Relationality as a 'Foundation' for Human Rights:
Exploring the Paradox with Hannah Arendt and Emmanuel Levinas

Abstract

Arendt and Levinas intentionally distanced themselves from Heidegger's ontological project, and the tradition of Western metaphysics in general, by rethinking ontology in terms of intersubjectivity. With regard to rights, this led both to appreciate the fact that human rights are always rooted in relationality, in plurality for Arendt and in alterity for Levinas. While plurality's foundational potential has great promise, its concrete conceptualization in Arendt's opus is insufficient – sadly, plurality rests too much on the ontic. My claim is that this omission can be attended to by turning to Emmanuel Levinas' ethics of alterity and his significant theorization on rights (which has not been fully appreciated). By bringing together Levinas' ontological notion of alterity and Arendt's ontic notion of plurality, in terms of what I refer to as relationality, I provide a post-foundational ground for human rights and in so doing bridge the ontic-ontological gap that human rights span. While there is no actual resolution to the paradox of rights, what is clear is that rights must somehow embrace this paradox by both pointing towards an ontological ground while all the while having an ontic presence in terms of the law and political discourse.

KEYWORDS: *Hannah Arendt; Emmanuel Levinas; human rights; plurality; alterity*

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Introduction

In a diary entry from 1947 Eleanor Roosevelt, chair of the drafting committee of the universal declaration of human rights (UDHR), described her struggle to find some common political and philosophical ground for human rights between the eight male members of her committee.[2] At the same time, Hannah Arendt, sitting at her desk in New York (most likely smoking a cigarette), was also struggling to find a politically sound foundation for human rights. While Roosevelt tried to incorporate the discourse of distinct spiritual and political regimes (e.g. Confucianism, Aquinas' theology and the values of the Western Enlightenment), Arendt sought to resolve the paradox of rights captured in the 1789 *Declaration of the Rights of Man and of the Citizen* – are persons entitled to rights as human beings or as citizens? In essence both Roosevelt and Arendt were struggling to bridge the ontic-ontological gap embodied in the notion of human rights. Human beings, as beings, need to be understood in ontological (or metaphysical) terms whereas rights, as legal and political actualities, are rooted in the ontic. As Douzinas, a critical legal scholar, describes it: "In a strange almost metaphysical way, human rights 'exist', even when they have not been legislated."[3] This strangeness is quite tangible in the political strength of appeals to human rights discourse in regimes where these are not even recognized (this of

course only the case when a story catches the media's attention). Without introducing Heidegger's prioritization of the ontological over the ontic, it is clear that when reflecting on human rights both aspects are critical if one seeks to find both a substantial and politically binding answer to the question what foundation is there for rights?

While the 1948 UDHR made Roosevelt's resolution public, Arendt's resolution to the rights paradox has not been equally acknowledged. While there is no lack of literature on the paradox of rights itself[4], few have fully considered the political potential of Arendt's later reflection on plurality as a means to reconcile these distinct regimes of rights, preferring instead to focus on the insolvability of this paradox itself. [5] In response to this lacuna, I begin by analyzing the 'resolution' Arendt develops in terms of the notion of plurality. First mentioned in the preface to *Origins of Totalitarianism* and later developed in the *Human Condition*, plurality is a political principle that can 'ground' human rights. While plurality's foundational potential has great promise, its concrete conceptualization in Arendt's opus is insufficiently developed to offer a convincing ontological grounding for rights – sadly, plurality rests too much on the ontic. My claim, albeit controversial, is that this omission can be attended to by turning to Emmanuel Levinas' ethics of alterity. Much like the lack of literature on Arendt's notion of plurality in relation to rights, Levinas' significant theorization on rights has not been fully appreciated.[6] For Levinas human rights are not an ontic question but are to be founded in ethics, which for Levinas is first philosophy – that is metaphysics or ontology. Yet he likewise acknowledges the fact that they must 'reside' in the ontic – in the State. "Concern with human rights is not the function of the state. It is a non-state institution inside the State – an appeal to humanity which the State cannot accomplish".[7] Unfortunately, Levinas – not only with regard to rights – does not pay sufficient heed to the ontic rooting of rights. It is for this reason that I seek to bring Arendt and Levinas into dialogue on the notion of human rights. By bringing together Levinas' ontological notion of alterity and Arendt's ontic notion of plurality, in terms of what I refer to as relationality, I hope to provide a post-foundational[8] ground for human rights and in so doing bridge the ontic-ontological gap that human rights span. More concretely, I seek to translate Levinas' 'metaphysical' ethics of the other man' (*sic*.) into the ontic realm of Arendtian politics in which plurality creates a 'web or relations' that sustains 'the right to have rights'. It is this translation that I refer to as post-foundational relationality[9].

Given the plethora of accounts of Arendt's paradox of rights, I will only briefly review her argument in part I, focusing rather on the relationship between rights and plurality. In part II, I demonstrate why plurality is an ontological deficient ground for rights. In part III, I present Levinas' ontological ethics of alterity and its relation to human rights. This account of Levinas allows for an engagement with Arendt's notion of plurality that prepares the way for a post-foundational notion of relationality upon which to ground human rights.

I. Arendt's paradox of rights and the principle of plurality

Here is a recent summary of Arendt's paradox of rights:

> Since 1789, we often hear, two regimes of rights have struggled for hegemony. The first regime constitutes rights as inalienable and allocates them to individuals by virtue of being human … The second regime constitutes rights as membership in a state and deriving protection and security from that membership … These two regimes conflict, we are told, because each identifies *a different source from which to draw its force*. This is also where the problem becomes more vexed. If the state is the source of authority and legitimacy that produces the force of law protecting the rights of the

> citizen, then what is the source of authority and legitimacy for the rights of man as human? There is, of course, none and that is why the idea of 'natural rights' or 'human rights' is nonsense. (*emphasis added*)[10]

It is the latter conclusion that *human* rights are in fact 'nonsense' as they cannot be politically grounded (or enforced) that is the focus of Arendt's readers. While there is no doubt that this was what Arendt sought to demonstrate in her 1943 essay 'We Refugees', published in *The Menorah Journal,* it is by no means her last word on the paradox of *human* rights. On the contrary, it is in fact the starting point for her critique on the entire tradition of political philosophy. In *Origins*, published in 1951, she analyses totalitarianism to be the systematic destruction of human plurality by means of ideology and terror and in so doing identifies a problematic obsession with singularity in political philosophy (which has deeply affected politics as such). In this vein, the paradox of rights she previously identified also is affected by this obsession with singularity and denial of plurality.

