

Arendt's Phenomenologically Informed Political Thinking A Proto-Normative Account of Human Worldliness

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Chapter Nine:
Arendt's Phenomenologically Informed Political Thinking:
A Proto-Normative Account of Human Worldliness

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“[A]ny response that places man in the center of our current worries and suggests that he must be changed before any relief is to be found is profoundly unpolitical. For at the center of politics lies concern for the world, not for man (...). If we want to change an institution, an organization, some public body existing within the world, we can only revise its constitution, its laws, its statutes, and hope that all the rest will take care of itself.” (2005, 105-06)

Discussant:

“I wonder, as someone who is or feels himself to be a political actor, how would you instruct me? Or wouldn't you instruct me at all?”

Arendt:

“No, I wouldn't instruct you, and I think this would be presumptuous of me. I think that you should be instructed when you sit together with your peers around a table and exchange opinions... And I think that every other road of the theoretician who tells his students what to think and how to act is... my God! These are adults! We are not in the nursery! Real political action comes out as a group act. And you join that group or you don't.”
(from the transcript of a roundtable discussion at a conference on and with Arendt, November 1972, Toronto (1979, 310))

Hannah Arendt had strong reservations about discourses of human dignity and the institutions designed to protect or foster it. In *The Origins of Totalitarianism*, she established the human rights regimes' conceptual and practical (political and legal) perplexities by demonstrating that they failed to protect stateless people. She frequently characterized human rights defenders as “hopelessly idealistic” at best or hypocritical at worst (1982, 44, 54; 1963a, 116; 1973, 269, 279). In the same vein, in her report about the trial of Eichmann, she expressed doubts about the possibility of establishing an international tribunal for the prosecution of crimes against humanity. She was unsentimentally committed to take the world as it happens to be at any given moment, rather than as an “imaginary world ‘as it ought to be’ or as it once upon a time had been.” (1968, 19). In spite of her concern about the political catastrophes of the twentieth century—large-scale denationalizations, expulsions, and genocides— she dismissed remedial or redemptive ideals of cosmopolitanism and “brotherhood” as unfaithful to the world and qualified them as “sentimental utopianism.” (1968, 5; cf. 2005, 93) More generally, she did not see any place for morality in the political domain, at least not in any conventional sense of the concept of morality. And her work is far removed from ideal theory and normative theory.

Many readers have found, and continue to find, Arendt’s “realism” and her non- or a-normative—some even say: anti-normative—stance disturbing. It has led to charges of irresponsible aestheticism, decisionism, and anti-foundationalism.¹ Other, much more sympathetic readers of Arendt in deliberative democratic theory do not underwrite this type of criticism, but still regret the alleged normative deficit in her work. Seyla Benhabib points at the “normative melancholia” that runs through Arendt’s work: “Although [Arendt’s] conception of politics and of the political is quite inconceivable, unintelligible even, without a strongly grounded normative position in universal human rights, equality, and respect, one does not find her engaging in any such exercises of normative justification in her writings.” (Benhabib 2000, 80) Others, on the contrary, especially within agonistic pluralism, see the alleged lack of normativity in Arendt’s work as inspiring a *political* or *politicizing* approach to human rights issues, criminalization of crimes against humanity and conceptions of human dignity; as opposed to moral, and/or foundationalist (especially naturalist) approaches.² This type of reading seems indeed much closer to the spirit of Arendt’s work than recent attempts to construe it as an ethically informed theory of the political, involving, for instance, a positive “right to have rights,” the principle of “natality” (Birmingham 2006) or of “cohabitation” (Butler 2013) as ethical demands.

What all of the readings—the aestheticist, the deliberative-democratic, the agonistic and the ethical—share, however, is a disregard for the particular type of normativity that Arendt’s phenomenological inspiration brings to her work. I will argue that her work, indeed, is averse to normative theory, yet it *does* feature an account of human dignity that is informed by a “proto-normative” commitment—to the *world*. Acknowledging the phenomenological spirit of Arendt’s work is crucial for understanding this commitment.

To be sure, Arendt is an implicit, unorthodox, yet consistent and original phenomenologist. Her work is only recently gaining recognition as a belonging to the phenomenological tradition, more particularly its hermeneutic, existential (*Existenz*) and/or enactive families.³ The reception of her work has mainly taken place in political theory, probably as a result of the Anglo-American predominance in Arendt scholarship. However, being immersed in the emerging phenomenological movement in German academia in the first half of the twentieth century at a formative age, her philosophical habitus is deeply shaped by phenomenological concerns and approaches. Since it does not fit into the phenomenological orthodoxy (that is, Edmund Husserl) and because Arendt keeps her method largely implicit, it took some decades after her death for the phenomenological inspiration to be appreciated (Birmingham 2006; Mensch 2009; Vasterling 2011; Borren 2013; Topolski 2015; Loidolt 2018).

Two key interconnected phenomenological features that Arendt brings to political philosophy are a particular “realism,” a philosophical habitus of “unpremeditated, attentive facing up to, and resisting of, reality—whatever it may be” (1973, viii) which is also reflected in a keen attentiveness to distinctions, the paradoxes and perplexities typical of the human condition once we take seriously its plural appearance in the world. Being faithful to appearances and then describing them as accurately as possible implies that one should bracket especially theoretical preconceived ideas, or “pre-understandings” (*Vorverständnisse*). Defending an *epoché* of sorts, she wished to examine human affairs without theoretical or metaphysical prejudice, third-person perspective, or as she put it in an interview, her aim was “to look at politics (...) with eyes unclouded by philosophy.” (1994, 2) Examples of such theoretical prejudices include the Being-Appearance dichotomy which she calls a “metaphysical fallacy” (1978, 23-26), but also the foundational naturalist pre-understandings that underpin the human rights discourse. Her work is committed to understanding rather than causally explaining political phenomena and to being faithful to reality, that is: phenomenal reality, reality as it appears in the world and so is visible and common to all people and hence intersubjectively validated. As she put it, “Being and Appearing coincide” (1978, 19).

