one actualization is necessarily contingent. The presence of the 'space of appearance' needs to be understood in the same way, i.e. as a necessary presupposition but only ever a contingent reality when it is a question of actualization. There is therefore a prevailing *contingency of actualization* that delimits actuality. Furthermore, once the being of being human is thought in terms of relationality and potentiality, it then follows, as has already been intimated, that what restricts appearance has to be understood as a diminution of being. In other words, to the extent that propriety is linked to potentiality then what counts as human being must be reconfigured. While the locus of being involves relationality, after all what is Arendtian 'plurality' other than a mode of relationality, human being needs, as a result, to be defined in terms set by the interplay of potentiality and actualization. Human being has to be recast in terms of a continual and prevailing *potentiality-to-be*. Actualization has always to be understood as necessitating the interplay of place – named by Arendt as the 'space of appearance' – and human plurality. Now that some of the ontological implication of the complex structure of human being have been sketched, and the hovering presence of the *potentiality-to-be* positioned between potentiality and actuality, it is now possible to return to a consideration of the more strictly temporal elements in Arendt's description of the 'space of appearance'.

What 'predates' and 'precedes' pragmatic instances have a complex status. Predating and preceding are still forms of presence. Moreover, it is that presence which is also part of the spacing that constitutes the possibility of judgment. What underscores this position is the supposition that when Arendt writes of the 'space of appearance' – and the same position holds in relation to the 'right to have rights' – she can be read as addressing not only that which has universal force

but equally that which is integral to human being. Human being is not however an inactive abstraction. Being is enacted. The point is that enacting is neither a singular nor one-dimensional activity. What is enacted is life; (in the end, forms of life). Human being is an activity. Hence the insistence on the formulation *potentiality-to-be*. As such it is possible to think of human being as life. (It is not by chance that Arendt wanted to call *The Human Condition, Vita Activa*.¹⁸) These are lives that are necessarily related to other-than-human lives. Here it is essential to be clear. Life cannot be equated with bodily presence. A philosophical concern with life has to reference the body however life cannot be reduced to bodily presence. Racism, for example, understood philosophically can be thought in terms of that reduction of life to the presence of body to be excluded. The excluded body is not bare. It has been injured and thus marked in advance by forms of exclusion. Injury is the exclusion of justice. The body – though there is never just the body since the racialized body is contrasted to bodies which, for the services of racism, are produced in order to be excluded – becomes the occasion for the denial of life (to those now racialized bodies). The history of racism continues to harm actual bodies. The recent emergence of the Black Lives Matter movement attests to the need both to note the history of violence to bodies and the continual attempt to normalize such violence through arguments that link normativity to the need for policing. Racial violence has involved and continues to involve the literal denial of physical life. Even in those occasions when the physical body remains unharmed, racism entails that life, in the sense that it is always already inscribed within processes of appearing, is still being denied. Injury still prevails. The clear consequence of claims of this nature is that the excluded body has to be understood in terms of a denial or refusal of the actualization of the potentiality to appear (knowing that appearing is always relational). What is at stake with racism etc., might best be thought of therefore as an ontological crime rather than simply an instance of the morally reprehensible. The clear intent of such a description is that it ties together the ethical and the ontological.¹⁹ Moreover, that intent is committed to the proposition that both the ethical and the ontological are necessary in order to give a biopolitical account of racism. For racism etc., to be combatted philosophically what has to be incorporated into any account are grounds of judgment. The contention here is what this is only possible if the ethical and the ontological are interconnected.

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¹⁸The German translation of *The Human Condition* is, of course, called *Vita Activa*. The 'space of appearance' is translated as '*Der Raum des Öffentlichen*'.

¹⁹I have tried to present a sustained argument for this position in my Benjamin 2015

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In broader terms therefore the biopolitical is the continual interarticulation of the ontological and the ethical in which the body has to be located in order that actions in relation to it become loci of judgment. What is involved in the biopolitical thus construed is the relationship between *bios* with its twofold reference to both life and the body. The term *political* must also be allowed a form of complexity. The political alludes as much to politics as modes of organization having their own history, as it does to the *polis* which can be understood not just as the place of human being but the recognition that human being is always already placed.²⁰ Within the biopolitical it is essential to note that the two constitutive elements are not there as a simple opposition. One mediates the other. There is an ineliminable reciprocity. In regard to the political it should also be noted that the affirmation of original placedness – again this the position that inheres and structures the formulation *to be is to appear* – does not however demand the literal presence of the word *polis* or even a direct relation to the political (where the latter is understood as a set of programmed activities linked to governance). Indeed, as significantly it can be argued that within the Greek term *bios*, in certain important instances, a reference to the interconnection of place and life place can be found. Two examples, one from Dionysius of Halicarnassus and the other from Heraclitus will indicate firstly the placed nature of *bios* on the one hand and the non-necessity of the term *polis* in order to think the placedness of human being on the other.

