

Recognising Recognition: Hannah Arendt on (the Right to Have) Rights

Where human rights were for many – Eleanor Roosevelt,¹ H. G. Wells,² the United Nations³ – the solution to the unprecedented mass murder of the previous two decades, for Hannah Arendt, the doctrine of human rights was responsible for much of what had happened.

Rather than simply writing rights off, however, Arendt attempts to reformulate human rights, invoking the concept of ‘the right to have rights’. This curious phrase points towards a new way of reading Arendt on rights, namely, that central, though implicit, to her work on rights is the concept of recognition. Although a couple of authors have talked about recognition in connection with Arendt, the interpretation of her thought which I suggest here is, I believe, a novel one. I will argue that recognition is also key to understanding her concept of ‘the right to have rights’ and thereby her approach to rights as a whole. In this respect, Arendt follows in the footsteps of T. H. Green and Hegel, for whom recognition was also central. Arendt’s unique contribution is to provide an empirical addition to that literature: her work shows what happens when recognition is withdrawn, and humans are left stateless and thus rightless.

This paper will divide into four sections to make the dual argument that, first, recognition is crucially important to Arendt, and, second, her work is an equally important contribution to the canon of works on rights recognition. First, it will examine Arendt’s criticisms of ‘the Rights of Man’; second, it will probe the seemingly paradoxical phrase ‘the right to have rights’; third, it will further explore implicit references to recognition in Arendt’s thought, before, finally, examining what motives drive recognition.

¹ See: Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York, Random House, 2001)

² H. G. Wells, *The Rights of Man: or What Are We Fighting For?* (Harmondsworth, Penguin, 1940)

³ [<http://www.un.org/en/documents/udhr/>]

Hannah Arendt and ‘the Rights of Man’

For Arendt, the ‘declaration of inalienable human rights’ involved a ‘paradox’ from the beginning, in that ‘it reckoned with an ‘abstract’ human being who seemed to exist nowhere, for even savages lived in some kind of a social order.’⁴ There simply aren’t such ‘abstract’ humans, who live beyond the pale of any sort of civilisation; even the stylites of late antiquity, who were said to live isolated from human contact on the top of poles, came from somewhere; they were at some point members of some community.

The events of the 1930s and 1940s, argues Arendt, show that ‘the conception of human rights, based upon the assumed existence of a human being as such, broke down at the very moment when those who professed to believe it were for the first time confronted with people who had indeed lost all other qualities and specific relationships – except that they were still human.’ When refugees, the stateless – ‘*les apatrides*’ -, were deprived of the rights of citizens, then the ‘rights of man’ should have applied to them. Yet they did not. The loss of citizenship implies the loss of ‘political status’; there is no country in which one is accepted as a political actor. As such one enjoys no political rights. One might be allowed to work,⁵ or even to join a political party,⁶ but this is a favour granted, not a right respected. There is nothing to prevent the work, or the opportunity for political engagement, from being withdrawn. In this circumstance, one should, ‘according to the implications of the inborn and inalienable rights of man, come under exactly the situation for which the declarations of such general rights provided.’⁷ Yet, as Arendt notes, ‘actually the opposite is the case’, for ‘it seems that a man who is nothing but a man has lost the very qualities which make it possible for other people to treat him as a fellow-man.’⁸ Quite simply – and in contrast to arguments put forward by Ronald Dworkin more recently⁹ – ‘the world found nothing sacred in the abstract nakedness of being human’.¹⁰ The qualities needed to be accorded treatment in line with the expectations of human rights, then, are something not found in the abstract human organism, in the socially-unclothed naked body, but, rather, they require social clothing; they

⁴ Hannah Arendt, *The Origins of Totalitarianism* (New York, Harcourt Books, 1994), p. 292

⁵ Often subject to restraints: as Arendt herself experienced, work was often ‘not available to those without the proper papers and without work the papers could not be secured’. Elisabeth Young-Bruehl, *Hannah Arendt: For the Love of the World* (London, Yale University Press, 1982), p. 118

⁶ Labour party, UK

⁷ *Ibid.*, p. 300

⁸ *Ibid.*, p. 300

⁹ Ronald Dworkin, *Life’s Dominion: An Argument about Abortion, Euthanasia, and Individual Freedom* (Alfred A. Knopf, New York, 1993), p. 195

¹⁰ Arendt, *The Origins of Totalitarianism.*, p. 299

require the naked body to acquire the mask – literally, the *persona* – of social recognition as not just a human, *homo sapiens*, but as a person. This, as we shall explore further later, comes with recognition.

Arendt also found fault with the traditional arguments that lay behind the doctrines of natural rights, especially with the religious or quasi-religious foundations on which it is based. Any idea that there *is* something sacred about the ‘abstract human’ seems to invoke religious or other controversial metaphysical claims about humans. ‘The concepts of man upon which human rights are based’ on the idea that the human ‘is created in the image of God (in the American formula), or that he is the representative of mankind, or that he harbors within himself the sacred demands of natural law (in the French formula)’ are. But in the face of ‘objective political conditions’, Arendt argues that it is hard to see how such justifications could have helped in any way.¹¹ Indeed, the fact that there are different arguments presented to justify the same sets of rights underscores just how contestable each argument is. One needs only to be an atheist or to deny that natural law places sacred demands on oneself – or contest what those demands might be – to feel completely unswayed by such arguments. Furthermore, the historical record shows that these arguments were not strong or compelling enough to prevent the widespread disregard for human rights of any sort that prevailed in the 1930s and 1940s.

