**CC0003 / Ethics and Civics in a Multicultural World**

**Sem 1 AY21-22**

**Case Study for Week 07: The Right to Have Rights**

**Summary of Case Details:**

Consider the following passage from *The Origins of Totalitarianism* (1951) by Hannah Arendt:

No matter how they have once been defined (life, liberty, and the pursuit of happiness, according to the American formula, or as equality before the law, liberty, protection of property, and national sovereignty, according to the French); no matter how one may attempt to improve an ambiguous formulation like the pursuit of happiness, or an antiquated one like unqualified right to property; the real situation of those whom the twentieth century has driven outside the pale of the law shows that these are rights of citizens whose loss does not entail absolute rightlessness. The soldier during the war is deprived of his right to life, the criminal of his right to freedom, all citizens during an emergency of their right to the pursuit of happiness, but nobody would ever claim that in any of these instances a loss of human rights has taken place. These rights, on the other hand, can be granted (though hardly enjoyed) even under conditions of fundamental rightlessness.

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. Their plight is not that they are not equal before the law, but that no law exists for them; not that they are oppressed but that nobody wants even to oppress them. Only in the last stage of a rather lengthy process is their right to live threatened; only if they remain perfectly ‘superfluous,’ if nobody can be found to ‘claim’ them, may their lives be in danger. Even the Nazis started their extermination of Jews by first depriving them of all legal status (the status of second-class citizenship) and cutting them off from the world of the living by herding them into ghettos and concentration camps; and before they set the gas chambers into motion they had carefully tested the ground and found out to their satisfaction that no country would claim these people. The point is that a condition of complete rightlessness was created before the right to live was challenged.

[…]

We became aware of the existence of a right to have rights […] 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. The trouble is that this calamity arose not from any lack of civilization, backwardness, or mere tyranny, but, on the contrary, that it could not be repaired, because there was no longer any ‘uncivilized’ spot on earth, because whether we like it or not we have really started to live in One World. Only with a completely organized humanity could the loss of home and political status become identical with expulsion from humanity altogether.

Before this, what we must call a ‘human right’ today would have been thought of as a general characteristic of the human condition which no tyrant could take away. Not the loss of specific rights, then, but the loss of a community willing and able to guarantee any rights whatsoever, has been the calamity which has befallen ever-increasing numbers of people. 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. (296–298)

**References**

* Arendt, Hannah. 1973 [1951]. *The Origins of Totalitarianism, New Edition*. San Diego: Harcourt Brace Jovanovich Publishers.

**Questions for Discussion:**

1. Is Arendt right to say that one may only have human rights within “a community willing and able to guarantee any rights whatsoever”?
2. Is ‘the right to have rights’ a legal or moral right?
3. How might the various moral theories considered thus far in the course (e.g. utilitarianism, Kantian ethics, Confucianism, Ubuntu, virtue ethics) justify ‘the right to have rights’? **Can any of them be possibly made consistent** with its violation (e.g. recommend actions that violate ‘the right to have rights’)? Are any **fundamentally inconsistent** with its violation?
4. What does Arendt mean when she says that “[o]nly with a completely organized humanity could the loss of home and political status become identical with expulsion from humanity altogether”? What does this mean for the moral theories considered thus far?