Arendt, a phenomenologist, defined the human realm – the world as we actually experience and inhabit – as created between people; as such, it cannot be understood in terms of singularity. This by no means implies that she denies the existence of an individual or particularity but rather that the world we experience is always created *between* individuals. It this phenomenological analysis that leads her to conclude that in terms of the political, singularity is a dangerous illusion.[11]

> From the beginning the paradox involved in the declaration of inalienable human rights was that it reckoned with an 'abstract' human being who seemed to exist nowhere.[12]

The human is to human rights what singularity is to the political – *nonsense*.[13] The political is a realm of plurality and thus any rights that exist in this realm must be rooted in plurality. This is what she meant when she argued for 'the right to have rights'. "The right to have rights, or the right of every individual to belong to humanity, should be guaranteed by humanity itself".[14] While most interpretations of 'the right to have rights' assume it calls for a trans-national community of sorts (an idea she did briefly consider in *Origins*), what is clear from all her post 1951 writings is that the foundation she required was not one *beyond* the nation-state but *beyond* in an ontological sense.[15]

> Arendt refers variously to modes of 'belonging' and conceptions of the 'polity' that are not reducible to the idea of the nation-state. She even formulates, in her early writings, an idea of the 'nation' that is uncoupled from both statehood and territory. The nation retains its place for her, though it diminishes between the mid-1930s and early 1960s, but the polity she comes to imagine, however briefly, is something other than the nation-state: a federation that diffuses both claims of national sovereignty and the ontology of individualism.[16]

Plurality is Arendt's social-ontology, which as Butler rightly notes, seeks to challenge a Heideggerian-like ontology of individualism (which Arendt also sees dominating the political in terms of a liberal ideology of the individual). Heidegger's ontology, the being of being, was set in *dasein*. Arendt and Levinas, both students of his, explicitly set out to go *beyond dasein* (a project similar in this sense to Nancy's *singulier-pluriel* which does so beginning from *mit-sein*). It is the recognition of the intersubjective basis of the world and its immense fragility. In this vein, it is a direct response to Heidegger's claim that:

> No correlation of 'I' and 'Thou' or of 'we' and 'you', that is, no *community*, can ever reach the level of selfhood; instead, every correlation of this kind misses that level and remains excluded from it – unless it manages to ground itself first of all on *Dasein*.[17]

Plurality is Arendt's challenge to the ontological singularity of *dasein* and political action is its praxis as "action [is] the only activity that goes on directly between men without the intermediary of things or matter, corresponds to the human condition of plurality, to the fact that *men, not Man*, live on the earth and inhabit the world."[18]

Unfortunately, many of Arendt's readers fail to appreciate plurality in terms of a social-ontology. Only those that consider the phenomenological nature of her analysis and her critical engagement with Heidegger's ontological project, such as Butler and Birmingham, recognise how plurality is the new principle of the political she called for in the 1950 preface to *Origins*.[19] The notion of plurality is the example *par excellence* of how Arendt's unconventional approach to political philosophy causes many of her readers to misinterpret her arguments.[20] Rather than equate plurality with terms such as pluralism, diversity or multiculturalism – all rooted in the discourse of individualism dominant in liberalism – it is fundamental to understand Arendt's goal was to go *beyond* singularity and in so doing explore the possibility of plurality, a social-ontology, as a new foundation for 'the right to have rights'.

A 'new' foundation or grounding was necessary, as all previous attempts had proven to be sterile. First and foremost of these was the possibility of locating a ground from within divine commands. After two world wars, God had lost his unquestioned political leverage in Europe. Thanks to the Nazis 'Law of Nature' (with the master race as the most fit to survive), the idea that rights could find their ground in nature was made equally barren. Likewise, Stalin's 'Law of History', which called for a classless society even if this meant the wiping out of all other classes, destroyed all foundational aspirations previously found in history or progress. As such, by the time Arendt wrote, the traditional list of possible guarantors seems to have been exhausted.[21] While many writers struggling with these same questions sought an alternative in the nation-station, Arendt's identification of the paradox of rights – whether those of persons or citizens – exposed the nation-state's inability to be a guarantor of rights to those beyond their borders who needed these rights most. While Arendt clearly proved the latter in her writings on refugees, the question remains – can plurality fare any better, can it be an ontological basis for rights?

II. Plurality as the ontological basis for rights?

In the 1950 preface to *Origins* Arendt writes, "human dignity needs a new guarantee which can only be found in a new political principle".[22] Arendt's use of the term principle here is a reference to Montesquieu who identifies a particular principle for distinct types of government (e.g. republican, monarchic, etc.).[23] Accordingly, a principle is that which leads to action, what brings about or motivates the political in Arendtian terms. So what would it mean for plurality to be this principle and how can a principle also 'function' as a guarantee in a realm in which there are no absolute guarantees, that is, how can plurality be a possible ontological basis for human right? It is my contention that plurality is not a classical foundation but a post-foundational ground. What characterises a post-foundational approach is the recognition of its own contingency as well as of the human need for such a partial ground as a form of 'security blanket'. While I will, in a second step, critique Arendt for not fully developing the relationship between plurality and rights, it is nonetheless fundamental to recognise its political promise.

Arendt's analysis of the Nazis regime led her to the conclusion that plurality is the only possible political means to counter totalitarian tendencies which she claimed were also present in other forms of government, e.g. in economically driven democracies. The Nazis attempted to annihilate the plurality of humanity by *first*, abolishing the law, which provides a basic security necessary for human interactions, *second* by using fear to destroy the bonds of morality that allowed for relations between people and *thirdly*, by means of the camps which prevented any signs of identity and particularity to appear. "Human plurality is the paradoxical plurality of unique beings"[24]; it is both what makes each individual unique but also what makes us need other human beings different than ourselves. This three-step annihilation of plurality destroyed the possibility of politics, which for Arendt is the realm in which human beings change and create the experienced world and in so doing find meaning.[25] Plurality, in phenomenological terms, is the experience of being absolutely irreplaceable *and* being part of something shared, the creation of a common world. Concretely, acting in a shared public space with others or political participating, can be an empowering experience of both 'sheer human togetherness' and exceptional particularity. In this vein, the political realm challenges totalitarian tendencies by encouraging the "constant establishment of new relationships within a web of relations",[26] relations that form the social-ontology that is plurality.