Human Rights and the State

The plight of the stateless shows that humans do not have rights *qua* human, but, rather, that rights depend on membership of a political community, and thus upon recognition. There is a vital link between state, citizenship, - sometimes, and dangerously, nationality – and rights.

Stateless people included ‘millions of Russians, hundreds of thousands of Armenians, thousands of Hungarians, hundreds of thousands of Germans, and more than half a million

¹¹ Arendt, *The Origins of Totalitarianism*, pp. 299-300

Spaniards'.¹² These groups had been forced from their native countries by war or revolution, and were subsequently 'denationalized' by the new governments of those countries, leaving them stateless. These cases, argues Arendt, suggest 'a state structure which, if it was not yet fully totalitarian, at least would not tolerate any opposition and would rather lose its citizens than harbour people with different views'.¹³ Yet subsequently, such citizenship-depriving measures were not restricted to totalitarian or near-totalitarian states. Arendt notes that 'now we have reached the point where even free democracies, as, for instance, the United States, were seriously considering depriving native Americans who are Communists of their citizenship. The sinister aspect of these measures is that they are being considered in all innocence.'¹⁴

'a human being in general – without a profession, without a citizenship, without an opinion, without a deed by which to identify himself – *and* different in general, representing nothing but his own absolutely unique individuality which, deprived of expression within and action upon a common world, loses all significance.'¹⁵

By becoming stateless, a person/human being also finds herself out of the bounds of law. Arendt argues that many natural rights which were enumerated over the years were designed to provide people with protection within communities, and as such are by the nature ineffective where no community exists. 'The calamity of the rightless is not that they are deprived of life, liberty, and the pursuit of happiness, or of equality before the law and freedom of opinion – formulas which were designed to solve problems *within* given communities – but that they no longer belong to any community whatsoever.'¹⁶ This is a radical change from traditional forms of inequality or oppression, indeed the problem for the stateless is 'not that they are oppressed but that nobody wants even to oppress them'. Likewise, their 'plight is not that are not equal before the law, but that no law exists for them.'¹⁷

For Arendt, proof that the position of the stateless was worse than that of people discriminated against within a legal system was found by asking what would happen to the stateless were they to commit a crime. Criminals must be arrested, and thereafter treated in

¹² *Ibid.*, p. 278

¹³ *Ibid.*, p. 278

¹⁴ *Ibid.*, pp. 279-280

¹⁵ *Ibid.*, p. 302

¹⁶ *Ibid.*, p. 295

¹⁷ *Ibid.*, p. 295

certain ways, regardless of questions of citizenship. Legal systems arrest people, even stateless people, to protect the rights of citizens, which may be endangered by criminals regardless of questions of nationality. After arrest, a criminal is treated in a certain way, not as a citizen or a non-citizen, but as a criminal. In a person's categorisation as 'criminal', the person transcends the divide between citizen and non-citizen. Thereby the stateless person gains some advantage: as a criminal she has rights for the first time. For Arendt, this is the criterion by which to decide whether someone has been forced outside the pale of the law: 'If a small burglary is likely to improve his legal position, at least temporarily, one may be sure that he has been deprived of human rights.'¹⁸ By committing a crime, the stateless person has forced the state to treat her in a way which accords her some status, which recognises her as a sort of person – as a criminal – and thus as belonging in some, undesirable admittedly, way to the community.

Arendt's analysis of the Nazi regime provides important empirical support to philosophers such as T. H. Green, who argue that rights require recognition. Arendt notes that the Nazis, 'who were such legal pedants' took great care in depriving 'those whom they intended to exterminate of their citizenship'.¹⁹ What is happening in this process is almost the complete, literal, reversal of recognition. Rights are stripped away; the regime and then society refuse to recognise certain claims on the part of Jews, refugees, the disabled and others. More and more rights are lost as fewer and fewer claims are recognised, until finally the claim to belong to the political community is refused, the right to membership, the 'right to have rights', is lost, and the former citizen is expelled from the political community into the camps. In the camp, the human is outcast, and outside the law of the community. Whereas Hegel and Green explore the processes of recognition, whereby humans move from the natural unrecognised state to intersubjective recognition and rights, what Arendt shows here is the stripping away of rights and recognition from the person, leaving the naked, abstract human behind. This is one of her more powerful contributions the understanding of human rights.

¹⁸ *Ibid.*, p. 286

¹⁹ Hannah Arendt, Unpublished notes for a lecture at University of California, Berkeley [http://hannaharendt.net/documents/statelessnessV.html]

Central to rights, then, is belonging to a community, and, ideally, to a state. By using the events of the first half of the twentieth century, Arendt makes a powerful and compelling argument that there is a deep, inescapable link between the state and rights. Only membership of a state provides a person with rights, and protection against the sorts of abuses and atrocities that litter the 1930s and 1940s. Furthermore, loss of certain human rights is not decisive; what matters is the loss of the ‘one human right’, the right to belong. As Arendt notes, ‘man, it turns out, can lose all so-called Rights of Man without losing his essential quality as man, his human dignity. Only the loss of a polity itself expels him from humanity.’²⁰

Arendt’s quotation of Proust is particularly telling on this point: ‘The question is not, as for Hamlet, to be or not to be, but to belong or not to belong’.²¹ It is on belonging – on being recognised as a member of a political community – that everything, including rights, depends.

