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HUMAN RIGHTS: MORAL CLAIMS AND THE CRISIS OF HOSPITALITY

ABSTRACT

This paper focuses on the current international refugee crisis and the ways in which it is leading to sharp symbolic and physical violence through the process of “othering.” Based on Hannah Arendt’s discussion of statelessness and the question of the right to have rights, and Giorgio Agamben’s discussion of *Homo Sacer*, as well as drawing on other key authors such as Judith Butler, we argue that conditions of extreme human vulnerability and dangers of totalitarianism are being radically worsened by the ethnicized and racialized denial of the other, that is, of human rights. Rather than advocating an abstract cosmopolitanism, however, without strong purchase in contemporary social life, the paper concludes by noting the need to place oneself in a position of discomfort, in order to confront the tension between particularistic attachments and universalist aspirations, between the multiplicity of laws and the ideal of a rational order common to all polities, between belief in the unity of humankind and the healthy antagonisms and tensions generated by human diversity.

KEYWORDS

body, violence, Other, hierarchy, refugee, homo sacer, hospitality, cosmopolitanism

There is a continuum linking symbolic violence — animated through words and images — and physical violence. By providing narratives that dissociate perpetrators from the crime, this continuum generates the conditions of possibility for physical violence and its justification, thus rationalizing and naturalizing injustices (Sen 2006). Starting with an analysis of *homo sacer* in Giorgio Agamben’s work, and Hannah Arendt’s work on the problem of statelessness (Arendt 1998), with special attention given to Judith Butler and Catherine Malabou’s dialogue in their book *You Be My Body for Me: Body, Shape, and Plasticity in Hegel’s Phenomenology of Spirit* (2011), this paper aims to demonstrate the structural link between the linguistic processes that socially construct the category of the Other and biopolitics.

Nowadays we are saturated with images and narratives that confront us with violence in all its forms, yet distance us from the suffering portrayed, by perpetuating the intolerable, and augmenting the threshold of its toleration (Boltanski 1993). Hence these words and images become actual practices that kill - or authorize killing without liability, with impunity.

What besets us today is a life that as such is exposed to a violence without precedent in the sense that the most profane and banal ways (Smith 2010)¹. It is striking that the problem of statelessness, which Hannah Arendt addressed as a German Jew who was denaturalized and rendered stateless by the Nazi regime, and the reflections she formulated under those conditions are still relevant today. The international state system built after the Second World War still embodies, on the one hand, the commitment to universal human rights, and on the other hand, to state sovereignty. Both in theory and in practice, these two commitments clash, the fate of refugees being the most obvious example of this tension. When an individual becomes so removed from access to institutions and society, cast out of society, and its legal framework, the conditions that enable totalitarian regimes and exterminationalist politics flourish.

The Italian philosopher Giorgio Agamben argues that the sheer possibility of so regarding human life, is precisely what enables totalitarian regimes, and not the other way around. And that this same possibility is at the origin of democracies, if the focus of biopolitics² reverts to the population and not the individual. Hence, a state that does not respect and protect the sacredness of human life of every individual equally, becomes a machinery that at any given moment threatens to turn any of us into a defenseless *homo sacer* (Agamben 2016). This legal casting out creates thus a form of ‘illegal legality’ (Ibid) and a state in which we become both dispossessed of ourselves and bound together by that dispossession, in an ‘other’ category of a modern *homo sacer*.

The multi-layered meaning of *homo sacer* is best represented by the concentration camp inmate, as the most complete realization of the term, and a product of Nazism or any totalitarian regime, that can dispose of human life as *bare life* (ibid). Today’s most flagrant example of a modern *homo sacer* is the refugee, and to some extent even the homeless.

In a well-known passage of *The Origins of Totalitarianism*, Hannah Arendt (2004: 217) writes: “We become aware of the existence of a right to have rights and a right to belong to some kind of organized community, only when millions of people emerge who had lost and could not regain these rights because of the new global political situation [...] The right that corresponds to this loss and that was never even mentioned among the human rights cannot be expressed in the categories of the eighteenth-century because they presume that rights spring immediately from the ‘nature’ of man [...] the right to have rights, or the right of every individual to belong to humanity, should be guaranteed by humanity itself. It is by no means certain whether this is possible.” The ‘*right to have rights*’ has thus paradoxically become the well-known phrase through

1 In his lesser known work *The Theory of Moral Sentiments* Smith argues for a balance of justice and *beneficence* in societies as justice alone inevitably becomes a hollow concept that can seemingly continue to guaranty certain rights yet in practice in the reality of daily life, they become lost or inaccessible.