The question we must now consider is whether plurality can possibly 'ground' rights, that is, whether plurality can function as an ontological basis for the right to have rights? The above account of plurality is presented in ontic terms, that is plurality is described as that which is and that which was destroyed by totalitarianism. Arendt takes plurality to be a fact of being. She took plurality to be a fact of being much like being a Jew was a fact of being. In her correspondence with Gershom Scholem, she equates being a Jew to being a woman and that pretending to be anything else would be kind of insane, "to be a Jew is an indisputable fact of my life … There is such a thing as a basic gratitude for everything that is as it is; for what has been *given and not made*; for what is *physei* and not *nomos*."[27] Setting aside the problematic implications of her essentialist claim that being a Jew is naturally constituted which clearly contradicts her notion of the human *condition* (as opposed to human *nature*), what is evident from this citation is that Arendt's analysis remains all too often limited to the ontic. This is highly problematic as the political realm is the space in which this *physei* of plurality is transformed into a *nomos*. While she properly diagnoses plurality as an ontic reality, one denied by the history of Western political thought (which is threatened by this fact), Arendt's analysis only begins to touch upon the 'nature' of this plurality – that is plurality in terms of a social-ontology.

It is only with further probing and prodding that we can tease out plurality's social-ontology. The description Arendt offers of plurality as 'a web of relations' is a first step in this direction. Plurality is constituted by relations between individuals that arise from their interactions through words and deeds; seemingly being shared with other via publicity strengthens these relations. This is plurality's situatedness; it arises from the *between*. Borrowing language from contemporary radical democrats or critical theorists, plurality is a form of horizontality (also referred to as horizontalism or horizontalidad).[28] Horizontality describes the organization of the relationships that established the social movements that stormed the globe between 2011-2014 (e.g. Occupy, Indigniados, Tahir Square, Gezi Park, etc.) as well as their principle which was to create non-hierarchical relationships between all participants, to be as inclusive as possible and to promote interactions between people (often by way of more direct forms of democracy).

Another characteristic that plurality shares with horizontality is that neither aspires to provide the absolute guarantees and certainties of foundationalism ontologies; both are post-foundationalist ontologies.[29] A post-foundationalist approach embraces its own contingency rather than trying to mask it (most often by means of ideology and terror). It is this contingency that promotes openness and dialogue. The starting point for all forms of post-foundationalism, of which there are always several

competing forms, is precisely the acceptance of its own limitations – an acceptance that is central to Arendt's notion of the political.[30]

> Assumption of the impossibility of a *final* ground, which is something completely different as it implies an increased awareness of, on the one hand, contingency and, on the other, … the moment of partial and always, in the last instance, unsuccessful grounding.[31]

To continue to rely on absolute foundations, what Arendt refers to as banisters, is ethically dangerous as it prevents critical thinking, leading to the type of thoughtless she associated with Eichmann. These banisters act as blinders, preventing thought and judgment in a world faced with rapid change, uncertainty and a crisis of responsibility.

To summarise, plurality is a contingent and horizontally constituted social ontology. To re-connect to the ontic, plurality rejects transcendent foundations whether divine or human, such as Reason, and in its stead seeks a form of horizontal transcendence 'in the between' of human interactions. To substantiate Arendt's claim that this between has the power to change the world, consider an exemplary case: the Solidarność movement. The members of a small Polish trade union in coordination with university students were able to peacefully overthrow an oppressive and militarized communist regime, helping to bring down the iron curtain.[32] This story, and many others, symbolizes the power of plurality to inspire and empower political action. While we often view such 'revolutionary' moments as exceptional, Arendt reminds us in her account of the miracle of natality that to be a human is to be exceptional.[33]

The claim implied in her reading of rights is that plurality also has the power to 'ground', in a post-foundational sense, human rights. It is from this shared space of the *between*, the loss of which is systematically described in *Origins*, that we must also defend rights – the rights of others with whom we create this space in which to appear and without whom we could not create a shared world. Plurality is, and empowers, a horizontal web of relations between people that can act as a post-foundational 'ground' for human rights. This is what Arendt meant when she coined the expression 'the right to have rights'.

> We become 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 emerge who had lost and could not regain these rights because of the new global political situation.[34]

The 'right to have rights' is the post-foundational ground of human rights. It is a factual political right, and in this sense ontic, although supported by the web of relations, the social-ontology, that is plurality.

While I believe Arendt's notion of plurality has this potential to act as a socio-ontological 'ground' for rights, I do not believe that she developed this notion sufficiently. More generally Arendt does not recognize, in any explicit sense, the gap between the ontic and the ontological at the heart of the tension in the notion of human rights. A similar inability to explore the ontological question appears in her correspondence with Jaspers. Here she writes, with reference to Rahel Varnhagen:

> To 'ground' Rahel's existence in terms of Jewishness – or at least I was not conscious of doing so. This lecture is only a preliminary work meant to show that on the foundation of being Jewish a certain possibility of existence *can*

arise that I have tentatively and for the time being called fatefulness. This fatefulness arises from the very fact of 'foundationlessness' and can occur *only* in a separation from Judaism.[35]

While Jaspers pushes her to account for the existential or ontological aspect of being Jewish, Arendt repeatedly evades any concrete response. Nonetheless, it is clear that here *physei* has been changed and in this sense her above stark contrast between the two is already put into question. It is this lack of account of the ontological condition of plurality, as well as her inability to clarify its relation to *physei* and *nomos* that makes it insufficient as a post-foundational ground for the right to have rights. Nonetheless, given the promise and potential of plurality as a post-foundational grounding for rights, it is certainly worthy of further inquiry. It is my contention that the best means to do so is by considering an alternative means to go *beyond* singularity. I therefore now turn to the writings of Emmanuel Levinas in which he seeks a post-foundational ground *beyond* being.

III. Time for Translations

In a 1989 essay entitled 'The Rights of the Other Man', Levinas puts forward an alternative standpoint from which to evaluate human rights. His starting point is the acknowledgement of Arendt's paradox of rights and, seemingly, her proposed 'resolution' in terms of plurality. Woefully Levinas never explicitly acknowledges Arendt's analysis of rights (most likely as had 'written her off' much earlier[36]), and thus I must begin by establishing that the position he elaborates responds to the ontological lacuna identified in Arendt's notion of 'the right to have rights'. The basis for Levinas' critique of contemporary human rights, much like his criticism of Heidegger and the Western political tradition, is the failure to recognise the constitutive role of alterity. Levinas' ontology is a social-ontology of the other; the other constitutes the self. By seeking to define being in terms of singularity, the ontological tradition has severed being from its constitutive relation to the other. This separation from the other is an act of violence both towards the other and the self, which in Arendtian terms destroys 'the web of relations'. While the focus of Levinas' analysis is the intersubjective relation between the self and other, this relation can never be separated from the self's relation to all others, which he describes in terms of the third or justice. In this vein Levinas' notion of the third or justice most clearly resonates with Arendt's notion of plurality.