Membership: The Right to Have Rights

This section will explore the fundamental right that Arendt clings to: the ‘right to have rights’, or the right to membership of a political community. It will be shown that this phrase, though it may seem cryptic, vague or even logically incoherent, has a real and vital meaning, and that criticisms of it may be answered. Arendt’s statements on the ‘right to have rights’ will be analysed, before this section turns its attention to criticisms of the notion.

For Arendt, there is one universal right, which should be enjoyed by all, and which is not dependent on race, nation or any other criteria, save for the criterion of being human. This right is ‘the right to have rights’. The central importance of this right for Arendt’s thought is underlined by the title of the German version of her 1949 essay which appeared in English as “The Rights of Man: What are they?”. The German version was entitled “*Es gibt ein einziges Menschenrecht*” – ‘There is only one single human right’.²² Arendt argues that while other rights ‘change according to historical and other circumstances, there does exist one right which does not spring ‘from within the nation’ and which needs more than national guarantees.’²³

²⁰ *Ibid.*, p. 297

²¹ *Ibid.*, p. 84

²² As Menke notes: Christoph Menke, “The “Aporias of Human Rights” and the “One Human Right”:
Regarding the Coherence of Hannah Arendt’s Argument” *Social Research* Vol. 74, No. 3, 2007, pp. 739-762

²³ Arendt, “The Rights of Man: What are they?”, p. 34

Arendt argues that the importance of this right has historically been missed, principally because ‘we became aware of the existence of a right to have rights (and that means to live in a framework where one is judged by one’s actions and opinions) and a right to belong to some kind of organized community, only when millions of people emerged who had lost and could not regain these rights because of the new global political situation.’²⁴ There had always been a potential problem, and the right to have rights was always important, but it took events on the scale of those of the first half of the twentieth century to show just how acutely important the right to have rights is.

The right to have rights is the right to belong to a community. Only within the confines of a community can the familiar list of human rights – life, liberty, property, the pursuit of happiness, and so forth – be realised. In this respect Arendt follows Burke and his contention that all rights are the rights of Englishmen, Frenchmen and so forth, rather than of humans *qua* humans. Arendt, though, couches this idea in different language; as we have seen, relating rights to notions of nationality would be highly dangerous and problematic. According to Arendt, we ‘know even better than Burke that all rights materialize only within a given political community’, and that rights ‘depend on our fellow-men and on a tacit guarantee that the members of a community give to each other.’²⁵ The ability to agree and guarantee rights requires first access to a political community: this access is the right to have rights.

Yet the question remains as to how cogent a concept ‘the right to have rights’ is. As Frank Michelman puts it, ‘It’s a nice expression. When you think about it, though, what possible sense can it make?’²⁶ This section will explore what the phrase means for Arendt, and investigate some critical reception of the concept. A key contention will be that Arendt’s ‘right to have rights’ may be taken as a form of recognition, and that recognition of persons is as crucial for Arendt as it is for Green. It is on the basis of recognition, rather than contentious ideas of natural law, that human rights may be rebuilt.

This right to have rights is foundational for Arendt, and, as we have seen, is logically prior to other rights. Indeed, ‘man as man has only one right that transcends his various rights as a citizen: the right never to be excluded from the rights granted by his community’.²⁷ This is Arendt’s ‘one human right’. It may seem, then, that Arendt is suggesting that there are natural rights, or at least that there is one natural right. This would be a powerful

²⁴ Arendt, *The Origins of Totalitarianism*, p. 296

²⁵ Arendt, “The Rights of Man: What are they?”, p. 34

²⁶ Frank Michelman, “Parsing ‘A Right to Have Rights’”, *Constellations* Vol. 3, No. 2, 1996. p. 200

²⁷ *Ibid.*, P. 36

objection to her criticism of natural rights: it would be inconsistent, surely, to reject natural rights in general only to replace them with a specific natural right. However, Arendt avoids this contradiction, by arguing that even this right – despite the fact that it transcends other rights – ‘can exist only through mutual agreement and guarantee’.²⁸ That is to say: it is not just the specific rights within any given political community that depend on mutual agreement and recognition, but the right to have rights itself requires recognition and agreement. Thus in Arendt, as in Green, there are two levels of recognition, which respond to what we have termed ‘recognition of rights’ and ‘recognition of persons’ in discussing Green. This too, however, seems to throw up some problems. How may agreement be reached on this right if the right comes before political community? How is the right to be guaranteed, if the only people for whom it would be useful – the stateless – are outside political communities? It might seem that the right to have rights is no more secure, or capable of being guaranteed, than those rights to which it provides access.