In the *Antiquitates Romanae* of Dionysius of Halicarnassus, in a passage describing the plight of the Arcadians, Dionysius writes of them fleeing from a deluge. As a result of that disaster, they were dislocated. The consequence of that dislocation was not a momentary dispossession and subsequent dispersion but a relocation. Relocation as the recovery of place means that their movement could be imbued with a certain quality insofar as, to use Dionysius's formulation, they then 'established their place of dwelling on the island of Thrace' (ἐν δὲ τῇ Θρακίᾳ νήσω τοὺς βίουσιν ἰδρύσαντο).²¹ Again, the actual language of the sentence is central. The use of *bios* with the verb ἰδρύω, should be noted insofar as what is being stated has a certain precision; namely, they settled in a specific place in order to live there. Thus, they settled in order to have a life. This is what *bios* means in this context. Earnest Cary's translation of the line as 'established their abode' is obviously accurate. However, it has to be understood as meaning that they established a place in which they were then to live. ἰδρύσαντο is translated as 'established'. Equally it can mean built. Herodotus writes using the same verb form to describe

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20 The most important initial work announcing the centrality of place for philosophical thinking is Malpas 2018. 8

21 Dionysius of Halicarnassus 1937, *Roman Antiquities*. 1.68.3

the building of a temple (*Histories* 4.149.2) *Bios*, in this context, has the sense of the interconnection of living and placedness. Indeed, here the use of *bios* entails that living and placedness must be thought together. If the argument were extended it would be to claim that there cannot be a conception of place that is not simultaneously one that is not the locale for a form (thus by extension 'forms') of life. *Bios* in this context names this precise condition. To be, is to be in place, thus to have a placed life. To be displaced therefore gives rise to a situation to be overcome. *Being-in-place* becomes integral then to a description of life. It is a formulation that while always having particularity - in both a positive and negative sense has unconditional force. (Negative is the sense that the Arcadians having been displaced may have remedied their condition by displacing others.) It is, of course, precisely this understanding of displacement that allows forms of settlement that displace to be judged. There are two possible interrelated elements; To settle, in the first instance, and then in the second, to be displaced because of the settlement of others. At work here therefore is what can be understood more generally as *differential modes of territorialization*. The presence of the differential must be understood however in relation to the centrality of *being-in-place* as an integral part of human being. *Being-in-place* as that which has unconditional force become the ground in relation to which these *differential modes of territorialization*, which includes settlement and displacement, can then be judged.

In Heraclitus there are a number of references to the city that link it to a sense of commonality. Implicit in Heraclitus, for example, is the recognition that commonality – perhaps even plurality - (which will emerge in the following as 'the people' (τὸν δῆμον)) has to be thought in relation to place and thus as underscoring the already present being-in-place of human being. However, as Heraclitus makes clear place brings the regulative with it, Fragment 44 reads as follows:

It is necessary that (χρή) the people (τὸν δῆμον) fight for its law (τοῦ νόμου) as they would defend the city walls (τείχεον).

Heraclitus's use of *χρή* ('it is necessary that' – an impersonal verbal form) indicates a defining position that will be true in all instances. In other words, the force of Fragment 44 is that it indicates the presence of 'wall' and 'law' has entailments that must have a form of universal validity. Furthermore, Heraclitus uses a specific term to refer to 'the people'. They are not present as a group, or amorphous crowd. The latter in Greek would be οἱ πολλοί. Here 'the people' (τὸν δῆμον) are citizens and residents, the people of a place. The Fragment becomes complex at this exact point. In the first instance what is being enacted is the claim that the 'people' are only ever present in terms of sense of original placedness that defines human being. At this point the complexity emerges. This description