2 Michel Foucault (1997) first used the term biopolitics at a conference given at *The Collège de France*.

which to capture the plight of those who have been cast out of the legal framework in which one is judged by one's actions and opinions.

The paradox from which Arendt departs is that the very figure who should have been the embodiment *par excellence* of human rights – the stateless, the refugee, the asylee and displaced persons – instead became what alerts us to the concept's radical crisis. “The conception of human rights, based upon the assumed existence of a human being as such, broke down at the very moment when those who professed to believe in it were for the first time confronted with people who had indeed lost all other qualities and specific relationships – except that they were still human” (ibid: 299). In the system of the nation-state, the inalienable human rights show themselves to lack every protection and reality at the moment in which they can no longer take the form of rights belonging to citizens of a state. This is in fact implicit in the ambiguity of the very title of the French *Declaration of the Rights of Man and Citizen*, of 1789. In the phrase *La déclaration des droits de l'homme et du citoyen*, it is not clear whether the two terms *homme* and *citoyen* name two autonomous beings or instead form a unitary system in which the first is always already included in the second.

This reveals the disjunction between human rights and ‘*the rights of the citizen*’, between the universal claims to human dignity and the specificities of indignity suffered by those who possess only human rights. From Hannah Arendt's famous discussion of the ‘*right to have rights*’ in *The Origins of Totalitarianism*, to Giorgio Agamben's *homo sacer*, to Judith Butler's ‘*precarious lives*’ (Butler 2004) and Jacques Rancière's call to ‘*the enactment of rights*’ (Rancière 2008), the asylum seeker, the stateless and the refugee have become metaphors as well as symptoms of a much deeper problem in the politics of modernity.

1. The Rights of the Rightless

What does it actually mean to be set apart from society? To be deprived of all rights and all functions? And does it matter if it is due to perceived culpability or not? Who decides on this legal outcasting?

If sovereignty is interpreted as power over ‘life’, the reappearance of these questions becomes inevitable. Understanding sovereignty as a power capable of establishing different hierarchical levels of value on human life, even to its most extreme end of complete abandonment of protection of life, leaving it as ‘bare life’³ deprived of all possibilities and potentialities. Thus, to be alive bares with it the realization that *life is never exclusively one's own*.

3 The term originates in Agamben's observation that the Ancient Greeks had two different words for what in contemporary European languages is simply referred to as ‘life’: *bios* (the form or manner in which life is lived) and *zoē* (the biological fact of life). His argument is that the loss of this distinction obscures the fact that in a political context, the word ‘life’ refers more or less exclusively to the biological dimension or *zoē* and implies no guarantees about the quality of the life lived.

Throughout the history of modern politics and through different cultures, distinct words have been used to designate a life less worthy of protection. The term *homo sacer*⁴ was first used in ancient Rome, describing a subject that could be killed with impunity, but could not be sacrificed in a religious ceremony, a ‘hallow’, ‘cursed’ life. In Japanese feudal era, *burakumin* was an outcast group at the bottom of the social order that has historically been the victim of severe discrimination and ostracism, because of holding an occupation considered impure or tainted by death (such as executioners, undertakers, workers in slaughterhouses, butchers, et al.). In Sanskrit and Hindi, *dalit* means broken or scattered, and is used in reference to ethnic groups in India who were the country’s original inhabitants but have been kept repressed by subjecting them to ‘untouchability’, and excluding them from the four-fold varna system of Hinduism. There are many other words used on both the national and international level of sovereignty, in order to designate lives less worthy of protection or left to die (socially or literary). Some of these occur in warfare and serve to denote a person that engages in armed conflict in violation of the laws of war: unlawful combatant, *belligerent*, or the well know designation of a *persona non grata* in diplomacy, and other denominations that arise from a person’s legal situation: a person with no traceability within society is referred to as a *nonperson*, a stateless person (not considered as a national by any state), outcast, outlaw and so on. The most complex one might be *hostis humani generis*, Latin for ‘enemy of mankind’ that was used to refer to slaves and pirates, and nowadays to terrorists, who once designated as enemies of mankind appear outside of the law, in a metaphysical sense of being against mankind, and also in a literal sense, losing all protection of the law.