Arendt’s answer to this is that the right to have rights is ‘the only one that can and can only be guaranteed by the comity of nations’.²⁹ Instead of worrying about lists of rights, argues Arendt, the United Nations should work on ensuring and safeguarding the right to have rights, which, ‘in the welter of rights of the most heterogeneous nature and origin, we are only too likely to overlook and neglect’.³⁰ Practically, this would involve all states agreeing to take in, and grant citizenship to, anyone deprived of citizenship by their previous state. This is nothing altogether novel: it is quite simply the right of asylum. A further response to the questions raised above, and one which we will be explored more fully later, is the idea that what Arendt means by the ‘right to have rights’ is essentially the same as Green’s notion of the recognition of persons, explored in a previous chapter.

A further problem is a logical problem with ‘the right to have rights’. As Michelman notes, ‘a difficulty in this construction fairly leaps off the page’. He points out that a ‘right to have rights is itself ipso nomine a right’ and therefore it ‘seems that a person cannot at one and the same time both have this right and also be in a situation to which rights as such do not or cannot attach.’³¹ On this view, the very phrase ‘the right to have rights’ is incoherent.

Seyla Benhabib explains the ‘right to have rights’ by arguing that that the word ‘right’ has different meanings in each half of the phrase. Whereas the second ‘rights’ implies the familiar conception of a ‘right’, as a recognised claim, which implies duty on the part of

²⁸ *Ibid.* p. 37

²⁹ *Ibid.*, p. 37

³⁰ *Ibid.*, p. 37

³¹ Michelman, “Parsing ‘A Right to Have Rights’”, p. 200

others, Benhabib argues that the first ‘right’ is something different, namely a ‘moral imperative: ‘Treat all human beings as persons belonging to some human group an entitled to the protection of the same’’. For Benhabib, ‘what is invoked here is a *moral claim to membership and a certain form of treatment compatible with the claim to membership*.’³² This does not seem an entirely satisfactory distinction to make. Rights resultant from the right to have rights may also be (recognised) moral claims. Similarly, all rights may be interpreted as a moral imperative: the right not to be tortured may be read as ‘treat all human beings as persons who should not, or even may not, be tortured’. However, Benhabib is correct in the fact that there is something quite distinct about the right to have rights, in comparison with all other rights: this distinctiveness is surely its primacy. Without this right, there would be no others.

Michelman too argues that conceptually there must be two kinds of rights in Arendt. For him, the only way to escape from ‘the self-referential bind’ of ‘the right to have rights’ is to accept that ‘the right to inclusion must belong to a different conceptual class from that containing the “further” rights that inclusion enables a person to have. This distinction, he argues, cannot be ‘between moral and empirical rights’, as ‘Arendt’s account of rights collapses this distinction’. Rather, there are those rights which ‘are politically grounded (that is, in the kind of productive action that inclusion enables)’ and those rights ‘that are not’.

The difficulty with this, argues Michelman, is that it prompts the question: ‘if the Arendtian right to inclusion is not politically grounded, then what is its ground?’ There is a clear danger that in saying that its ground is ‘the human condition’, Arendt would be dangerously close to the ‘ideas of natural, abstract human rights’ that she is so critical of.³³ This is a criticism similar to that made by Christoph Menke, but one for which he offers a potential solution. Another solution, as we have seen, is to simply take the view that all rights require agreement – recognition – and that the ‘right to have rights’ too would require all states to agree to it.

Christoph Menke is somewhat critical of Arendt’s concept of ‘the right to have rights’, and is not entirely convinced that it offers a way out what he describes as ‘the aporias of human rights’.³⁴ Menke locates ‘the right to have rights’ in the sphere of international law, and interprets this ‘solution to the aporias of human rights’ as one which ‘consists in conceptually treating the one human right to have rights structurally like the (membership)

³² Seyla Benhabib, p. 56. Benhabib’s italicisation.

³³ Michelman, “Parsing ‘A Right to Have Rights’”, p. 206

³⁴ Christoph Menke, “The ‘Aporias of Human Rights’ and the ‘One Human Right’: Regarding the Coherence of Hannah Arendt’s Argument”, p. 746

rights within a political community'. This reading, argues Menke, means that 'the human right to have rights belongs to the 'sphere of a law that is above the nations' – that is, to a new international law that no longer only regulates 'the intercourse of sovereign nations'.³⁵ The 'right to have rights' would be brought into being by 'legally binding – through 'mutual agreement and guarantee' [Arendt's phrase, which we have already noted above] - international law that constitutes mankind as a 'political entity'.³⁶

For Menke, this solution is not good enough, and is even in contradiction with what Arendt had to say about the problems of the rights of man. First, the tracing back of the 'one human right' to the 'historical fact of a political entity of mankind' is problematic: it is by no means clear whether such an entity ever has existed, exists, or could exist. Second, if it was by agreement of such an entity that the one human right was guaranteed, this would contradict Arendt's insight that 'only in a completely organized humanity could the loss of home and political status become identical with being expelled from humanity altogether'.³⁷ The new international law of the 'right to have rights', argues Menke, 'runs up against the very same problem that had led into the aporias', for 'if there is to be an inalienable right of each human being to membership, and thus to rights, it cannot merely be defined as resulting from the largely unspecified act of legislation of a politically constituted humanity; it is a right to be introduced and enforced by this act of legislation.'³⁸