of placedness as a defining quality is accurate. Nonetheless, it needs to be recognized that differentials of power are operative within the organization of actual places. In the ancient world that would be evidenced by, for example, the identification of separate and restricted slave quarters on the scale of both the house and the urban plan. Hence the actualization of placedness only ever occurs within differential modes of territorialization. The slave's displacement, the slave here as marking the dis-placed, entails both the possibility of the slave revolt as an undeniable part of Greek life (though equally Roman life), and that the presence of that possibility gives rise to the need for forms of policing. Indeed, Arnaoutoglou Ilias has argued that 'the main element fuelling suspicion and fear was the everyday close co-existence of slaves and citizens, at home and in the agora'.²² While there was the occupation of the same place, the housing of slaves involves fundamental differentiation from the housing of citizens.²³ There is a tension, therefore. On the one hand, there is the recognition of the general condition – i.e. being in place, occupying a place as intrinsic to human being, a space disclosed and maintained by the city wall. Here being on place is tied to the possibility of justice. There is, of course, the other possibility. The presence of slavery and ostracism means that this positioning is also precarious. Here being-in-place defines and allows for the possibility of injury (in-jury), i.e. the refusal of justice. The two exist at the same time. The city walls disclose the space in which the *potentiality-to-be* can be acted out. Equally, those walls include and exclude in ways that can, in certain defined instances, make that potentially necessarily unactualizable.

As has emerged the 'city walls' have a doubled quality. The 'wall' can be understood as naming the city as the place of commonality and therefore as affirming human being as *being-in-place*, whilst at the same time giving that sense of place material presence. The wall discloses the particularity of place and simultaneously underscoring the unconditioned nature of *being-in-place* as proper to the being of being human. The particularity of placedness understood in terms of differential modes of territorialization can be judged in relation to the unconditioned presence of *being-in-place*. There are other expressions of this position in the Greek world. Famously Thucydides, in rallying the Athenians at a moment of hardship wrote:

For men, (ἄνδρες) and not walls (οὐ τείχη) or ships which are empty of men (ἀνδρῶν κεναί), constitute a city (πόλις).²⁴

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22 Arnaoutoglou Ilias. 2007

23 A philosophical study of the architecture of slavery remains to be written. Valuable source material is provided in, Ault 2005; Joshel & Petersen 2015. See in particular Chapter 6. And, Ian Morris 2001

24 Thucydides, 1923 (VII. 77)

It is important to note here that both when Thucydides writes of the 'wall' and in the invocation of 'rigorous laws' (ἡ νόμων ἰσχύι) (III 45.7) as not standing in the way of 'human nature' it is clear that what are referenced are conditioned instances.²⁵ Leaving open as a consequence the interpretation of both the 'wall' and '*nomos*' in terms of the unconditioned and as providing both the conditions of possibility for human plurality and at the time constituting those instances as judgeable. For Thucydides the wall is that which discloses the space of human sociality; there cannot be one without the other.

The added significance of Fragment 44 is that 'wall' and 'law' (*nomos*) are presented together. In the context of the Fragment neither is given a determined content. What counts as the content of *nomos* remains open. The argument has to be that even if the content of any set of *nomoi* may differ, indeed differ radically, *nomos* designates what can be described as one of the necessary conditions of human sociality. Sociality depends upon *nomos*. This is what the Fragment is staging. The presence of *nomos* may be taken as normative. This is not however true for the content of any one *nomos* (*nomos* as the singular instance of *nomoi*) – i.e. the particularity of already determined and particular law, norm or convention – since content, even if it cannot be revised at a specific historical movement, is intrinsically revisable precisely because it can be judged. Indeed, within all actual political configurations, *nomoi* are potentiality subject to radical transformation. What is not subject to dispute is the presence of *nomos* itself. It defines human being by making human being possible. *Nomos* cannot be separated from the 'wall' in the precise sense that *being-in-place* and *nomos* are necessary conditions. Even though it can be argued that both 'place' and *nomos* might be actualized in terms of exclusions and separations (as occurs, for example, in any discussion of settlement), both of which would therefore stand against the unconditioned nature of appearing and place as the locale in which the *potentiality-to-be* is actualized. What cannot be eliminated is the conception appearing as that which 'predates' and 'precedes' any conditioned instance. There is a necessity. What this means, as has already been made clear, is that what cannot be eliminated are the conditions that allow for any one instance to be judged.