Yet we must look beyond this more ontic resonance, as the goal is to find ontological strength in Levinas' approach to rights to fortify Arendt's 'right to have rights'. Arendt, unlike Levinas, does not focus on the self-other relation. Nonetheless, the self-other relation is essential to the relations that together constitute plurality. Without alterity, there is no plurality; without alterity there is only multiplicity. While Arendt and Levinas do not have a common philosophical vocabulary, with a little patience translation is possible. When Arendt refers to the notion of *alteritas*, she is referring to a medieval notion, which is the absolute contrary of Levinas' notion of alterity.

> Human distinctness is not the same as otherness – the curious quality of *alteritas* possessed by everything that is and therefore, in medieval philosophy, one of the four basic, universal characteristics of Being, transcending every particular quality.[37]

A better translation of alterity is to be found in the notions of uniqueness and distinctness,[38] although as with all translations, what is clarified also obscures.[39] Levinas often uses the term unicity, defined as the irreducibility of the human being to any totality, as a synonym for alterity.

> Only man can express this distinction and distinguish himself, and only he can
> communicate himself and not merely something – thirst or hunger, affection
> or hostility or fear. In man, otherness, which he shares with everything alive,
> becomes uniqueness, and human plurality is the paradoxical plurality of
> unique beings.[40]

In this way, the constitutive role of alterity for the self in Levinas' thought can be 'translated' into Arendt's notion of uniqueness or particularity as constitutive of plurality. By interpreting Levinasian alterity in terms of Arendtian particularity, it is possible to delve deeper into the ontological basis of plurality and so to strengthen its ability to act as a post-foundational ground for 'the right to have rights'.

IV. Levinas' ethics of alterity and the rights of the other man

Given how much Levinas wrote about human rights, I will focus on three key aspects of his writings on rights: alterity, fraternity and responsibility (in texts written between 1960 and 1990).

> That history of a peace, a freedom and well-being promised on the basis of a
> light that a universal knowledge projected on the world and human society –
> even unto the religious messages that sought justification for themselves in the
> truths of knowledge – that history is not recognizable in its millennia of
> fratricidal struggles, political or bloody, of imperialism, scorn, exploitation of
> the human being, down to our century of world wars, the genocides of the
> Holocaust and terrorism; unemployment and continual desperate poverty of
> the Third World; ruthless doctrines and cruelty of fascism and national
> socialism, right down to the supreme paradox of the defence of man and his
> rights being perverted into Stalinism.[41]

Levinas' account of the 'perversion' of rights as the supreme paradox resonates strongly with Arendt's claims in *Origins*. Likewise, he identifies the obsession with singularity, at the heart of Heidegger's ontology of *Dasein*, to be the root of the problem. In response to calls for an ethics of alterity, of the other, to become first philosophy and to take the place traditionally allocated to metaphysics and ontology. We must take responsibility for the other before we can ever begin to know the other.

In this vein Levinas sets out to rethink rights in terms of an ethics of alterity (comparable to Arendt's rethinking of rights in terms of plurality). He develops 'the rights of the other man' (*sic*) by showing how the Enlightenment's focus on free will, autonomy, and reason misconstrued the natural rights tradition by disconnecting it from its source in the Bible, and specifically from its rich ethics based on the commandment to care for one's neighbour, the widow and orphan. While both the natural law and Biblical traditions undoubtedly introduce vertical forms of transcendence, it is pivotal to note that for Levinas that "transcendence is alive in the relation to the other man."[42] In other words, Levinas – like Arendt – introduces horizontality to his ethics. Nevertheless, his notion of horizontality is asymmetrical in that the other comes before the self; I am first and foremost responsible for the other. Alterity is thus an asymmetrical relation in which transcendence occurs in terms of horizontality, creating a space that goes *beyond* the singularity and egoism of being.

Levinas "rigorously distinguished human from natural rights. While the early modern rights tradition used the adjective 'natural' to validate the *a priori* character of human rights, Levinas insists they transcend nature."[43] In this vein, he denies the idea that human rights are natural rights by going

beyond nature towards the relation with the other thereby seeking a post-foundational ground for rights that transcends, horizontally and intersubjectively, nature. This going beyond is fundamental to Levinas challenge of the centrality of the autonomous subject as the bearer of inalienable rights, part of the bias of the Western philosophical tradition that grounds the current human rights tradition. His challenge is not limited to the illusion of the autonomous subject and the priority of being, but also extends to the central, and problematic, role the state has played in political philosophy. Just as rights cannot be located in a self that is detached from the relation to the other, the state cannot act as a guarantor for rights if it not established in terms of alterity and responsibility.

"Immutable significance and stability, better than guaranteed by the state."[44] Levinas here echoes Arendt's claim about the potential of horizontality to be a better guarantee for rights than the state or the illusion of an abstract human being. While Levinas is certainly justified in his claim that the state cannot provide the security and guarantee necessary for human rights, a position Arendt shares, his claim that intersubjective relationality can provide 'certainty' is quite radical. Levinas here seems to agree with Arendt that uncertainty is synonymous with the political, and contra Hobbes – both are willing to put their faith into a sense of relationality between human beings. While this intersubjective relationality does not offer any absolute guarantees or certainties – and is therefore post-foundational – neither thinker is willing to risk human alterity and plurality for the sake of a certainty that comes at too high a price to humanity.

At the heart of Arendt's notion of the 'right to have rights', the right to be part of a community (and of the shared world) is a pragmatic political reality – without others to guarantee my rights, all rights are meaningless. Levinas makes an analogous claim by contrasting contemporary rights discourse, e.g. 'that's my right!' to the biblical imperative to care for the stranger. Both are meaningless unless 'founded' in a relation to the other and yet the former denies this grounding by rooting itself in a discourse of autonomy. Likewise, human rights discourse, inspired by a liberal conception of the self, fails to speak to the constitutive role the other and others have for the self.[45] Levinas, like Arendt, recognises the paradoxical nature of the liberal subject – a heteronomous being founding itself in an illusive (and illusionary) autonomy. It is in response to the rise of the liberal self that both Arendt and Levinas affirm the relational aspects of human persons.

> It is about a uniqueness that precedes every difference, namely understanding a radical alterity as an irreducible and inalienable alterity, whereby a person can precisely say 'I'. This leads Levinas to state that human rights reveal the uniqueness or the absoluteness of the human person, in spite of their belongingness to the human kind or rather thanks to this belongingness. This absolute, literally detached and unconditional alterity and thus uniqueness of every person simply signifies the paradox, the mystery and the newness of the human in being![46]

Levinas, like Arendt, situates the self in between uniqueness and sheer human belongingness. In essence, both thinkers define the self in terms of relationality. Furthermore, Burggraeve's account brings to light the importance of mystery and newness. While this might be surprising in a religious thinker like Levinas, it echo's the miracle of natality that Arendt, a non-religious thinker, sees as the pre-political condition of plurality. The birth of a human being is a reminder of both the absolute uniqueness of every human being and their intertwinement, or relationality, in an already existing web of relations. It is this plurality constituted by alterity, this paradoxical yet fundamental relationality that can function as a post-foundational 'ground' for rights.