The crucial question that arises from these words and the meaning they give, or rather take from human life, is how do we guarantee and protect the equal moral worth of all humans, if these words have the power to create legal black holes, or as Hannah Arendt would put it ‘holes of oblivion’? (Arendt 1965) This is the fundamental aim of the international legal order defined by the UN Charter, maintaining a system of international human rights law, in order to improve the chances that a government will protect the equal moral status of its citizens.

2. Who is “the International Community”?

Human Rights, which were rejuvenated by the dissident movements of the Soviet Union and Eastern Europe in the 1970s and ’80s, became transformed in the first decade of the twenty-first century into “the rights of the rightless, of the populations hunted out of their homes and land and threatened by ethnic slaughter” (Rancière 2008: 79). They appeared more and more as *the rights of the victims*, the rights of those who were unable to enact any rights in their name, so that eventually their rights had to be upheld by others.

4 450 B.C. The earliest attempt by the Romans to create a code of law was the Laws of the Twelve Tables.

This change from ‘the right to have rights’ to the ‘critique of humanitarian reason’ should neither lead us to the defense of the sovereigntist nation-state system nor should it produce a dismissal of the realm of law and international institutions as products of an ‘imaginary consensus’ (Anderson 1991)⁵. It should instead lead towards a recognition of an unending tension and disjunction between facticity and validity of the law and of institutions in general as they give rise to those cracks into which a politics of cosmopolitanism can intervene (Kymlicka 1995).

The Universal Declaration of Human Rights in Articles 13, 14 and 15 addresses some of these questions. Article 13 reads: “Everyone has the right to freedom of movement and residence within the borders of each state. Everyone has the right to leave any country, including his own, and to return to his country.” Article 14 encodes “the right to asylum”: “Everyone has the right to seek and to enjoy in other countries asylum from persecution. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.” Article 15 seeks guarantees against “denaturalization” or “loss of citizenship”: “Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.” Together with the *United Nations Convention on the Prevention and Punishment of the Crime of Genocide* of 1948, the 1951 *Geneva Conventions on the Status of Refugees* and in particular the two international human rights covenants, namely the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*, these documents and the institutions of compliance and monitoring they have created, have altered the legal domain for the entitlement to and the enactment of human rights.

And yet we find ourselves growing ever more accustomed to the terminology used to name precisely those that have been deprived of the rights of citizens, and with it, of any protection under the law: the refugees, the asylum seekers and the stateless. Even the European project that was built upon the idea of ‘never again’ is experiencing a profound crisis in upholding its founding principle, calling into question the idea of a unified Europe guaranteeing the rights of refugees and implementing norms and values.

Immanuel Kant (2016) noted the oddity of the locution ‘hospitality’ in this context, reiterating that “*it is not a question of philanthropy but of right.*” In other words, hospitality is not to be understood as a virtue of sociability, as the kindness and generosity one may show to strangers who come to one’s land or who become dependent upon one’s act of kindness through circumstances of nature or history; rather, hospitality is a right which belongs to all human beings. The Third Definitive Article of a *Perpetual Peace between States* reads the following: “The Rights of men as Citizens of the world in a cosmopolitical

5 Benedict Anderson’s interpretation of all communities as first and foremost imagined and present in our minds and hearts, rather than actual entities can be transposed to the way the international community is perceived and referred to.

system, shall be restricted to conditions of universal Hospitality.” Our commitment to universal hospitality should come from the acknowledgement of our finite human condition and vulnerability, reminding us that we are just mere passers-by on this Earth (Dufourmantelle 2012: 12).

3. Humanity Without Dignity

The concept of human dignity has acquired a global dimension, not only at the institutional level, but in terms of the moral history of the present as well. Dignity on the one hand suggests that we must respect one another, yet this respect can only be exercised insofar as a certain vulnerability is not violated. It is not because we are rational creatures capable of acting in accordance with the moral law alone that we ought to be respected, it is also because we are embodied and vulnerable creatures whose bodily existence makes us susceptible to experiences of torture, rape, slavery, servitude, degradation and violence that we must be protected. To treat a human being with dignity is not only to treat them with respect, it is also to prohibit the exercise of cruelty against them. It is because of the body, not in the first place because of Enlightenment abstraction, that we can speak of morality as universal.

