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Peg Birmingham: Hannah Arendt and Human Rights: The Predicament of Common Responsibility

by Diana Taylor

Much in the same way that Nietzsche's sociohistorical context motivated his concern with articulating a life-affirming response to the problem of nihilism, so Hannah Arendt, writing in the wake of the destruction wrought by World War II and the atrocities of the Holocaust, sought ways of making sense of and affirming life within a post-totalitarian world. Again, as is the case with Nietzsche following the death of God, Arendt's task was complicated by the fact that, as she argues, unprecedented events had rendered modern political, legal, and moral concepts, categories, and principles not only useless but also potentially harmful. Prominent among such concepts is that of "the human" which, according to Arendt, presents a special case. Rather than destroying this concept from without, totalitarianism instead revealed and pushed to the breaking point its existing inherent contradictions. Arendt makes clear that rather than promoting the dignity of all persons, notions of a given humanness as expressed in the Rights of Man in fact played a key role in undermining it: totalitarian regimes had only to show that certain groups of people were not fully human (or not properly human at all), and were therefore unworthy of such rights and the protections they afforded. Given that human rights were effectively grounded in a fiction, they completely broke down when states attempted to put them into practice. The question therefore emerges not only as to how, but more fundamentally whether, the protections "human rights" are intended to afford can be secured and implemented in any kind of meaningful way in a post-totalitarian world. And even if they can be, does it make sense to refer to them as "human rights"? If not, how can they be conceptualized in ways that mediate against both oppression and domination and also promote human freedom?

These are some of the key issues and questions that Peg Birmingham takes up in her book, *Hannah Arendt and Human Rights: The Predicament of Common Responsibility*. Birmingham rejects claims that, on the one hand, Arendt's notion of a basic "right to have rights" ultimately fails because it lacks adequate normative foundations and that, on the other hand, Arendt in fact jettisoned the notion of human rights altogether—or, at least, that she ought to have done so. Instead, Birmingham argues that Arendt took it upon herself to reconceptualize the right to have rights in ways that rendered such a notion politically efficacious in a world devoid of a notion of universal, given humanness. Indeed, according to Birmingham, "Arendt's entire work can be read as an attempt to work out theoretically this fundamental right to have rights" (1).

Birmingham ultimately sees Arendt articulating what might be referred to as "human rights without the Human."¹ From her perspective, insofar as the concept of the human cannot provide a basis for the right to have rights, Arendt dispenses with it in favor of a notion of a common, shared humanity. Moreover, her notion of humanity is not grounded in reason or autonomy, as is the case with the modern concept of the human—or even in "nature, history, or god"—but rather in the "archaic and unpredictable event of natality" (3). Birmingham's own analysis, then, is dedicated to elucidating Arendt's notions of natality and humanity and considering how the latter might function as an ontological basis for common responsibility and the right to have rights. Her first chapter provides an overview of natality as Arendt conceives of it; Chapters Two and Three focus, respectively, on

nality's two defining characteristics: the principles of beginning and givenness; Chapter Four investigates the nature of a common responsibility that is grounded in an Arendtian notion of humanity; and Birmingham's final chapter surveys writings by Arendt which provide readers with an idea of how the right to have rights might function in practice.

There is much to recommend Birmingham's analysis. First and foremost is her refusal of arguments that either fall back upon what Arendt referred to as "banisters" ("categories and formulas which are deeply ingrained in our mind, but whose basis of experience has long been forgotten and whose plausibility resides in their intellectual consistency rather than in their adequacy to actual events")² or which take the perspective that in the absence of such banisters no meaningful articulation of something like human rights is possible. Birmingham rather adopts the Arendtian attitude that, post-totalitarianism, persons are "in some respects better off"³ than those who had previously attempted to break with the western philosophical and political traditions. While its effects are certainly traumatic, Arendt nonetheless viewed this break as presenting persons with an opportunity, if only they would take it, to critically engage the world in all of its complexities and contradictions, thereby fostering understanding and promoting conditions for the possibility of freedom. Given her approach, tension runs through Birmingham's work, emulating in many ways that which exists in Arendt's own, between recognizing the "unpredictability and unreliability" of the human condition, as expressed in the principle of beginning, and desiring a sense of belonging, a "place in the world," as expressed in the principle of givenness.

While a number of scholars have emphasized either beginning or givenness as the defining characteristic of Arendt's notion of nality, Birmingham maintains the tension between the two principles, a fact which renders her analysis particularly insightful and important. As Birmingham makes clear, any conceptualization of nality that denies its inner tension is problematic. This is so because such denial misconstrues the nature of nality and, hence, Arendt's notion of and attitude toward the idea of a common humanity.

With respect to nality, beginning is synonymous with human spontaneity, an idea which, as Birmingham notes, was of crucial importance for Arendt. Spontaneity—an expression of human freedom—manifests itself in the human activities of action and speech; through these activities we assert our "unique distinctness,"⁴ we distinguish ourselves from others. The "strident logicity" that characterized totalitarian regimes aimed at destroying human spontaneity and thereby rendering human beings superfluous. As Birmingham puts it, logicity, "appeals to the inherent worldlessness and lack of speech that characterizes the modern world of technology. Rather than action, there is only atomization and a 'perfect functionality.' At the extreme, perfect functionality becomes terror—the elimination of the new" (27).