Second, phenomenology informs her distinctive style or “method”. Arendt held an unconventional conception of political philosophy, as much distinct from empirical political science as from political theory, that I would call “political thinking”. Arendtian political thinking is committed to careful and open-ended descriptive analysis of first-person lived experiences of the plural world of human affairs, consistent with her conception of the thinking process (1978). This commitment to reality and to political thinking made Arendt not just, obviously, aversive to any type of wishful thinking, and to romantic or radical utopianism. She also stayed clear from normative political theory, such as ideal theory and normative value theory—then as much as now the mainstream of political theory.

Typical for Arendt’s phenomenology is her world-centered ontology, partly following from, partly translating into, incisive analyses of concrete, empirical (that is, “ontic”) political

phenomena and historical events, such as the production of mass statelessness in interwar Europe and the Holocaust. Indeed, one of the claims defended in this contribution is that the ontological and the ontic in Arendt's work cannot be separated. Arendt's ontological account of what makes us human (that is, human conditionality, or the human conditions⁴), is informed by her historical accounts of violations of human dignity and vice versa. Like the chicken or the egg dilemma, the question of which one is prior to the other is undecidable.⁵ Arendt's analysis of particular instances of violations of human dignity, such as the predicament of statelessness or crimes against humanity, make sense in light of her ontology of the human condition, as well as the other way around. I will discuss Arendt's first published work, *The Origins of Totalitarianism* (1951), alongside *The Human Condition* (1958), *Eichmann in Jerusalem* (1963) and *The Life of the Mind* (unfinished as a project and posthumously published), with the first and the third being primarily historical studies and the second and the latter more strictly philosophical works that feature her phenomenological ontology.

I will demonstrate how for Arendt the *world*, not primarily mankind, or even human beings (in the plural), is at stake when human dignity comes under pressure. Worldliness provides a political and surprisingly non-human notion of human dignity underpinning human rights and the criminalization of crimes against humanity. The argument proceeds as follows. In Section One, I reconstruct Arendt's world-centered ontology through an extensive exploration of the multiple dimensions of her conception of "world" and worldliness. Radicalizing the general ontological claim made by phenomenologists of human 'being in the world', Arendt demonstrates the mutual conditionality of humans (the "human condition") and the world (worldliness).

Section Two concerning Arendt's "ontic" accounts of human rights and of crimes against humanity pushes the argument from the plane of human condition(ality) to human dignity. I take a close look at those segments of Arendt's work in which she engages most directly with the historical trajectories and challenges of the human rights regime and of the criminalization of crimes against humanity in international law: on the one hand the predicament of mass statelessness that emerged in interwar Europe and beyond, and on the other the Holocaust. In both cases, human dignity is related to \square lacidness in the world and sharing the world with others.

Finally in Section Three, I return to the current academic debate on the lack of normativity in Arendt's political philosophy. Based on her world-centered ontology and rethinking of the principle of human dignity in worldly terms, I argue that even if Arendtian realist political thinking takes a non-normative stance, and refrains from putting forward ethical demands, it is not normatively empty. It features a "proto-normative" notion of human dignity that is best described as "care for the world" (*amor mundi*). It is a fair indication of the comprehensiveness of Arendt's acknowledgement of the ontological dignity—perhaps even primacy—of the *world* that plural human beings inhabit together. In the quote that began this chapter, Arendt writes: "[A]t the center of politics lies concern for the world, not for man."

1. Arendt's World-Centered Ontology of Human Conditionality

A key assumption of phenomenology is that there is no separation between self, others and the world: they are fundamentally related (Zahavi 2005, 2011; Heinämaa 2003). Starting with Martin Heidegger's groundbreaking work *Being and Time* (1927), phenomenologists, however different in various respects, posit that the self (also called the subject or Dasein) is always "in the world"—that is, embedded in a historical, cultural and social world comprised of other people and things. We will see how Arendt radicalizes this notion into human being *of* the world.

Put in the most general sense, the world for Arendt is the typically *human* world, the *Umwelt* in which human existence takes place, our common habitat or house (1958, 134).⁶ Arendt regards the world as dwelling place for human beings on earth and, as such, both content and context of human existence. Conversely, what makes humans human is that they are worldly beings. Human beings are worldly creatures not only because they need the artificial habitat of a world to survive but also because the world enables them to lead a meaningful life. To contribute in word and deed to the world is what makes life meaningful and truly human in Arendt's view.

Arendt's phenomenological ontology—her answer to the question: what makes humans human? Or: what does it mean to be human?—is captured in her analysis of human conditionality and the human conditions in *The Human Condition* and *The Life of the Mind*. Arendt challenges metaphysical and scientific definitions of human nature, that is: of an essence that is supposed to be universally shared by all human beings (1958, 10, 193).

However, for Arendt, what makes humans human cannot be described by answering the question "What is Man?", because, like Heidegger, she held that human existence and co-existence cannot be interrogated in the manner of an object (1958, 10-11). Metaphysical and scientific definitions of human nature are reductionist because they generalize the differentiated complexity of human existence to a single feature or a few traits. Although true and sensible, these answers will never be sufficient because they do not, and never can, do justice to human plurality. Human nature is a generic abstraction that cannot account for the distinguishing feature of human beings, that is plurality. Not "Man," in the singular, but "men," in the plural, that is, in all their diversity, inhabit the world.