However, Menke does find an escape from the aporias of human rights in Arendt's ideas of human dignity, for which she draws largely on Aristotle. Menke argues that according Arendt, 'human dignity is...no natural property, which human beings are endowed with individually, and which subsequently would have social consequences, but it consists in nothing other than their politico-linguistic existence: their speaking, judging, and acting...with and vis-à-vis others'.³⁹ Here Menke is getting at the distinction drawn already in this chapter between the human and the person; between the abstract homo sapiens, which was found to have no intrinsic sanctity, and the recognised person, a political actor, invested with rights, and the member of a political community. However, this idea of dignity is not necessarily enough for Menke. It is sufficient to ground the right to have rights only if two conditions are met. First, only if 'it introduces an entirely different anthropology than that of modern natural law'. This is an 'anthropology of a politico-linguistic form of life as opposed

³⁵ Menke, p. 750

³⁶ *Ibid.*, p. 750

³⁷ Arendt "The Rights of Man: What Are They?", quoted in Menke, "The "Aporias of Human Rights" and the "One Human Right", p. 751

³⁸ Menke, "The "Aporias of Human Rights" and the "One Human Right", pp. 751-752

³⁹ *Ibid.*, p. 753

to an anthropology of quasi-natural human ‘needs’ or ‘interests’. Second, only if ‘the concept of human dignity introduces an entirely different fundamental concept of rights: a concept that grounds subjective rights in the experience of what is the right thing for human beings.’⁴⁰

The right thing for human beings, as we shall see later, according to Arendt, is that they be free to act and communicate within a political sphere: this is the distinctively human activity bound up with the idea of natality. It is on this basis too that a new anthropology may be built. Understood as a form of recognition, the right to have rights acts as a gateway to the politico-linguistic existence Menke discusses. It is preliminary recognition, of persons, after which those persons, living in a political community, may recognise each other as having certain rights.

Recognition⁴¹

We have already seen that Arendt’s analysis of the failures of natural rights provides an empirical example of what happens when recognition is stripped away. Rather than analysing, as do Hegel and Green, how recognition leads from natural, abstract humans to persons with rights, Arendt analyses the way in which this process was reversed by Nazi totalitarianism. This is concerned, at the end of the process of ‘de-recognition’ with the stripping of what has been termed the ‘recognition of persons’ in Green’s thought. However, this process contains, and begins with, the ‘de-recognition’ of the ‘recognition of rights’. Before Jews were stripped of citizenship and forced into camps, other rights were withdrawn. In April 1933 Nazi’s required non-Jews to boycott Jewish business; in the same month, the *Berufsbeamtenengesetz* or ‘Professional Civil Service Law’ was passed, which barred Jews from holding positions in the civil service. These are just typical of several other laws which stripped more and more rights from Jews: recognition of one’s claim to be able to trade or have a career in the civil service was withdrawn if one was Jewish. Although Arendt does not use the language of recognition in this respect, what she is describing is the reverse of the processes Green and Hegel describe.

⁴⁰ *Ibid.*, p. 756

⁴¹ Arendt attended Kojeve’s lectures on the philosophy of Hegel, which must have included recognition. See: Elisabeth Young-Bruehl, *Hannah Arendt: For the Love of the World* (New Haven, Yale University Press, 1982), pp. 116-117

Recognition is important for Arendt's political thought in various other ways, the first of which is demonstrated through the centrality of action and of communication to her work.

It is through speech and action that 'men distinguish themselves instead of being merely distinct; they are the modes in which human beings appear to each other, not indeed as physical objects, but *qua* men'. Humans can live without many other aspects of life, but 'life without speech and without action, on the other hand – and this is the only way of life that in earnest has renounced all appearance and all vanity in the biblical sense of the word – is literally dead to the world; it has ceased to be a human life because it is no longer lived among men.'⁴² Clearly, then, speech and action are an integral part of what it means to live a fully human life. Furthermore, speech and action are not 'forced upon us by necessity, like labor' or 'prompted by utility, like work'. Rather, argues Arendt, the 'impulse' towards speech and action 'springs from the beginning which came into the world when we were both and to which we respond by beginning something new on our own initiative.' In other words, speech and action are voluntary, entirely new and novel, and reliant on initiative, on thinking.

The relationship of action and speech may be questioned: to what extent does action really require the accompaniment of speech? Arendt is quite clear that action does require speech, arguing that, 'without the accompaniment of speech, at any rate, action would not only lose its revelatory character, but, and by the same token, it would lose its subject, as it were; not acting men but performing robots would achieve what, humanly speaking, would remain incomprehensible.' If action were speechless, then it would no longer be action, 'because there would no longer be an actor, and the actor, the doer of deeds, is possible only if he is at the same time the speaker of words.' An actor's action 'is humanly disclosed by the word, and though his deed can be perceived in its brute physical appearance without verbal accompaniment, it becomes relevant only through the spoken word in which he identifies himself as the actor, announcing what he does, has done, and intends to do.' In one sense this is obvious: we would have a hard time understanding a performance of *Hamlet* if we were deprived of the dialogue. This is a point made equally well by the silent ballet scene in the film *Amadeus*: deprived of the language of music, the action of dance makes no sense, and cannot be interpreted. Speech and action, as Arendt insists, must go together.

The importance of speech and action for recognition and rights is two-fold. First, speech requires a listener; it is the vocal transmission of ideas from one person to another. A person speaking by himself, or in a language only he or she understands, would be non-

⁴² *Ibid.*, p, 176

sensical. This listening implies recognition. Second, the forum in which speech and action occur is political; this further implies recognition.