Whatever merit, blame, praise, love, or hate we receive as beings with a particular past and a particular constitution, we are always and everywhere due equal respect merely as persons. Most who attempt to answer this question appeal to the idea that all human beings possess an intrinsic dignity and worth (Rousseau 1965), grounded in our capacity to reason, or reflect, and that those somehow raise us up in the order of nature. Andrea Sangiovanni, professor of philosophy at King’s College London, in his latest book *Humanity without Dignity: Moral Equality, Respect, and Human Rights* (2012), rejects this predominant view and offers a radical alternative by which it is not some vague notion of dignity that makes human rights inalienable, but simply *the potentiality for unequal treatment*. Instead of focusing on the basis for equality, we should be focusing on inequality: why and when is it wrong to treat others as inferior? He comes to the conclusion that our commitment to moral equality is best explained by a rejection of cruelty rather than a celebration of rational capacity.

The crucial problem has been a lack of conventional means to render these structural injustices visible. This is the essence, the decisive issue at stake in regard to the respect of human dignity — the fact that we have divided ourselves into those whose lives are deemed worthy of protection, and those that are left to die, literally or socially. Consequently, the way to preserve human dignity would be to prevent any form of unequal treatment.

In his book *Murderous Consent: On The Accommodation of Violent Death* (2012, translated by Fordham Press in English 2019) Marc Crépon searches for ways that enable us to mitigate this kind of treatment, through rebellion, kindness, irony, critique, and shame. As he emphasizes throughout his work, by tolerating the intolerable, the ‘thresholds of tolerance of the intolerable’ will only keep rising and with it the erosion of human rights. Hence, the role

of political debate and our sense of perception of that which is intolerable, is of utmost importance. Nurturing empathetic discourses of solidarity, that are precisely framed, that can be perilous and degrading to the value of human life and dignity, is the first step towards a protection of life and dignity. Open, engaged, ‘socratic’ conversations, with consent and dissent, as well as a broadening of education in ethics, the arts and literature, can generate these alternatives, and turn the disinterested spectator into a sympathetic and engaged one, capable of supporting and fostering the development of new and plural possibilities in the context of existing and changing frameworks (Nussbaum 1996). Crossing boundaries (actual and virtual) and expanding the imaginary to ‘distant’ others, could lead the way out of socially constructed identities that have often been used as powerful tools to divide, marginalize, and even stir up conflict. Moving away from this paradigm and closer towards a phenomenological understanding of compassion, that would allow for a sense of duty towards humanity as a whole to be nurtured (De Waal 2009).

Our human compassion binds us the one to the other — not in pity nor patronizingly, but as human beings who have learnt how to turn our common suffering into hope for the future.⁶

4. You Be My Body for Me – Butler and Malabou Discuss Embodiment in Hegel

The figure of the savage in Locke, in Hobbes and in Rousseau, like the figure of the bondsman in Hegel, has no property and no territory, because these figures are understood to have no instrumental reason and thus no capacity to accumulate, the same way in which once women, madmen and children were considered (Foucault 2009). This idea of the ‘savage,’ the radically ‘Other,’ is at the origin of all unequal treatment of human life, whether that be the history of colonialism, empire, genocidal regimes or even unequal pay between men and women.

Judith Butler and Catherine Malabou’s book *You Be My Body for Me: Body, Shape, and Plasticity in Hegel’s Phenomenology of Spirit* (2011) shows how this philosophical articulation of the so-called ‘modern’ self-possessing, juridical, economic and political subject relies on, and requires its other — a dispossessed, unfree savage/native/slave/bondsman. And it is precisely the designation of the Other as the ‘savage’ that allows for the plundering of land, territory and livelihood, with impunity. Without a juridically decided unfree subject, not only could the self-possessing individual not have emerged, neither could the project of dominion over the territories that were and continue to be settled by colonial powers. These bodies, once designated as such, through an intricate network of the structural power of language, discourse and media, become legally mandated to disappear in various forms, and often in quite invisible ways,

⁶ Message by Nelson Mandela at Healing & Reconciliation Service dedicated to HIV/Aids sufferers & “The Healing of our Land”, Johannesburg, 2010.

by dissociating perpetrators from the crime and the machinery that enables it. Such bodies become inherently *viol-able*, and by extension, so do their lands (ibid), both the body and the land become regarded as property.