However before doing so, let us consider how Levinas' later writings on rights which try to bring his ontological 'grounding' with a more ontic understanding of rights, it is also here that he explicitly connects rights to the notions of fraternity and responsibility.[47]

> A freedom in fraternity, in which the responsibility of one-for-the-other is affirmed, and … for which I am answerable. Their original manifestation as rights of the other person and as duty for an *I*, as my fraternal duty – that is the phenomenology of the rights man…. My freedom and my rights, before manifesting themselves in my opposition to the freedom and rights of the other person, will manifest themselves precisely in the form of responsibility, in human fraternity.[48]

Levinas' use of the term fraternity here takes on an explicitly political meaning in that it is inspired by the motto of the French Republic. Like Arendt, Levinas was greatly encouraged by the foundational principles of republicanism[49] and specifically that of fraternity and its echoes in the notion of solidarity, which he took to have its unacknowledged roots in the Bible. What is however problematic with regard to Levinas' references to fraternity is that he fails to recognise the gap between his ontological understanding of fraternity rooted in responsibility and substitution and the ontic meaning of fraternity that he associates with the politics of the Republic. While republicanism certainly emphasises participation, responsibility and citizenship, these are not based on a notion of the self that is constituted by the other.

What remains questionable is whether these two are reconcilable. According to Caygill, Levinas' (greatly influenced by his professors at Strasbourg) sought to connect republican ideals with his own thought and in so doing relate Greek political thought to the Biblical tradition. According to Catherine Chalier fraternity remains firmly ontological in Levinas' writings. "Fraternity, irreducibly plural, is from then on never fusional (*fusionelle*) afraid of falling into a dangerous misinterpretation, and thus precedes the different types of community or of societies thought or imagined by people in order to live together without destroying themselves."[50] Arendt's critique of the familial roots of fraternity makes such a reconciliation more difficult to incorporate in a modern political context that aspires to some form of gender quality. Levinas himself seems to acknowledge some of the problems the discourse of fraternity brings to light and thus once again re-thinks 'the rights of the other man' in relation to the notion of responsibility that is so central to his ethics of alterity.

Going beyond the republican notion of fraternity, he claims that "everything begins with the right of the other and with my unending responsibility,"[51] and as such rights are 'grounded' in my infinite responsibility for the other. For Levinas, rights should not be understood in terms of *my* rights but as the rights of the other for whom I am ultimately responsible. "The 'I' is the only one who has no rights"[52] or "the person whose rights we must defend is first and foremost the other person, and not primarily I myself."[53] It is claims such as these that demonstrate Levinas' failure to appreciate the importance of rights in ontic terms. The real living I must have ontic rights even if ontologically these rights are 'grounded' in the other. The absolute responsibility for the other that is ethically necessary for Levinas goes to far for Arendt who does not think an asymmetrically responsibility is politically necessary for the right to have rights. In this vein, Levinas goes much further than Arendt in his refusal to acknowledge the rights of the 'I'. Arendt's view of the horizontality of rights would be much closer to the symmetry proposed by Buber (between the I and Thou) and less this absolute asymmetry proposed by Levinas that leaves the self defencelessly drowning in her responsibility to the other. It is this infinite responsibility to the other that Levinas clings to that makes his ethics impossible in ontic terms, and yet it is this same ontological depth that helps to strengthen Arendt's more ontic notion of plurality.

V. Towards a Post-Foundational Relational Conception of Rights

Without denying their immense intellectual debt to their teacher, Arendt and Levinas intentionally distanced themselves from Heidegger's ontological project, and the tradition of Western metaphysics in general, by going *beyond* being, singularity and *dasein*, towards a form of social ontology rooted in intersubjectivity.[54] With regard to rights, this led both to appreciate the fact that "rights exist only in relation to other rights, right-claims involve the acknowledgment of others and their rights and of trans-social networks … because rights are always relational."[55] This relationality is both an ontic fact and points towards an ontological 'ground' (what Arendt refers to as the 'human' in human rights), the latter of which provides some form of 'foundation' for the ontic reality of rights in terms of their legal and political status (the 'rights' of citizens in human rights). While there are undoubtedly many differences between Levinas' ethics of alterity and Arendt's politics of plurality, it is my contention that dialogue with regard to rights is possible with the help of translations.

Arendt had long known that universal human rights are a necessary but dangerous source of hope for those who do not have 'the right to have rights'. Likewise, she knew from her own experience that despite any proclamation of their universality such rights are *not* independent of human plurality and that human beings expelled from the human community do not simply bear these *rights*. For this reason, she argued that 'the right to have rights', a form of social-ontology created by the web of relations and destroyed by totalitarianism, had to find their 'grounding' in the new principle of plurality. Levinas was equally concerned by the use and abuse of human rights and specifically how their being rooted in an ontology of the same caused this. Like Arendt he saw the only possible solution to lie in a form of social-ontology, in relation to alterity, a relation constituted by responsibility for the other. For Levinas "ethical responsibility precedes rights, gives them their force and legitimacy and becomes the judge of their and of state action."[56] Levinas thus finds a new ground, on the level of ontology and yet in terms of ethics as metaphysics but in so doing fails to fully appreciate the ontic meaning of rights – their legal and political status. Arendt's weakness is Levinas' strength and vice-versa.

On this basis I brought their respective analyses of rights into dialogue arguing that both seek a intersubjective post-foundational grounding, what I have referred to as relationality, for 'the right to have rights.' While this 'ground' is post-foundational, that is contingent and fragile, it echoes the vulnerability that both Arendt and Levinas recognise is undeniable with regard to human relationality. It is the denial of this insubstantiality, common to many foundational projects that Arendt and Levinas identified as basic to both Nazism and Communism. This 'ground' also differs significantly in that it is not rooted in 'being' or singularity. Relationality requires that we reconsider our ways of thinking and speaking about rights as belonging to 'a citizen' or 'a human being.' Instead, we must begin to reflect on Levinas' rights of the other or Arendt's 'right to have rights', both of which are not located in the self but in the relation to the other.[57] This also requires a reconsideration of how we conceive of shared spaces, the problematic distinction between public and private, and most important the supposedly autonomous liberal subject.