One sense of recognition is the sense in which a meeting recognises the speaker.⁴³ This form of recognition is one which does not require something previously existing to be ‘re-recognised’, processed again mentally. Rather, recognition in this sense is something creative. Before being recognised, the speaker may have had no status at all in the eyes of the meeting; indeed, if the person speaking is someone who does not regularly attend a certain committee or group, then this almost certainly the case. In the act of recognition, a status for the speaker is created. Arendt’s insistence on the importance of speech for the human condition implies recognition in this way: speakers must be listened to, if they are to speak, and not simply project ‘mere talk’. Arendt points towards this in her analysis of the way speech breaks down when ‘human togetherness’ is lost, particularly in the case of war. In these instances, for example war ‘where men go into action and use means of violence in order to achieve certain objectives for their own side and against the enemy...speech becomes indeed ‘mere talk’...whether it serves to deceive the enemy or to dazzle everybody with propaganda’. Unlike speech, which involves disclosure, here ‘words reveal nothing’.⁴⁴ Speech must be understood, and must reveal, in order to be speech; speech therefore requires listening and recognition.

In her account of the life of Hermann Bloch, the twentieth-century Austrian modernist writer, Arendt divides his life into three areas: literature, knowledge, and action. These she couples with ‘three fundamentally different activities of men: artistic, scientific, and political work’.⁴⁵ The key here is that action is *political*. Action and speech, deeds and words, belong to the political sphere. As Birmingham points out, ‘for Arendt, significant speech and action...can occur only in a political space. Thus, the right to have rights...is the rights to belong to a political space.’⁴⁶ Arendt is explicit on this point in *The Human Condition*, where she draws on Aristotle, who held ‘the sharing of words and deeds’ to be what makes it ‘worthwhile for men to live together’.⁴⁷ As we have seen, these deeds and words require recognition within the *polis*; within the political community. Furthermore, drawing on

⁴³ G. F. Gaus, “The Rights Recognition Thesis: Defending and Extending Green”, in Maria Dimova-Cookson and W. J. Mander (Eds.), *T.H. Green: Ethics, Metaphysics, and Political Philosophy* (Oxford, Clarendon Press, 2006), pp. 209-235, p. 211; David Boucher, “The Recognition Theory of Rights, Customary International Law and Human Rights”, *Political Studies* 59:3 (2011), pp. 753-771, p. 758

⁴⁴ *Ibid.*, p. 180

⁴⁵ Hannah Arendt, *Men in Dark Times* (San Diego, Harcourt, Brace and Company, 1983), p. 112

⁴⁶ Birmingham, *Hannah Arendt and Human Rights*, p. 59

⁴⁷ Arendt, *The Human Condition*, pp. 196-197; Aristotle, *Nicomachean Ethics*, 1126b, 12

Benhabib and conclusions reached earlier, we may see that recognition is central for entry to the *polis*. Here, the right to have rights means the right to be recognised – to have one’s speech listened to – on the one hand. On the other hand, the right to have rights is recognition itself. This right is guaranteed by the agreement of others and is their recognition of one’s being a person; of having something to say, and of being able to communicate.

The final pointer towards the importance of recognition for Hannah Arendt may be found in her discussion of the concept of *persona*.⁴⁸ *Persona* is the Latin form, via the Etruscan, of the Ancient Greek *πρόσωπον*. A compound of *πρός* (towards), and *ὄψ* (eye), this word referred to the masks worn by Ancient Greek actors, and then, by extension, to the characters represented by those masks, and taken on by those actors. As Arendt notes, the familiar later *dramatis personae* corresponds to the Greek *τὰ τοῦ δράματος πρόσωπα*.⁴⁹ It is from this notion that the modern word *persona*, for example in its usage in Jungian psychology, or the film of the same name by Ingmar Bergman, takes its cue. For Jung, the *persona* is ‘a kind of mask, designed on the one hand to make a definite impression upon others, and on the other to conceal the true nature of the individual’.⁵⁰ At the same time, we are familiar with a second usage of *persona*, which is similar, and often complementary, but which builds on the Latin legal tradition of *persona*, where to have a *persona* is to have a certain nexus of rights, responsibilities, and entitlements: in short, to take on a legal character. (Of course, this is in Hobbes’ *De Cive* too.)

Recognition is fundamental to *persona*. The reason for masks to be worn is to enable recognition – to let the audience know who the character is, and for the audience to act accordingly. By the mediaeval and renaissance period, there were no longer actual masks, but the stock characters remained, and dressed accordingly so that they were recognised as such by the audience.⁵¹ The actor becomes the character when we as an audience recognise him by his mask, or his *persona*. We recognise him as having certain relations, and certain responsibilities, as well as certain background stories and information, by his mask.

