

The Right to Have Rights: What Does it Mean? A Theological-Political Reading of Hannah Arendt's Critical Concept Facing the Global Refugee Situation

Josef Koenning

During the last 20 Years scholars in Philosophy, Political Theory and Social Ethics, discussed a concept that the Jewish Political Theorist Hannah Arendt brought up in the Midst of the 20th Century: the Right to Have Rights. Facing the steadily growing number of refugees worldwide and the inability to safeguard the human rights of refugees a critical debate on the link between membership to a political entity (nation-state) and human rights started. At least in the German-speaking area of Social Ethics following Seyla Benhabib a corrected version of the Right to Have Rights has been introduced as a concept that is transcending the so-called aporias of human rights. In this understanding, the Right to Have Rights is to be a (morally founded) Human Right to Membership. Beyond that, though, other scholars have re-read the Right to Have Rights treating Arendt's critique of the Concept of Human Rights more seriously. On the one hand, there is a position to think of the Right to Have Rights as an aporetic foundation of Human Rights (e.g. Etienne Balibar), on the other there are readings of it as a critique of the modern concept of rights in general (for example Werner Hamacher). Both articulate valid questionings of human rights theory: i. the normative foundation of human rights as moral rights; ii. the conceptualisation of human rights as subjective rights. So, the Right to Have Rights is not that solutional concept that some scholars thought it to be. On the contrary, it can be understood as a fundamental challenge to human rights theory. The meaning of the Right to Have Rights still has to be clarified, if it is supposed to contribute to human rights thought in a critical, but productive way.

The paper offers a theological-political reading of the Right to Have Rights facing the global Refugee Situation. It starts with an experiential and institutional approach to the global refugee situation with a special interest in the figure of the Refugee. In a second step, it presents the debate on the Right to Have Rights in a representative selection of its basic positions (namely Seyla Benhabib, Etienne Balibar, Werner Hamacher) with a focus on their implicit religious connotations. The third and main part will discuss the problems of enforcement and of the normative foundation of human rights: enforcing human rights means to unenforce sovereignty, founding human rights means to live a particular universalist life. The first leads to a critical understanding of the political-theological implications of sovereignty and the illumination of the counter-sovereign potential of Political Theology. The latter can be described as a way of life that works on a steady and consequent universalisation of solidarity and plurality.

Bibliography

Arendt, Hannah (1949): The Rights of Man: What Are They? In: *Modern Review* 3, 24-37.

Balibar, Etienne (2007): (De)Constructing the Human as Human Institution. In: Rosenmüller, Stefanie; Grunenberg, Antonia (Hg.): *Verborgene Tradition – unzeitgemäße Aktualität?* Berlin: Akademie-Verlag, 261-268.

Hamacher, Werner (2014): On the Right to Have Rights: Human Rights; Marx and Arendt. In: *The New Centennial Review* 14(2), 169-214.

Benhabib, Seyla (2004): *The Rights of Others. Aliens, Residents, and Citizens.* Cambridge: Cambridge University Press.