> The public realm is a 'relational space – contextual, contingent and groundless – that opens everywhere for everyone', and this combination of plurality and relation building gives the political public realm a means of creating citizenship in terms of membership and publicity.[58]

While this step lacks the absoluteness or guarantees of foundational projects, this lack is the acknowledgment of what it means to be a relational creature – the ability to act, to be unpredictable, to

bring about change with others – and in so doing to be unsubstitutable (in Levinas' terms) or irreplaceable (in Arendt's terms). Recognising the totalising and dehumanising dangers of appeals to absolute certainty, security and stability that come with a foundational approach, relationality graciously receives and welcomes the contingency and spontaneity of alterity and plurality. In this vein, relationality creates a positive and empowering space for human particularity to arise from within plurality. The philosophical anthropology that clearly underscores this claim is that one can bring about the best of human togetherness by no longer denying or diminishing our fundamental relatedness or interdependence. According to both Arendt implicitly and Levinas explicitly, this is the wisdom of Genesis 2:18 which states 'It is not good for '*adam*' [which means person] to be alone'. The Western tradition of philosophy, and specifically Heidegger's ontology of *Dasein*, has failed to recognise this by focusing on being, singularity or more concretely on the individual. From such starting grounds, there is no possibility to create either an ethics of alterity or a politics of plurality, which is what both believed what clearly necessary to actualise the phrase 'never again.'

While there is no actual resolution to the paradox of rights identified by Arendt in *Origins*, what is clear – and has been the subject of recent debate by critical legal theorists – is that rights must somehow embrace this paradox by both pointing towards an ontological ground while all the while having an ontic presence in terms of the law and political discourse. "Human rights are the recognition of the world-making power of groundlessness [note the very Arendtian like language] which turns the experience of ontological freedom into a principle of law and politics."[59] This is what I precisely sought to do by engaging Levinas' 'ontological' notion of 'the rights of the other man' with Arendt's more ontic 'right to have rights' arguing that these two notions can be brought together in that both seek a relational post-foundational 'ground' for rights and that Levinas' resolution in terms of ethical responsibility resonates strongly with the core of Arendt's principle of the political. By actively seeking to empower plurality by way of shared public spaces in which agonism is appreciated, Arendt strengths the fact of plurality. Levinas, by underscoring how the self is constituted by and in relation to the other (and as such is responsible for the other), strengthens the social-ontology, the web of relations, that supports this plurality. In this way the ontic and ontological aspects of rights reinforce each other.

Lest one think that this endeavour is purely theoretical, I would like to end by returning to where we started – to the UNHR. Ironically, in 1947 when Eleanor Roosevelt sought to find consensus amongst its drafters, one of the visions put forward by both the Marxists and the African scholars was to emphasise responsibility and community – a vision that was minimized by many of the drafters who saw these values to be a threat to individualism rather than a possible 'ground' for the uniqueness and distinction that enables plurality and alterity. While community, whether in terms of human relationships or polities are by no means simple or harmonious; relationality exists amidst agonism and alterity. In this sense, relationality by no means presupposes a consensus or even the desire for consensus. Sadly what the drafters overlooked is precisely what Arendt and Levinas sought to demonstrate – the fact that our rights and freedoms (not *my* rights and *my* freedom) are fundamentally rooted in relationality. Thus, while thinkers like Ignatieff finds it beneficial that the UNCHR is silent with regard to the deeper foundations of rights,[60] I would argue that this silence is a failure to recognise precisely that which makes human interactions meaningful – our fundamental plurality and interdependence. Denying this, remaining silent, only helps to weaken the already fragile web of relations. If human rights are to be both human and rights, that is both ontological founded and ontically grounded, there is need to recognise the post foundational network created between alterity and plurality.

[1]Thank you to my readers, the feedback I received at several conferences and especially to my colleagues Crispino Akapo and Tim Heysse. The research that led to this publication was funded by the FWO, Flanders Research Foundation.

[2] Roosevelt, Eleanor. *The Autobiography Of Eleanor Roosevelt*. Reprint. Da Capo Press, 2000. p. 314-323

[3] Douzinas, Costas. *The End of Human Rights: Critical Legal Thought at the Turn of the Century*. Hart Publishing, 2000. p. 344

[4] To list only the most well-known: Jean-François Lyotard (1993), Jacques Derrida (2001), Giorgio Agamben (1995), Etienne Balibar (1994, 2007), Jacques Rancière (2004) and Slavoj Žižek (2005). This provoked a debate, which continues today, about the question of whether rights are based on citizenship or our status as human beings (Agamben 1995, 1998, 2002; Benhabib 2002, 2004; Butler & Spivak 2007; Isin & Nielson 2008).

[5] With the notable exception of Peg Birmingham's 2006 book *Hannah Arendt and Human Rights: The Predicament of Common Responsibility*.

[6] With the notable exception of Douzinas and Burggraeve; Douzinas, Costas. *The End of Human Rights: Critical Legal Thought at the Turn of the Century*. Hart Publishing, 2000.; Burggraeve, Roger. "The Good and Its Shadow: The View of Levinas on Human Rights as the Surpassing of Political Rationality." *Human Rights Review* 6, no. 2 (2005): 80–101.

[7] *The End of Human Rights*, 2000. p. 343.

[8] The term post-foundational has been developed by Oliver Marchart (2007). What characterises a post-foundational approach is the recognition of its own limitations, its own contingency, and its own absolute uncertainty.

[9] For more on this see my book Topolski, Anya, 2015, *The Politics of Relationality: Emmanuel Levinas and Hannah Arendt Emmanuel Levinas and Face-to-Face*

[10] Isin, Engin. "Two Regimes of Rights?" In *Citizenship and Security: The Constitution of Political Being*. Ed. Xavier Guillaume and Jef Huysmans. London: Routledge,
53-74. http://www.routledge.com/books/details/9780415668996/. p. 54

[11] As described in *The Human Condition*, Plato fabricated this illusion as a means to regulate the polis rather than allow for its spontaneity, unpredictability and creativity for singularity unlike plurality can – at least in theory – be controlled.

[12] Arendt, Hannah. *The Origins of Totalitarianism*. Harcourt, Brace, Jovanovich, 1973. p.291

[13] Singularity is carefully distinguished from particualrity by Arendt. This will be explained below.

[14] Arendt, *The Origins of Totalitarianism*. p. 298.

[15] It is also in this metaphysical sense of *beyond* that Levinas refers to in *Otherwise than Being*.

[16] Butler, Judith. "'I Merely Belong to Them.'" *London Review of Books*, May 10, 2007. p. 26

[17] Herrmann, Friedrich-Wilhelm von, and Martin Heidegger. *Gesamtausgabe 3. Abt. Bd. 65: Beiträge zur Philosophie:* Auflage: 3. Frankfurt am Main: Klostermann, Vittorio, n.d. p. 172.