The same is true by extension for *persona* in the legal sense. A human being becomes a person, someone with the right to have rights, when we recognise them as such; when we recognise the *persona* made up of a nexus of rights and responsibilities which colour our actions towards them just as though they were a mask. ‘Without his *persona*, there would be

⁴⁸ Hannah Arendt, *On Revolution* (New York, Viking Press, 1963), pp. 102-104

⁴⁹ *Ibid.*, p. 102

⁵⁰ C. G. Jung, *Two Essays on Analytical Psychology* (London, Routledge, 1953) p. 190

⁵¹ Though masks made a resurgence in the *Commedia dell’arte* of the 17th Century, which featured stock characters such as Arlecchino (Harlequin), Pulcinella, Scaramuccia (Scaramouche), and Tartaglia.

an individual without rights and duties, perhaps a ‘natural man’...but certainly a politically irrelevant being.’⁵² The transition from human being to person – someone with a *persona* – is dependent on recognition. Individuals, subjects, human beings ‘can become philosophical abstractions’ whereas, ‘by contrast, the notion of the ‘person’ entails the idea of reciprocity and hence the condition of plurality whereby distinct biological beings are nevertheless bound together such that the recognition of each is made possible by the recognition of others.’⁵³

Arendt highlights another aspect of *persona* and masks, which she bases on some potentially fanciful etymological speculation,⁵⁴ but an aspect that is important nonetheless. This aspect is that it is through *personae* that characters, actors, speak. Thus a *persona* becomes vital for one to take part in the action and speech which, as we have seen, is a vital part of being human for Arendt.⁵⁵

Another aspect of *persona* which Arendt does not mention, and which feeds into the mask analogy, is that *persona* is not just a mask projecting an image which is recognised, but a protective mask, which saves the person behind it from harm. It is legal and political character – the right to have rights, and recognised *persona* – that prevent abuses against the person. Arendt’s analysis of the events of the first half of the twentieth century and the plight of the stateless shows that *persona* is a mask which is recognised, but also a mask vital for protection. Recognition of the *persona* prevents harm to its possessor; without *persona*, abstract man is left vulnerable, unprotected, and ultimately helpless in the face of totalitarian oppression.

Natality

Why recognition?

Broadly speaking there are three possible reasons for recognition. It doesn’t really matter which you accept. They are:

1. Mystical

⁵² Arendt, *On Revolution*, p. 103

⁵³ Phillip Hansen, *Hannah Arendt: Politics, History and Citizenship* (Oxford, Polity Press, 1993), p. 219

⁵⁴ It is by no means clear that the Latin *persona* is related to *per sonare* (‘to sound through’), though it is a nice idea.

⁵⁵ Arendt, *On Revolution*, p. 102

2. Instrumental-rational
3. 'Radical'

1 and 3 are all bound up with Arendt's concept of 'natality' which I can't go into in detail here.

1. Mystical: love.

One of the aspects of Arendt's thought which marks her out as a truly distinctive thinker is her focus not on the mortality of humans, but on their natality. That is to say, not their capacity to die, as mortals must, but their capacity to be born, to make new beginnings. This property of natality does not just consist of one birth, however. There are two 'births':⁵⁶ the natural birth, marked by givenness, and the politico-linguistic birth, marked by publicness.⁵⁷

The first answer to the question 'why recognise?' is found in Augustine's conception of love,⁵⁸ which influenced Arendt throughout her work: 'This mere existence, that is, all that which is mysteriously given us by birth and which includes the shape of our bodies and the talents of our minds, can be adequately dealt with only by the unpredictable hazards of friendship and sympathy, or by the great and incalculable grace of love, which says with Augustine, *Volo ut sis* (I want you to be)', without being able to give any particular reason for such supreme and unsurpassable affirmation.'⁵⁹ In this phrase is recognition. This wish for another to be points to the second aspect of natality, the political birth. Mere existence is given – mysteriously – by the physical birth; recognition, the wish for another to be, to come into existence, implies the beginning, the *arche*, of the person, born again not as an abstract human, but as a person with *persona*, capable of speech and action. Here, the two facets of natality, givenness and publicness, and the two births, come together. There is no reason for the original, human birth – one does not choose to be born; who is born and what and who

⁵⁶ Although Patricia Bowen-Moore suggests that there is also 'tertiary natality' in Arendt, by which she means 'the nascent experience of the theoretical life (p. 68), or 'birth into the timelessness of thought' (p. 71). Patricia Bowen-Moore, *Hannah Arendt's Philosophy of Natality* (New York, St. Martin's Press, 1989), pp. 69-100

⁵⁷ *Ibid.*, p. 23; p. 57; Arendt, *The Human Condition*, p. 176

⁵⁸ To what extent this is Augustine's conception of love, not Arendt's is brought into question by Margaret Miles, who suggests that Augustine himself never used the phrase *volo ut sis*, but rather Arendt took the phrase from a letter written to her by Martin Heidegger, in which Heidegger attributed the phrase to Augustine. Heidegger also used the phrase in 'a letter to one of his wife's more attractive friends', after his affair with Arendt had come to an end. Margaret Miles, "*Volo ut sis: Arendt and Augustine*, *Dialog: A Journal of Theology* 41:3 (2002), pp. 221-224; See also: Elzbieta Ettinger, *Hannah Arendt, Martin Heidegger* (New Haven, Conn., Yale University Press, 1995)

⁵⁹ Arendt, *The Origins of Totalitarianism*, p. 301

they become is the product of chance and is unknowable. The second facet, publicness, is tied to the second, political, birth, inspired by the wish for another ‘to be’ a person, a political entity.