The position here is that *being-in-place* as the place of the *potentiality-to-be* are forms of abstraction that set the measure. Taken together they have an effective presence. Furthermore, having an unconditioned quality means, to recall the argument that has already been advanced, that *being-in-place* as the place of the *potentiality-to-be* has to hold in every instance. To be precise, what this means is that

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25Thucydides 1920, (III 45.7. cf. 45.3): 'In a word it is impossible, and a mark of extreme simplicity, for anyone to imagine that when human nature is whole-heartedly bent on any undertaking it can be diverted from it by rigorous laws (ἡ νόμων ἰσχύι) or by any other error'.

there would not be a moment in which human being was actively present that could not be judged in terms of the anoriginal placedness of human being. (Namely placedness as always already present ontological condition.)²⁶ Again, it follows that central to its presence is that *being-in-place* functions as a ground of judgment. At every moment, or in every situation, it become possible to refer to the presence – and thus it would always have to be the immanent presence – of *being-in-place*. The reason why judgment is necessary – and it should always be remembered that judgment should not be conflated with description – is that differentiations within modalities of placedness always call on judgment. After all, what can always prevail as normalized are restrictions on appearance or the displacement of persons and peoples from pre-existing settlements or lands. In addition, what also continues is the refusal to acknowledge that already enacted displacements have a maintained presence. Furthermore, climatic and political disasters mean refugees pressing on borders and which then result in the construction of new and highly policed border conditions. (Thus, the issues causing and resulting in refugees remains unaddressed.) What can be added here is that there also the continuous creation of atmospheres that seek forms of inclusion and exclusion on the ground of either race or gender. The latter are continually reconfigured despite modes of material aestheticization that appear to resist them.²⁷ In general what is occurring is the refusal to allow for the actualization of the *potentiality-to-be*.

What can be concluded from these already present differentials of power occurring within and holding together the interrelationship between politics, bodies and place which is in sum the biopolitical, is that they are counterposed to *being-in-place* though only insofar as they are differential *modes of territorialization*. To be clear, the distinction is between, on the one hand, a generalizable state of affairs, namely the unconditioned nature of *being-in-place* as intrinsic to the definition of human being, and, on the other, the presence of specific instances of human placedness, where the latter are articulated within differentials of power. One important consequence of allowing for the presence of differentials of power as constitutive of modes of territorialization means is that these modes with their necessary connection to forms of life can be changed. In other words, it is only because judgment is ground in the unconditioned that the world then takes on the quality of that which can be changed. The world is changeable because other modes of territorialization are possible. This latter point needs to be understood as indicating that the world has inscribed within it – as a quality of the world – the possibility of its transformation.

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²⁶ On the 'anoriginal' see Andrew Benjamin 2017

²⁷ In this regard see Nathan Bell, 2020

There is an inevitable ambivalence within this set up. Its presence means holding to one side the necessity of identifying transformation with progress. After all, there is always the very real threat that the other direction in which the world's transformation might lead is towards the worst.²⁸ Noting the opening to the worst does not obviate the possibility – potentiality - that it is the world, in contrast to heaven, is the site, indeed the only real site, of justice. A justice that will always be to come, in the precise sense that the world must remain open to the continual possibility of justice's actualization. The capacity of the world to be transformed might be understood as the anti-Gnostic gesture *par excellence*.²⁹ The world's transformation is then the reorganization of life. The full force of the exhortation 'choose life', is its link to the future. The passage from *Deuteronomy* ends 'so that you and your children after you will live'. This position needs to be understood as claiming firstly that human being is relational across time as well as within any present, and secondly that futurity can be identified with the continual possibility for the actualization of the *potentiality-to-be*. Surpassed therefore is that insistent presentism that would define life in terms of the gratifications afforded by the now.³⁰ The 'now' is recast in terms of its openness to the future. That opening, again, is not just the choice of life, it is equally the recognition that life is anoriginally placed. The actualization of the *potentiality-to-be* depends upon place. Being cannot be thought other than in relation to *being-in-place*. As a result, the future – here the relational nature of human futurity, and thus the complex continuity of relations with the other-than-human - necessitates the future of place.³¹ Choosing life therefore necessitates the affirmation of the anoriginal placedness human being.

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28 On the concept of the worst see its systematic discussion throughout Lawlor 2015.

29 For a study of the endurance of forms of Gnosticism see Styfhals 2019.

30 The most sustained critique of presentism can be found in Fritsch 2018

31 If the first prompt for this project is the work of Hannah Arendt, what emerges here is the other. Namely, the indispensable book of Jonas 1984

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