Human plurality is, for Arendt, the "paradoxical plurality of similar but unique beings." (1958, 176). Plurality is paradoxical because, on the one hand, human beings are similar as members of the same species, *homo sapiens*, but on the other hand, they individuate into distinctive beings *by appearing in the world shared with others* through speech and action and seen by others. This paradox of similarity and difference recurs in Arendt's distinctions between "who" and "what" we are on the one hand and between ζωή and βίος on the other. Human beings are not just a "what," describing collective identity, but also a "who," individual (unique) identity that is enacted in their dealings and interactions with the world and others. Likewise, human life is not

only ζωή (zoe), a natural or biological life, but also βίος, (bios) a meaningful life in the world that can only be described in a story, a biography.

Instead of asking “what” a human being is, that is, the misguided question of human nature, Arendt asks how different human activities each in their own way contribute to the establishment of a shared human world and what the conditions are for these contributions. She focuses upon the way in which human experience and existence is shaped in relation to a number of conditions (in the plural). Human conditions, somewhat similar to Heidegger’s “existentialia,” are features of the common human situation. Together they constitute the coordinates within which human existence and co-existence unfold. They combine naturally given circumstances (“life itself” and the earth) with conditions human beings create themselves in a bidirectional mode: they shape human existence and are shaped by it in return.

In other words, humans and the world are mutually conditional. Because of their conditioned existence, the relation between human beings and their environment is circular, but not in the sense of a vicious circle. Additionally, unlike the idea of human nature, a condition may or may not be realized, depending on other conditions and circumstances. And unlike an essential characteristic, a condition is not a causal mechanism. Conditionality is as much opposed to absolute or one-way *external* determination as it is to *self*-determination. Conditions are both constants of human experience and existence and historically variable in their particular constellations and combinations: “in different historical periods, the terms are differently connected, and the concepts men have of the terms vary with the different connections.” (Young-Bruhl, 1982, 319-20)

We are situated in the world, which means that we are both shaping and shaped by the world, which is public, visible and common to all. Arendt shares Heidegger’s phenomenological understanding of Dasein as “being-in-the-world,” but she puts an emphasis on human plurality, the fact that we appear to many different others. Arendt’s account of the human conditionality radicalizes and exteriorizes the phenomenological first-person perspective, which Loidolt captures in the idea of “being-of-the-world.” (Loidolt 2018, 63-64)

Arendt’s use of “world” encompasses two broad and intimately related dimensions: the world of “things” and the discursive (or symbolic) world of meanings (1958, 52). Both dimensions of the world refer to *practices*—of respectively world-building and world-disclosing—as well as to their *results*—respectively human-made things (including material artefacts and institutions) and shared meanings and stories.⁷ It is perhaps surprising to learn that someone who is primarily seen as a philosopher of *action* relates the world first of all to *work*, the human activity of making or producing things. The world first of all consists of human-made things (1958, 52, cf. 1961, 209). While producing, we are more or less in control, but as soon as the fabrication process achieves its end and the product is finished, things start to feed back into the realm of human beings who produced them and start to serve as a human condition in turn. Artifacts are of course made by

human beings, but they gain a certain autonomy vis-a-vis their makers (and user) and human beings in general. As soon as they present themselves to us, artifacts are no longer completely human and acquire an “objective quality” (1958, 89). The thing world is thus both made and *given*. This process of reification is a feature of human conditionality: whatever we make starts to condition human existence and co-existence—for better or worse (1958, 95). The things human beings make may boomerang back on them, as in the case of climate change as a consequence of technological advancement and market-driven economic development using fossil fuel, making things by excavating resources (or the development of weapons of mass destruction). The emphasis in *The Human Condition* is on things’ constructive contribution to human existence and co-existence. They provide for the relative durability and stability that we need, given the continuous threat of unlivable impermanence and transience from two sides, the human condition of life itself and of plurality, respectively. On the one hand, as beings that are embodied and embedded in nature, we, as *animal laborans*, are subject to endless, repetitive and perpetual change: the relentless struggle for life and self-preservation (1958, 96-7). On the other hand, indeterminacy, unpredictability and irreversibility are inherent in human existence, for as “acting” beings (that is, citizens), we live our lives among many others. Public things provide the relative stability that is needed in light of the fragility that is typical of human life and co-existence. Most of all, public things create a space in-between people, an *inter-esse*, and hence facilitate and maintain plurality (1958, 52).

So the world includes the practices of world-building by human beings in their capacity as producers (*homo faber*) and their results, the artefact. However, it also consists of the meanings that are generated by human beings in their capacity as citizens, that is, as acting and speaking beings who are both equal to, and different from, their fellow-citizens. Human “words and deeds” encompass interactions and relationships between people, and the exchanged interpretations of events, things, states of affairs. These typically take the form of narratives, opinions, judgments (including prejudices) and the debates and fights ensuing from them (1958, 183). The world in this sense is also an archive of events, as far as they are recorded in history.