[18] Arendt, *The Human Condition*. p.9.

[19] According to Birmingham, Arendt recognises the groundlessness of human rights rooted in the myth of Western metaphysics, and seeks to save human rights by making natality and giveness the ontological basis for 'the right to have rights' (2006).

[20] Canovan, Margaret. *Hannah Arendt: A Reinterpretation of Her Political Thought*. Cambridge England; New York, NY, USA: Cambridge University Press, 1994.

[21] Lyotard, Jean-Francois. *The Postmodern Condition: A Report on Knowledge*. Translated by G. Bennington and B. Massumi. Manchester University Press, 1984.; Marchart, Oliver. *Post-Foundational Political Thought: Political Difference in Nancy, Lefort, Badiou and Laclau*. Edinburgh University Press, 2007.

[22] Arendt, *The Origins of Totalitarianism*. p. ix.

[23] In the third book of *De l'esprit des lois*, Montesquieu identifies the principles of each of the three types of governments: republican (democratic or aristocratic), monarchic, and despotic. Just as each type has

a particular nature based on the source of its sovereignty (the people, the prince via laws, or the despot respectively), each also has a principle. Montesquieu makes a point of emphasising the importance of the distinction between the nature and principle of each type of government. While the nature makes the government what it is (its particular structure), the principle is "ce qui le fait agir … les passions humaines qui le font mouvoir".

[24] Arendt, *The Human Condition*. p. 176.

[25] Arendt, Hannah, and Jerome Kohn. *Between Past and Future*. Revised. Penguin Classics, 2006. p. 263-4. To be clear, and contrary to many of Arendt's Habermasian or Lefortian guided readers, this by no means implies that the political realm is an ideal speech situation or one in which actions in concert are always harmonious performances. Rather the simple fact of dialogue, whether exchanging opinions, sharing interests or passionately disagreeing creates this togetherness: "*inter-est*, which lies between people and therefore can relate and bind them together…" (HC 182). Both consensus and dissensus are binding political activities in Arendt's notion of the political that only exists only *between* individuals; as such it is a fundamentally relational term.

[26] Arendt, *The Human Condition*. p. 240.

[27] Arendt, Hannah. *The Jew as Pariah: Jewish Identity and Politics in the Modern Age*. 1st Evergreen ed. Grove Press : distributed by Random House, 1978.

[28] Sitrin, Marina. "Horizontalism and the Occupy Movements." *Dissent* 59, no. 2 (2012): 74–75. doi:10.1353/dss.2012.0052; Stirin, Marina. *Horizontalism: Voices of Popular Power in Argentina*. AK Press, 200

[29] Marchart, Oliver. *Post-Foundational Political Thought: Political Difference in Nancy, Lefort, Badiou and Laclau*. Edinburgh University Press, 2007.

[30] Likewise, post-foundationalism differs from anti-foundationalism, which denies the need of any grounding, in that it recognises that grounding, even if never final, is necessary.

[31] Marchart, *Post-Foundational Political Thought*. p. 2.

[32] Stories like these, as well as those of Ghandi, Martin Luther King etc., are the 'product' of action in Arendt's concept of the political.

[33] While some may find Arendt's conclusions to be naïve, those familiar with Levinas' ethics may appreciate its potential as I will demonstrate shortly. While I will now explain why Arendt's notion of plurality is insufficient with regard to its ability to function as a social-ontology for rights, it is important to distinguish this criticism from the former. I do not believe that her faith in the potential for human beings, when acting together, to change the world is naïve. She by no means claims that these changes are always for the better of humanity, although her politics are implicitly inclusive and democratic. Rather, she tries to make us aware that just as human beings, acting together, can destroy the world as they did under Nazism, they can also, if they chose to take this risk, repair the world. This potential is by no means limited to the rich and powerful as the more recent story inspired by Iker de Carlos, a Spanish locksmith shows (www.theworld.org/2013/01/in-spain-locksmiths-refuse-to-cooperate-with-foreclosures-and-evictions) or to those with citizenship, as the story shared by Majd Khalifeh shows (www.mo.be/wereldblog/tussen-vrijheid-en-geluk/stateless). What all of these stories demonstrate is the potential of plurality to change the world – whether small or large, visible or invisible (often the later with respect to the media that profits from pain more the pleasure), it is by means of action and plurality that we create a web or relations that acts as a 'guarantee' for our right to have rights.

[34] Arendt, *The Origins of Totalitarianism*. p.177.

[35] Benhabib, Seyla. *"The" Reluctant Modernism of Hannah Arendt*. Rowman & Littlefield, 2003.p.9.

[36] This is the case according to Francoise Collin, a Belgian feminist Arendt scholar, who worked closely with Levinas and met often with him in Paris. She recounted the following events to me in 2006. She went to visit Levinas at his apartment in Paris and asked him about some of Arendt's ideas and showed him Arendt's reference to him (*in Origins in a footnote*). She tried to make him realize that Arendt's politics were completely unlike the type of politics he despised. He refused to reconsider and implied

that Arendt loved Heidegger more than Judaism. Francoise also shared with me another discussion she had with Levinas, after 1970, when he and Arendt met when both received honorary doctorates from the Jesuit University of Loyola, Chicago. Levinas told Francoise that he was appalled when Arendt sang the US national anthem. When Francoise asked how this was different from his love of the French republic he didn't reply. He seemed, according to her, to have dismissed Arendt's thoughts without ever really properly reading them.

[37] Arendt, *The Human Condition*. p. 176.

[38] Otherness, which Arendt connects to the medieval notion of *alteritas*, is possessed by everything; it is a universal characteristic of Being. This is precisely the opposite of what alterity means in Levinas' writings. The short explanation for this is that Levinas does not use this medieval notion of alterity, but rather as he acknowledges he explicitly adapts the Platonic notion of *alteritas* (otherness in Arendt) by making its contents that of the other person. Arendt makes a sharp distinction between plurality and alterity, which would seemingly deny space for Levinasian ethics in the political, and yet her definition of these terms reveals that the contrary is actually the case. Plurality is for Arendt rooted in a relationship to other different selves. By contrast, in her definition taken from medieval formulations of *alteritas*, it is rooted in a relationship to the self. This definition of alterity is clearly contrary to Levinas'. Thus while Arendt claims plurality is opposed to alterity, her definition of alterity is opposed to Levinas' which actually means that they are in agreement.