2. Instrumental-Rational: Recognise others that they recognise you.

This may be an act of love, as Augustine has it, but it may also be the necessary consequence of the importance which Arendt places on communication and action. To be fully human is to speak and to act, but to do so one needs a listener and an audience (or etymologically better, ‘onlookers’). To be able to speak and act to the fullest, one must recognise others, thus giving them too the opportunity to speak and to act, and thereby to enter the political community of the fully human, of persons.

3. Radical – secondary natality (recognition) implied in primary natality (birth).

Birmingham argues that this second, political, natality is implied in the first, ‘because the first act, the act of beginning itself – the event of natality - contains both the beginning and its principle within itself.’⁶⁰ *Arche* conveys ‘the sense of principle, beginning, and common ground’; ‘the principle of action...lies in its beginning’.⁶¹ These might seem like large claims, or even leaps, based on somewhat obscure etymological explanations of Ancient Greek, but applying Arendt consistently on this point leads to these conclusions. We have seen earlier that action requires speech and is thus explicitly public; action and speech are political, occurring within the *polis*, or political community. Further, action and beginning are inextricably linked: *agere* is ‘to set in motion’. Thus in the beginning, the *initium*, of every human is implied the action and speech which require admission to the public sphere: the right to have rights. It is on this basis that Arendt can claim that this is indeed a universal right – a ‘right to have rights’. Yet it is a right which still requires recognition. Admission to the political space depends on communication, as we have seen. Yet, as Pericles argued, wherever two or three persons communicate together, there may be a *polis*. Like the human

⁶⁰ Birmingham, *Hannah Arendt and Human Rights*, p. 57

⁶¹ *Ibid.*, p. 57

capacity for beginning, the human capacity for creating – beginning – political communities should also be cause for hope.

in her frequent quotation of a line of Augustine: '*Initium ergo esset, creates est homo, ante quem nullus fuit*': 'that there be a beginning, man was created before whom there was nobody'.⁶² In the capacity to begin, there is a way out from the 'Dark Times' of the twentieth century; new humans are born and begin life, and, through recognition, new persons begin political life. This capacity to begin entails not just physical birth, but also the re-birth of the abstract human being into political society as a *person* – someone with a nexus of rights, who is recognised by their *persona* – through recognition.

This section has sought to underline the importance of recognition in Arendt's thought, and explore its relationship with natality. It has been shown that recognition permeates Arendt's thought on communication, speech and action. Speech cannot have meaning or validity in isolation; speakers require the recognition of their listeners. The *polis* relies on recognition to function, and that recognition consists of two stages. First, through recognition humans become persons, take on a *persona* and become members of the *polis*. Second, the rights of the individual members of the *polis*, once it has been constituted, really on the recognition of other members of the political community. Arendt's discussion of *persona* too points strongly towards recognition: the mask is what is recognised, and it is the legal *persona* that entails rights. Furthermore, to extend Arendt's metaphor, one's *persona*, through its recognition, provides a protective mask. Political natality is bound up with recognition; to be 'born' politically is to be recognised as a member of the political community, and to act and to speak in that community, as we have noted, involves recognition. Further, the potential of humans to begin – both in the sense of natural birth and in the sense of the possibility of the creation of the new political communities – is a powerful cause for hope: a *polis* may be anywhere, and there is always the potential for a new *polis*, a new political community within which one has rights, to come into being, wherever humans recognise each other and communicate. Through all this, it is clear both that, although barely mentioned, recognition is fundamentally important for Arendt's thought, and also that Arendt makes a powerful contribution to the literature on rights recognition.

⁶² *Ibid.*, p. 177; (Augustine, *De civitate Dei* xii. 20.)

Concluding Remarks

This chapter has explored three main strands within Arendt's thought on human rights. First, her critique of 'the Rights of Man' was outlined; then, this chapter turned its attention to Arendt's argument that there is a deep link between the state and rights. Finally, this chapter made the argument that permeating Arendt's work on rights is the idea of recognition, which compliments her concept of natality. Throughout, the key contentions have been that, first, Arendt makes a unique, and significant, contribution to the literature critical of natural rights and, second, that recognition, though implicit, permeates her work in this area. For Arendt as much as for Green, natural rights are found to be unsustainable and in their place must be substituted rights based on recognition, which are by their nature closely tied to the notion of a political community.

This brings into question how we are to view Arendt's work on rights. Although initially she may appear to be a lone voice crying in the wilderness, she follows a certain tradition in seeing recognition as important for rights and in rejecting natural rights. However, her significance lies at least in part in the distinctively new way in which she rejects natural rights. Where Green and Hegel speculated theoretically, Arendt could apply the harsh empirical realities of the world around her to her critique – a world in which natural rights could be seen to be worthless in the face of totalitarian oppression. In addition to this, Arendt's conception of 'natality' adds powerfully to her account of rights and recognition, and gives reason for optimism, even against the dark background of the twentieth century.

Yet given Arendt's continuity in rejecting natural, innate rights with many theorists of the early twentieth century and late nineteenth century, a tantalising question emerges. If Arendt was not unusual, was then the debate around declarations of rights, and the subsequent Universal Declaration of Human Rights, an aberration, a return to ideas of the eighteenth century as an attempt to escape the realities of the twentieth?