While Birmingham's treatment of givenness seeks to, in some ways, reconceptualize the principle, the tension between it and beginning is nonetheless maintained. She argues that "Arendt... has two different and at times competing notions of the given in her work," one which appears in *The Human Condition* and *On Revolution*, and one which appears in her earlier work (75). The former, according to Birmingham, "seems to reduce the given, mere life, to the natural" (75). While many scholars take this conceptualization to be the sum total of Arendt's view of givenness, Birmingham argues that Arendt's earlier thinking on givenness presents a different understanding, one which is in fact more compatible with the principle of beginning. There, givenness is not reducible to a sameness which poses a threat to freedom; instead, it augments freedom. Birmingham asserts, for example, "[w]hen she refers to her Jewishness as physis, Arendt understands it to be historical and cultural givenness. Such givenness, she argues,

has the right to equal access to the public space,” as well as “the right to equal participation and protection in the political space” (102).

With respect to humanity, Birmingham makes clear that while Arendt views a common, shared humanity as the basis for the right to have rights, she also recognizes only too well the dangers of appealing to such an idea for this purpose. Having witnessed the harm that stemmed from notions such as “a people” and “the nation” when they become essentialized, Arendt found the “ideal of humanity... terrifying” (6). For her, Birmingham rightly points out, humanity is a possible ground for both unity and terror. By invoking humanity as the foundation for the right to have rights and, hence, common responsibility, Arendt thus keeps both unity and terror in play. Yet the human condition is characterized by the existence of both, and Arendt believed that any meaningful notion of the right to have rights had to acknowledge and deal with rather than avoid or deny the human potential to do both good and ill. Birmingham’s approach illustrates that she recognizes that more is at stake in misreadings of this point than a simple failure to “get Arendt right.” In asserting one characteristic of natality or humanity at the expense of the other (even if, as is the case, that characteristic is the positive one) we risk rearticulating the same harmful ways of thinking that Arendt was trying to overcome and, in doing so, undermine her efforts to develop meaningful notions of common responsibility and the right to have rights.

The one area of Birmingham’s work where I see the productive Arendtian tension becoming strained is in her treatment of the “predicament of common responsibility.” Here, from my perspective, Birmingham over-emphasizes the affective nature of natality and, hence, the role that affect plays in common responsibility and the right to have rights. This overemphasis seems to derive, at least in part, from the fact that Birmingham draws heavily in this section of her work upon Julia Kristeva’s book, *Hannah Arendt*, a key assertion of which is that persons must come to terms with the “pain that is given in an original uprooting” before they can come to appreciate and take pleasure in the company of others who are different from them (131). Insofar as humanity, as stated above, is a source of both unity and terror, Birmingham is right to point out that pleasure and horror are important components of common responsibility and the right to have rights. Indeed, she makes clear in the first section of Chapter Four that Arendt herself took this perspective.

But Birmingham’s overemphasis on affect is apparent in, for example, her definition of conscience in terms of “the desire to resist radical evil” (109). For Arendt, neither conscience nor responsibility is reducible to this particular, or any other, desire. Rather, Arendt makes clear in texts such as “Personal Responsibility Under Dictatorship” and “Thinking and Moral Considerations” that thinking and judging are key components of both conscience and responsibility. In the former text, she describes how those few persons who refused to participate in public life under the Nazi regime were characterized as “irresponsible” and selfish by the majority who did. From the perspective of Arendt, however, non-participants were the only ones who can be said to have acted “responsibly,” and they did so precisely because they critically analyzed prevailing conditions—by means of thinking and judging—and determined that any public participation on their part would simply aid the regime. They were the only ones, Arendt writes, “whose consciences did not function in [an], as it were, automatic way,” simply exchanging one set of predetermined norms and values for another.⁵ Even though Arendt is talking about personal responsibility here, the whole of her oeuvre makes clear that, for her, thinking and judging do not cease to be relevant in the case of common or shared responsibility.

I am in no way suggesting that Birmingham is wrong to assert the affective character of natality and, therefore, the role of affect in common responsibility, humanity, and the right to have rights. Indeed, I think this role in particular has been under-analyzed. At the same time, I think Birmingham's analysis would be more in keeping with the productive tension in the rest of her book (and hence, with the spirit Arendt's work) if she had analyzed the cognitive (judging and thinking) as well as the affective aspects of common responsibility, and elucidated the nature of the tension that exists between the two.

In her conclusion, Birmingham both reiterates Arendt's deep concern regarding the practical implementation of the right to have rights and underscores the degree to which such concern is still warranted. Having argued that for Arendt the "institution of [the right to have rights] depends upon the collective limited sovereignty of states, regional federations with open borders, and international institutions, both legal and economic," Birmingham goes on to assert:

Perhaps most important of all is a new notion of citizenship whose rightful conditions now is the experience of living in and belonging to a particular political space, a belonging that is guaranteed by the inalienable right to active participation in both economic and political spheres. This new notion of citizenship recognizes that the temporality at work in the political, the space of appearance, is that of natality with its twin principles of initium and givenness (142).

The difficulty in achieving these conditions for the possibility of a meaningful notion of "human rights without the Human" is all too apparent in a world that continues to be characterized by wide-spread and large-scale economic and political inequality and disenfranchisement, a reality which seems to bear out Arendt's speculation that "it may well be that the true predicaments of our time will assume their authentic form... only when totalitarianism is a thing of the past."⁶ Hence the continued relevance of Arendt's work for our own times, and the importance of Birmingham's work in articulating so astutely and emphatically that relevance.

Notes

1 In expressing Arendt's notion of the right to have rights in this manner I am indebted to Karen Vintges who in articulating Michel Foucault's notion of spirituality speaks of "spirituality without Spirit." See Karen Vintges, "Freedom and Spirituality" in Foucault: Key Concepts, ed. Dianna Taylor (Acumen, forthcoming).

2 Arendt (2003, p. 37).

3 Arendt (1973a, p. 28).

4 Arendt (1958, p. 156).

5 Arendt, "Personal Responsibility Under Dictatorship", 44.

6 Arendt (1973b, p. 460).

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