[39] As such it is important to acknowledge some of the obvious tensions without necessarily seeking to resolve them. *Firstly*, Arendt and Levinas defined the key terms of their respective endeavours in radically different ways. Is dialogue possible between these two types of discourse or language games? While Arendt is highly suspicious of attempts to constrain the political in the name of ethics, her notion of ethics is greatly limited by her self-imposed Kantian framework. A similar shortcoming is visible with regard to Levinas. When Levinas attacks politics, which he does often, he is in fact – in Arendtian terms – attacking the same politics she criticizes as being rooted in singularity and the Western philosophical tradition guided by Plato's fear of the *hoi polloi*. By arguing that the political is made possible by ethics, he is stating that the political is rooted in difference, a claim we have shown is affirmed by Arendt.

A second obstacle in the dialogue between Levinas and Arendt is the notion of appearance. For Arendt, it is by appearing in the public realm through word and deed that one experiences the political. By contrast, Levinas' ethics is a critical reaction to the metaphysics of presence. The face of the other breaks through its form – it cannot be contained by the form that defines an object. Although I do not wish to deny the importance of this tension, I do think it is based on a misunderstanding of Arendt's notion of appearance. As she writes in *the Life of the Mind* in relation to thinking "In contrast to the inorganic thereness of lifeless matter, living beings are not mere appearances. To be alive means to be possessed by an urge toward self-display which answers the fact of one's own appearingness. Living things make their appearance like actors on a stage set for them."[39] With an appreciation for the importance of the 'who' rather than the 'what', the role of appearing in Arendt speaks to Levinas' critique of a metaphysics of presence.

A third barrier, closely connected to the former, is the question of ontology. This question was not only intellectual; it was personal. How did each chose to deal with Heidegger and the ontological inheritance they had received from their teacher? Levinas, who chose never to forgive Heidegger, explicitly seeks to go beyond ontology, and, in his later writings, clearly decentres the subject by claiming that the other constitutes the self. While he does not deconstruct or challenge the notion of the self or subject, he does destabilise it, re-centre it, and in so doing clearly differentiates his own project from that of ontology. It is much harder to identify how Arendt felt about Heidegger and his ontological project. While she begins, like Levinas, by distancing her position from that of her teacher by refusing to prioritise *dasein* over *mitsein*, she does not go as far as Levinas in trying to blur the borders of the self. She thus seems to accept the subject in terms of a political actor and yet is adamant to always place this actor in the between going so far as to suggest that *dasein* alone is not fully human or not fully alive.

Fourthly, an irresolvable conflict both between Levinas and Arendt and within Arendt's work is that of the distinction between the private and public realm. Although it remains to be shown, Levinas refuses a separation, which Arendt clearly embraces. While I share Levinas' critique of the latter this certainly does not resolve the many problems this issue raises not only in her work but also for their dialogue.

[40] Arendt, *The Human Condition*. p. 176.

[41] Levinas, Emmanuel. *Alterity and Transcendence*. Translated by Michael B. Smith. 0 ed. Columbia University Press, 2000.p. 32.

[42] Ibid., 126.

[43] Caygill, Howard. *Levinas and the Political*. London ; New York: Routledge, 2002.p.153.

[44] Lévinas, Emmanuel. *Outside the Subject*. Stanford University Press, 1994.p. 125.

[45] Furthermore, while Levinas makes his claim concerning the 'grounding' of rights with politics on the backburner, his ethical 'grounding' is a normative appeal to every I to take upon 'its' responsibility to the other. The realisation of this heteronomous, foundational right, however, is only possible when the 'I' takes upon itself this responsibility, meaning to say when the 'I' is converted from its unjust usurpation in order to take it upon itself for the other and let the other be given its due (Burggreave 2005, 13; DF 187). Without this, neither Arendt's nor Levinas' proposal can be realised. This requires an ever great challenge as it is the liberal hegemony that promotes the illusion and desirability of autonomy that must be exposed in order to show the power, freedom and political rights to be found in human heteronomy.

[46] Burggraeve, Roger. "The Good and Its Shadow: The View of Levinas on Human Rights as the Surpassing of Political Rationality." *Human Rights Review* 6, no. 2 (2005): 80–101.p.11.

[47] "*Les droits de l'homme et les droits d'autrui* » in : M. Borghi et. al., *L'indivisibilité des droits de l'homme* (Actes du IIe Colloque Interuniversitaire sur les droits de l'homme), Fribourg, Éditions Universitaires, 1985, 35-45. Also taken up in: *Hors Sujet*, 173-187. The two other articles that Levinas devoted to human rights are: "*Droits de l'homme et bonne volonté*", in: *Le Supplément. Revue d'éthique et de théologie morale*, 1989, no. 168, 57-60 (also taken up in: *Entre Nous*,. 231-235 ; «*Les droits de l'autre homme* », in Commision nationale consultative des droits de l'homme (ed.), *Les droits de l'homme en questions*, Paris, La Documentation Française, 1988, 43-45 (also taken up in *Alterite et Trancendence*, 151-155).

[48] Lévinas, *Outside the Subject*. p. 125.

[49] Even so, they differ significantly in their visions of republicanism. As Arendt connects the notion of fraternity to that of family, which for her remains hidden in the private realm, she prefers to refer to Aristotle's model of friendship as the basis for the political. By contrast Levinas, rooted in the Judaic, prefers the notion of fraternity that carries with it the Biblical notion of responsibility.

[50] Chalier, Catherine. *la fraternité, un espoir en clair-obscur*. Au fait edition. Paris: Buchet-Chastel, 2004.p. 13.

[51]Levinas, Emmanuel. *Nine Talmudic Readings*. Bloomington: Indiana University Press, 1994.p. 20.

[52] Levinas, Emmanuel, Nidra Poller, Don Ihde, Richard A. Cohen, and & 1 more. *Unforeseen History*. Urbana: University of Illinois Press, 2003.p. 184.

[53] *Nine Talmudic Readings by Emmanuel Levinas*. p. 17.

[54] A project similar to theirs is that of Jean-Luc Nancy's singulier-pluriel closely inspired by Heidegger's notion of *mitsein*.

[55] Douzinas, *The End of Human Rights*, 2000. p. 343.

[56] Ibid., 353.

[57] This rethinking of the political from the perspective of alterity or plurality, as opposed to the self or individual goes beyond forms of communitarianism often impeded by essentialism, a remnant of the metaphysics of presence.

[58] Cavarero, Adriana. *Relating Narratives: Storytelling and Selfhood*. Routledge, 2000.p. 69.

[59] Douzinas, *The End of Human Rights*, 2000. p. 343.

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[60] Ignatieff, Michael, Amy Gutmann, Kwame Anthony Appiah, David A. Hollinger, Thomas W. Laqueur, Diane F. Orentlicher, and & 3 more. *Human Rights as Politics and Idolatry*. First Edition edition. Princeton, N.J: Princeton University Press, 2001.p. 20.