Arendt uses a variety of concepts to describe the discursive dimension of the world, each emphasizing different although related aspects, of which I will briefly mention four. First, the discursive world is a “*space of appearances*” (1958, 199): a public space to show oneself in deed and words to one’s fellow-citizens - to be seen and heard by them, and vice versa, and in the process achieve equality and distinctness. The “*res publica*” serves to displace the political from a relation between “subjects” (citizens, the people or the *demos*) to their shared relation to “objects”: public things (1958, 56; cf. Honig 2017). The “web of relations” stresses the network character of the human world, the fact that it strictly comes about between a plurality of acting and speaking people (1958, 183, 88). In addition, it is meant to underline its relative vulnerability if compared to the material world. It is telling that Arendt uses the image of the web, instead of a closely-knit fabric. It is a strictly *political* community. The political significance of keeping a

distance is also key to a final image, the “in between” (*inter-esse*) (1958, 7-8; 1963b, 86). The world as the whole of shared meanings and human-made things lies *outside of* human beings. It constitutes a third between self and others that binds them into a community, whether or not by contestation of this third. Except for intimate conversations, people usually talk or fight *about* some worldly reality. The world of (public) things offers an “objective frame of reference to test our impressions against reality.” (Canovan 1985, 619). Testing one’s impressions against reality does not necessarily lead to agreement and consensus about these issues with others. As Bonnie Honig writes: “Without things to fight about—public parks, climate change, kinship structures—democracies cannot exist. That is, democracy postulates not only a *demos* (or many *demoi*) but also a (or many) *res publica(e)*; democracy needs not just democratic subjects but also democratic objects.” (Honig 2014, 211)

Like the “thing” dimension of the world, the discursive dimension is practice-based or performative. The practice that corresponds to this dimension of the world could be called *world disclosing*. Heidegger demonstrates that phenomena appear against a background of concealment, by carrying some things into the light from darkness, which fits in with the figure/background image in Husserl’s and Maurice Merleau-Ponty’s phenomenological accounts of the structure of perception. In sharp contrast to Heidegger, Arendt points at the indispensability of narrating, interpreting, judging, and sharing and discussing our opinions and evaluations *with others*. By “talking about” (1958, 183) things and events, we make them meaningful or disclose their meanings. What disclosure boils down to can be clarified by using the analogy of unlocking an archive. A collection of files first needs to be processed actively in order to become available to its users (such as historians), by way of a database or catalogue. Also, when nobody ever consults this database, it becomes a dead archive.

Both world disclosing and world building allow for developing a personal identity. In stabilizing the world, the things we make simultaneously stabilize who *we* are, our personal identities as relative permanence through time, by providing a point of reference which remains constant through time and which is shared with other people. Likewise, in the process of world disclosure, those who act and speak also disclose or reveal *themselves*. The “disclosure of the agent in speech and action” is not the intended purpose of action and speech (in that sense it is a kind of epiphenomenon of action, but it should not be confused with a facade). Only by acting in the world do people individuate, according to Arendt (1958, 97, 175; 1994, 23).

The world-centered ontology of *The Human Condition* is developed further in *The Life of the Mind* Volume I, in Arendt’s insistence on the coincidence of Being and Appearance—that is, appearance to many others—which translates in the ontological dignity (perhaps even primacy) of the world (1971, 19). Here, Arendt leaves behind the juxtaposition, implicit in *The Human Condition*, of world and earth. In the time span separating the publication of *The Human Condition* (1958) and the preparatory work for *The Life of the Mind Volume I* in the early 1970s, she

apparently broadened her conception of world to include the earth. Plurality is now defined as the “law of the *earth*” (1971, 19; emphasis added). This extension may explain why Arendt used the concepts of “world” and “earth” interchangeably after *The Human Condition*.⁸

In conclusion, Arendt’s phenomenology of the human conditions foregrounds the mutual conditionality of human subjectivity and the common world of things and meanings. Her dismantling of definitions of an innate human essence in favor of being-of-the-world does not merely reflect an abstract intra-philosophical position, but is developed in relation to a particular historical context: the large-scale violations of human dignity in the twentieth century, especially the totalitarian experience and mass displacements and denationalizations. Her respective ontological and ontic accounts mutually inform each other, as I will demonstrate in the next section.

2. Historical Formations: Human Dignity as Worldliness

The twentieth century political reality Arendt was confronted with emerged from historical formations and developments, most notably, what we would call today, the globalizing force of European imperialism, the consolidation of a globe-encompassing territorial nation-state system and the globalization of armed conflict, migration (including forced migration and displacement), and the reach of weapons of mass destruction (1958a, 1-6). Today, we could add climate change, and viruses such as corona that lead to epidemics literally affecting all (*pan*) nations or people (*demos*). These developments have increasingly integrated mankind, Arendt observed—and not, for that matter, in some rosy cosmopolitan sense, a “beautiful dream of unity” (1951, 434), or no more than as a Kantian regulative ideal (1973, 298), but in the factual historical sense that we are all in the same boat, bound by “negative solidarity” (1968, 83). This “inescapable fact” (1973, 298), “this situation”, namely “the emergence of mankind as one political entity” (1949, 36; 1951, 436) for Arendt clearly confronts us with new burdens and responsibilities that call for a “political principle, (...) a new law on earth” (1973, ix). Just as much as the extreme infringements on human dignity the world had witnessed in the preceding decades are expressive of the political integration of “mankind” are those institutions designed to redress them. WWII accelerated the institutionalizations of human rights and of international criminal justice. The United Nations (UN) were established in 1945. In 1948, one day apart, it adopted the Genocide Convention and proclaimed the Universal Declaration of Human Rights (UDHR, 1948); article 15 of which formulates the “right to nationality”) and in 1951 it adopted the Refugee Convention.⁹ A series of high profile Holocaust trials and tribunals took place, first and foremost the Nuremberg trials by the International Military Tribunal (1945-1946) and including the first mass-media trial, of Nazi-official Adolf Eichmann by the Jerusalem District Court (1963a). Together, these institutions

brought about a number of groundbreaking legal innovations such as the invocation of universal jurisdiction and the codification of genocide and crimes against humanity, and paved the way for the establishment of a number of ad hoc international criminal tribunals in the 1990s (starting with the tribunal on the Yugoslav wars and the Rwandan genocide) and of the permanent International Criminal Court (2002).

Below, I will discuss two cases, taken from Arendt's historical work, that result from the political integration and in which human dignity is explicitly at stake, namely statelessness and the Holocaust. I will juxtapose two sections, the first about the stateless' loss of the "right to have rights", the second Arendt's "death sentence" (Butler 2011) of Eichmann. Even though these sections are both much commented on in their own right, they are rarely read in conjunction, whence it has so far gone unnoticed that both explicitly tie human dignity to worldliness, that is, to sharing the world, and being placed in it.

Arendt is usually cited as one of first philosophers to attend to the concept of crimes against humanity, and her work remains a key point of reference for political and legal philosophers reflecting on crimes against humanity, in particular the Epilogue to *Eichmann in Jerusalem*.¹⁰ Even if she has become known as a fierce critic of both the Nuremberg and Eichmann trials, Arendt unequivocally applauded the judicial innovation enacted in the Nuremberg trials: the introduction of crimes against humanity as a category in positive law. In 1949 (and again in 1963), Arendt writes that she believes that "the new concept of 'crimes against humanity'", as mentioned in the London Charter (the legal foundation of the trials) and in the opening addresses of respectively the American and the French chief prosecutors at the Nuremberg trial, is "the first and most important notion of international law" (1949, 36).¹¹

The famous (or infamous) closing lines of the Epilogue of *Eichmann in Jerusalem*, in which Arendt addresses Eichmann directly (her "death sentence") contains important clues to her notion of the "humanity" (or human dignity) which is violated in the case of crimes against humanity, in terms of the human *world* that people inhabit: "[Y]ou supported and carried out a *policy of not wanting to share the earth* with the Jewish people and the people of a number of other nations—as though you and your superiors had any right to determine who should and who should not inhabit the world." (1963a, 279; italics mine)

The reference to the condition of sharing the earth or the world is a recurrent one in *Eichmann in Jerusalem*. Earlier in the Epilogue, she had argued that "the new crime" (that is, crimes against humanity), appeared "when the Nazi regime declared that the German people not only were unwilling to have any Jews in Germany but wished to make the entire Jewish people disappear from the face of the earth" (1963a, 268-69) with the Holocaust being characterized as "an enterprise whose open purpose was to eliminate forever certain 'races' from the face of the earth" (1963a, 277). In previous chapters, she qualifies crimes against humanity as "the end of the world": "What for Hitler (...) was among the war's main objectives, with its implementation given

top priority, regardless of economic and military considerations, and what for Eichmann was a job, with its daily routine, its ups and downs, was for the Jews quite literally the end of the world.” (1963a, 153-54)

It seems no coincidence that Arendt uses the formulation of “sharing the earth” in her verdict on Eichmann. Several interpreters have suggested that this formulation resonates with the Kantian notion of the “common possession of the earth”, whether or not unwittingly.¹² In the “Third definitive article for a perpetual peace” of *Perpetual Peace* (1795), Kant addresses the conditions of “universal hospitality” and asserts the moral foundation of the right to hospitality (*Besuchrecht*) in men’s “common possession of the face of the earth”.¹³ Since the earth is a globe, Kant argues, humans “cannot infinitely disperse and hence must finally tolerate the presence of each other.” As a consequence, “no one originally has any greater right than anyone else to occupy any particular portion of the earth”. In the lectures on Kant that Arendt delivered from 1964, she argued that she considered *Perpetual Peace* to contain some of the few shreds of a genuinely *political* philosophy that was never finished in Kant’s work, in addition to his *Critique of Judgement* (1790): “[C]oncern with the world which is the task of political philosophy for which man is primarily a worldly being can be found in traces everywhere in Kant’s writings about history and even in his moral philosophy.” She mentions the right of hospitality as an example of that genuine political philosophy: “Hence violation in one place is felt throughout the world (...). Here, Kant raises his question not from the side of men, but of the earth which is held in common by men (plural), concerned with the many.” (1964, 032259)

Even if Arendt, like Kant, appreciates the enormous political significance of the fact that human beings share the world, it did not lead her to embrace his moral theory of cosmopolitanism. She was suspicious of the normative consequences Kant drew from this fact in his formulation of the regulative ideal of a *weltbürgerliche Gesellschaft*, because she held that this ideal was based on the conceptual pre-understanding of nature as a guarantee, that only much later, in the first half of the twentieth century, turned out to be highly exclusive.

It is the common situation of individual human beings and of particular groups that they are one among many inhabiting the common world. Crimes against humanity could be seen as attempts to destroy key world disclosing and world building capacities. They especially affect the human capacity to contribute meaningfully to the world, to bring about new state of affairs and to be a “cobuilder of a common world” (1973, 458), but also of our common sense, or “sense of reality” which is intersubjectively validated. Moreover, it jeopardizes various dimensions of the plural world that humans share, such as the fragile texture (“web”) of human relationships. The fundamental and long-term scattering of communities is a well-documented phenomenon in historiography, as well as victims’ and survivors’ (and perpetrators’) testimonials and documentary and narrative non-fiction about the aftermath of historical injustice, genocide and crimes against humanity.

Also, crimes against humanity constitute an attack on shared public things that provide for relative stability (and hence on the *res publica* and the in-between), from the material infrastructure, cultural artefacts and common land to legal personhood, legal institutions and the political community “whose law is violated”. Legal justice requires the restoration of this “order of mankind”, not of the victims (1963a, 261). Here Arendt cites Telford Taylor, the former assistant of Justice Jackson in Nuremberg, who attended the Eichmann trial: “the essence of law is that a crime is not committed only against the victim, but primarily against the community whose law is violated.” (1963a, 261) Taylor emphatically argued that attacks on a particular group, such as Jews, are not just a crime against the direct “objects,” the victims, but equally against those who do not belong to that group. For that reason, he considered “Crimes against the Jewish People” an absurd charge. He draws a parallel here with what we today call hate crimes, against black people in the American Southern states and in South Africa: “true justice declares that such an act is as much a crime against whites as blacks” (Taylor 1961, 22; cf. *idem*, 1962). For Arendt, crimes against humanity consist not in crimes against individual human beings, nor against groups *as* groups, or of some inalienable human dignity, but, more pertinently, against something that does not coincide with human beings but is outside of them, namely the common, plural world.

Despite the obvious differences, Arendt points out important similarities between the Holocaust as a crime against humanity on the one hand and the rightlessness of stateless refugees on the other hand. Discussing the predicament that stateless refugees find themselves in, such as masses of Europeans in the interwar period and Palestinians after 1948, Arendt argues that their loss of human rights is most accurately captured in the idea of their loss of a *place in the world*, a legal and political community which, in her own words, “makes opinions significant and actions effective,” or in other words, “a community willing and able to guarantee any rights whatsoever.” As she writes: “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.” (1973, 296-97)¹⁴

The key to rightlessness as a result of displacement and denationalization in modernity, Arendt argued, is the deprivation of one’s membership in a legal-political community and the concomitant reduction of humans to natural beings, mere members of the species *homo sapiens*. The real problem of stateless people is that they do not belong to any political community whatsoever and are, exactly, “only human”, deprived of the worldly space in which actions are performed and seen, opinions articulated and heard. Under conditions of a globalized nation-state system, the human rights as formulated in the 1948 UN human rights declaration are in fact civil rights, so the stateless had lost their human rights *because* they had lost their civil rights/citizenship through sovereign expulsion. By losing one’s *political* rights (that is, citizenship status, nationality), refugees turn out to become *completely* rightless, which indicates that so-called “natural” rights (which are supposed to be given at birth and to be inalienable) are worthless unless

backed up by political rights.¹⁵ What ultimately determines the regrettable fate of the stateless individual is not so much that he or she has lost civil rights and therefore human rights, but the only human right deserving of that name though it “was never even mentioned among the human rights”, namely the “right to have rights.” (1973, 297)

Crimes against humanity and human rights were indeed intimately related for Arendt. In an essay written in the midst of the drafting process of the UDHR, “The Rights of Man”, What are They?, Arendt identified expulsion under conditions of the nation state which causes refugees to become stateless as “the one crime against humanity.” It is the violation of the “one human right”, the right “never to be excluded from the rights granted by his own community”, that is, never to be stripped of one’s citizenship (1949, 36-37), in other words: the right to have rights. This situation was repeated some decennia later at the gates of Auschwitz where Jews were carefully deprived of their legal personality (1973, 447; 1955, section 12).

World destruction is the shared feature of the rightlessness that comes with denationalization and expulsion and with crimes against humanity. Both constitute an attack on human dignity by robbing people of their “placedness in the world” and the condition of sharing the earth, their worldly co-existence. Against foundationalist (especially naturalist) accounts of human dignity, Arendt alerts us to its worldliness: “[R]espect for human dignity implies the recognition of my fellow-men or our fellow-nations as subjects, as builders of worlds or cobuilders of a common world.” (1973, 458)

Indeed, what was most urgent was the work of world-building. The events of mass statelessness and the Holocaust had in Arendt’s eyes made abundantly clear that new institutions, laws, and constitutions were needed to protect human dignity, that is, to prevent offenses against the world and to warrant the right to have rights. However, the international legal order and the human rights regime that emerged after WWII were based on old conceptual pre-understandings about human dignity and understandings of international law still predicated on international agreements between sovereign nation states. The UN in Arendt’s view no less than its predecessor, the League of Nations, expressed human rights in “terms of the 18th century,” especially the naturalist —hence: unworldly—principles of inalienable rights and innate human dignity, expressed in the French Declaration of 1789, which are derived from a long tradition of natural law theory.

As regards crimes against humanity: she regretted that the Holocaust trials in Nuremberg and Jerusalem had failed because the courts, the judges and the foundational legal documents (the London Charter in the case of Nuremberg, the Nazi and Nazi Collaborators (Punishment) Act in the case of Jerusalem) clung to an understanding of international law still based on sovereign nation states. She denounced the tendency of both courts of adjudicating the Holocaust—in her view a new and unprecedented crime—by old legal categories (1963a, 269). More concretely, she regretted the reluctance on the part of the Nuremberg and Jerusalem prosecutors and judges to

apply the novel category of crimes against humanity in their charges and sentences. Instead, the Nazi officials who stood trial were predominantly charged for war crimes (Nuremberg) or crimes against the Jewish people (Jerusalem).¹⁶

3. Care for the World as Proto-Normative Commitment

In the preceding sections, I have made the case that for Arendt, what makes humans human is the world of things and meanings *outside* of and *between* them. Likewise, her accounts of statelessness and the Holocaust suggest a non-human, that is, worldly, notion of human dignity: placedness in the world and sharing the world with plural others. Returning to the scholarly debates on the alleged lack of normativity in Arendt's work, I would now argue that it indeed does not provide (derive or justify) an independent, external (a- or non-political) normative foundation for good or just (not even better or more just) political orders, in the form of substantive principles or procedures for decision making or moral argumentation, deliberation and justification, unlike the mainstream of contemporary political theory, be it in its liberal political theoretical or deliberative democratic varieties, which is still largely indebted to Kantian moral theory. However, it is not normatively empty, but informed by a "proto-normative" commitment—to the material and discursive world. It explores that which precedes normative and moral justification, decision making, argumentation, and deliberation: the *meaning* of human dignity, and why people, as soon as they start acting and speaking in public, *care at all*.¹⁷

Sharing the world with plural others, or, in Butler's words, "cohabitation with others we never choose" (Butler 2013, 152), is a feature of human conditionality (cf. *idem*, 166). However, I argue that it is not a norm—"a norm (...) of how the state might be formed in ways that would reverse statelessness and accommodate the heterogeneity of its populations" (*idem*, 152)—or "a fundamental task of Jewish ethics" (*idem*, 153). Rather, it is what allows for moral or normative argumentation and for justification of norms and ethical tasks in the first place.

Here I follow Sophie Loidolt who has recently argued, from a phenomenological perspective, that Arendtian plurality (more precisely: "actualized plurality") "confronts us with intrinsic ethical demands (...) [which] are "proto-normative" in the sense that they constitute the field of meaning where (...) normative questions gain relevance: Freedom, trust, and sociability as an end in itself, for example, must be experienced (and described in their experiential features) first before they can be made relevant for moral arguments." (Loidolt 2018, 234) However, I believe Loidolt is not radical enough in drawing the consequences from Arendt's ontology of "being-of-the-world". Even if Loidolt stresses—contra deconstructions of the subject in postfoundationalism—that self, other, and world are intertwined, so that the one cannot even exist

in isolation from the others, the focus in her account is somewhat out of balance: the self, even if it is pluralized, receives a disproportionate amount of attention, at the expense of the world.

The proto-normative commitment that Arendt's work features could be described as "care for the world".¹⁸ Starting with Heidegger, phenomenologists consider "caring about" as a fundamental structure of human existence. "Care" (*Sorge*) refers to our daily practical and embodied involvement with the world that precedes and is the basis of reflective processes and rational deliberation, *including moral and political deliberation*. Since their own being is at issue, human beings fundamentally care about existence. Since this self is considered as always in the world—that is, embedded in a historical, cultural and social world comprised of other people and things—caring about ourselves as a principle entails caring about others and about the world. While Heidegger focusses on care for the self, and Levinas on care for the Other, Arendt's phenomenology resolutely "takes sides for the world's sake" (1968, 7-8). This is an exercise in "turning the tables". Musing on totalitarianism, she wrote: "What is lost is not merely this weightless race of men but the world that was supposed to house them." (1968, 219).¹⁹ For "the world and the people who inhabit it are not the same. The world lies between people, and this in-between—much more than (as is often thought) men or even man—is today the object of the greatest concern and the most obvious upheaval in almost all the countries of the globe." (1968, 4).

What Arendt wrote in her notes for a 1964 lecture on Kant's *Critique of Judgment*—"the only one of Kant's writings where his point of departure is the World and the senses and capabilities which made men (in the plural) fit to be inhabitants of it"—could be said to apply to her own brand of, what I have called, "political thinking" as well: "This is perhaps not yet political philosophy, but it certainly is its condition *sine qua non*." (1964, 032259). Arendt's work is "not yet" political philosophy, if the latter is taken to be concerned with determining what people *should* do and how they should act, for instance, according to which principles. Rather, she brings to light what makes people start to act and speak in public in the first place, namely that they care about the world to which they always already belong. Political thinking implies delving into the structures of caring that precede normative questions and enable moral and political deliberation.

Care has the structure of a response to an appeal that is made on us, that is, of "responsibility". It is *worldly problems* that solicit, call forth and enable us to act and speak politically. Arendt gives the example of taking the initiative to act: "When I make [the] decision [to appear to others], I am not merely reacting to whatever qualities may be given me; I am making an act of deliberate choice among the various potentialities of conduct which the world has presented me." (1971, 37)²⁰

Arendt's proto-normative commitment helps clarify her slightly grumpy rejoinder when a discussant once requested her political instructions ("My God, we are not in the nursery!"; cited at the beginning of this article). The normative political question of how to act is not a theoretical

issue (which could in principle be determined by a single solitary and disengaged individual from a third-person perspective), but a practical one (intrinsic to *praxis*), that is, enacted by a plurality of actors themselves the moment they start to act together.²¹ Arendt's work does not provide (even pursue) normative foundations for human dignity, not because she suffered from "normative melancholia," but because she held a phenomenologically informed conception of what "political thinking" is for. This conception may, on the other hand, be compatible with non-foundational, politicizing interpretations of her work on human rights, the right to have rights and crimes against humanity, but for reasons usually not fully acknowledged. Arendtian non-foundationalism is only derivative of a proto-normative commitment—to the world. As a political thinker, inspired by phenomenology, Arendt was interested above all in exploring why those who venture to act and speak in public care in the first place.

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Notes

¹ For example Martin Jay, Luc Ferry, Alain Renault and, especially, Richard Wolin (Villa 1996, 115-16). Some commentators on the other hand praise Arendt for her “cosmopolitan realism” or her “critical” “rugged” or “worldly” cosmopolitanism (Fine 2000), “shorn of historical and moral idealism” (Hayden 2009, 9).

² For political or politicizing readings of Arendt’s account of human rights and/or “the right to have rights,” see: Nässtrom 2014; Gündoğdu 2015; Cane 2015; Honig 2006. For political or politicizing readings of Arendt’s account of crimes against humanity, see Maxwell 2012; Honig 2006, Azoulay & Honig 2016; Gündoğdu 2015. For a political reading of the principle of human dignity in general, see Macready 2018.

³ Early exceptions are Ernst Vollrath 1977, 1979 and Jacques Taminiaux 1997.

⁴ Even if Arendt’s most well-known book is called *The Human Condition*, the very notion of “the human condition” (in the singular) is somewhat misleading, for it is often used in a sense that is actually the opposite from the historical and contextual meaning with which Arendt invests it, namely human *nature*. In her own German translation of *The Human Condition* (published in 1960 under a title which no longer makes mention of the “human condition,” *Vita Activa*), she uses the term *Bedingtheit* for “condition”. *Bedingtheit*, though, is in fact more accurately translated as “conditionality” or, to use a neologism, “conditionedness”. On this, also see Chacón 2013; Macready 2018; Loidolt 2018. Therefore, in this article I will use human conditionality and the human conditions (in the plural) rather than the human condition.

⁵ Here my account differs from Sophie Loidolt (2018), whose central claim is that Arendt’s conceptual work and method are less idiosyncratic and eclectic than is usually assumed, as phenomenology provides the systematic grounding underlying her method and the key notions that inform her work. One of her aims is to provide a corrective to exclusively empirical-political (or “ontic”) readings of Arendt’s work. Adamant to stress the philosophical (ontological) rather than “merely” political (ontic) meaning of Arendt’s work, Loidolt sometimes overstates her point with the risk of dehistoricizing it, which in my view is a missed opportunity to explore a truly original feature of Arendt’s phenomenology, namely how concrete political (ontic) events and a radical phenomenological ontology *work together* in it.

⁶ Even if the world is the human habitat or house, it is not a place of comfort: it requires our constant attention in order to keep it a place fit for human co-existence, as the examples of the Holocaust and statelessness in section 2 show. One has to actively involve oneself to be able to appreciate the world as a meaningful context.

⁷ The distinction between things and discourse might suggest that first there is a pre-political “object” to which subsequently meaning is attributed, with only the discursive world being truly political. However, worldly things and discourse are closely related for Arendt. For most of the time, it is exactly things that are the point of reference (topic) and/or the stage and context of discourse (1958, 204). Arendt was well aware that undisclosed objects lack any meaning for us. The world in Arendt’s sense does not consist in “objects,” as the word is used in the natural sciences, that is as meaningless (‘dead’) matter, but more accurately in “things” that are meaningful *for us*, that is, useful (or useless), beautiful (or ugly), and so on. Second, things and discourse refer to one and the same world, *our* human world, like nature and world also refer to the same planet, *our* planet, namely earth. Finally, especially in her later writings on the revolutionary and the republican tradition, the distinction between things and discourse becomes even less clear-cut. For example, in her essay “What is Freedom?” (1961) Arendt calls the phenomenon that in her view rightfully qualifies as freedom a “worldly, tangible reality”: it “develops fully only when action has created its own worldly space where it can come out of hiding, as it were, and make its appearance” (1961, 169).

⁸ *Eichmann in Jerusalem* and *The Life of the Mind* are closely related works in Arendt’s oeuvre. In the introduction to *The Life of the Mind* Volume I, she explains that the lessons she learned from *Eichmann in Jerusalem* prompted her to start on the *Life of the Mind* project.

⁹ Article 15 reads: “1. Everyone has the right to a nationality. 2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.”

¹⁰ Most prominently Luban 2004, 2011; Vernon 2002; McLeod 2010; Fine 2000; May 2006, 373). Also see historians in the field of Genocide Studies (Stone 2011; King & Stone 2007, Moses 2010; Zimmerer 2004; Kistner 2008). Also see Oliver 2015.

¹¹ Arendt was deeply impressed by the opening address of the American chief prosecutor, Robert H. Jackson, on the second day of the Nuremberg trial, November 21, 1945, as the first judge ever to use this expression (1949, 36). A few months later, the French prosecutor, Francois de Menthon, spoke of a “*crime contre la condition humaine*” (January 17, 1946). In 1963 she wrote that to her these were words of “great clarity” (1963a, 268, 257).

¹² This has been suggested by several interpreters, such as Luban 2011; Vernon 2002.

¹³ The common possession of the earth’s surface later became a pivotal aspect of Kant’s Doctrine of Right, particularly pertaining to property law, in *The Metaphysics of Morals* (1797).

¹⁴ The precarious legal, political and human status of today’s refugees and undocumented immigrants further illustrates this argument. Practices of detention, deportation and encampment may dehumanize refugees, because they deprive them of a place in the world (Gündoğdu 2015).

¹⁵ For a more detailed reconstruction of this argument, see Borren 2014.

¹⁶ Arendt held, on the contrary, that the Holocaust had nothing to do with WW II—a war between sovereign nations—so the charge of war crimes was sadly beside the point. And her misgivings about Eichmann’s prosecution on account of Crimes against the Jewish People concerns the implied failure to acknowledge the radical novelty of the crime. Second, she held that Eichmann should have stood trial at an international tribunal. She was alarmed by what she considered had become a “show trial” that was instrumentalized for ulterior particularistic political ends: to provide a justification for the foundation and existence of the state of Israel (1963a, 4, 176, 254). Hence its reluctance to prosecute perpetrators of the Holocaust for crimes against humanity, instead of crimes against the Jewish people.

¹⁷ What is said about action in respect of the actor arguably applies to judging in respect to the spectator as well.

¹⁸ Democratic theorist Ella Myers has put Arendtian care for the world as “home” and “in-between” convincingly within the recent literature on democratic *ethos* (2013). Although Myers does not engage with phenomenology, she arrives at a number of similar features, such as the appeal-and-response structure of care.

¹⁹ Here Arendt is commenting upon Bertolt Brecht’s life and poems, but this remark fits her own views as well.

²⁰ For a similar argument, see Zerilli 2005, 11-13, 17.

²¹ See n.17 above.