This process is the paradigm of the biopolitical relationship between the body and political subjectivity, and the (in)ability to govern ourselves and our bodies, *becoming both dispossessed of ourselves and bound together by that dispossession*. Paradoxically, this situation awakens the realization that once the body is evacuated, found and located elsewhere, it is understood as one's own. Thus, Malabou and Butler argue that coming to 'be' a body necessarily involves a kind of *dispossession*. In their rereading of Hegel's famous *lord and bondsman parable* (Kojève 1969), rather than focusing on recognition, they have demonstrated how Hegel contributes to a new way of thinking about 'having' a body.

The aforementioned logic of property relations is the 'chasm' that gives shape, not to the problem of life, but to the problem of how the body is understood in legal, property relations. This is precisely what is at stake in Butler and Malabou's book. As Butler says, "If desire is always a desire to overcome bodily existence, it is equally bound by the necessity of preserving it" (ibid: 633). There is a danger in emphasizing the attempt to de-link subjectivity from certain ways of being attached to life (such as self-ownership, or neoliberal forms of denial of vulnerability).

In the logic of property relations, between those who 'have' property (either land or the property of their own bodies) and those who are juridically defined as propertyless, lies the reinterpretation of the *master — slave* parable. The master attempts to delegate his own embodiment to another, to have his body 'appear' over there, in another's (Levinas 1993; 2006)⁷, and in that sense, to de-link his subjectivity from his mortal existence.

Malabou further suggests that the plastic operation of shaping one's body is indeed very close to what Foucault describes as the 'stylization of oneself'. She notes, however, an important difference between them in that "the critical self that Foucault is defining can always become aware of the kind of self-transformation in which it is involved" (ibid: 635). It can 'oversee' its own transformation, step aside from it or decide to pursue it, which is not the case for the individuals designated as the radically Other. Notwithstanding the liberal valuation of autonomy, there is a limit to self-sufficiency as such conditions as childhood, illness, age, or infirmity are always there to remind us. And it is at this limit of autonomy that we experience ourselves as relational and therefore interdependent beings. Both Butler and Malabou powerfully focus on the nature of attachment to life in the form of mortal bodies. "In its surface and its depth, the body is a social phenomenon: it is exposed to others, vulnerable by definition. Its very persistence depends upon social conditions

⁷ Levinas' analysis of the role of military uniform as the abstraction of the body from its innate vulnerability, uniqueness and perception as individually owned, is an invaluable contribution to the thinking of the disposed body as the body that can be disposed of with impunity.

and institutions . . . which means that in order to be . . . it must rely on what is outside itself” (Butler 2009). Butler argues that we are thus always-already dispossessed of ourselves, so to speak, we are bound together through a constitutive self-displacement.

Dispossession thus, does not only refer to the limits of autonomy or self-sovereignty, much more commonly it is a term that refers to what happens when populations lose their land, their citizenship, their means of livelihood and become subject to military and legal violence by looking at the forces that lead to forced migration, colonialism, homelessness, etc.

5. Bioethics as Biopolitics

In the last years of his life, while he was working on the history of sexuality and unmasking the deployments of power at work within it, Michel Foucault began to direct his inquiries with increasing insistence toward the study of what he defined as *biopolitics*, that is, the growing inclusion of man’s natural life in the mechanisms and calculations of power. He coined the term biopolitics during a conference on social medicine in 1974, while trying to explain this ambiguous condition of modern life — a biopolitics that manages and measures the life of the population. His intention was to depict bioethics as biopolitics as he considered bioethics deeply imbedded in political assumptions. The state comes to wield power over life, but not just in an oppressive way, also in a way that creates new possibilities and conditions. At the end of the first volume of *The History of Sexuality* (1979), Foucault summarizes the process by which life, at the beginning of the modern age, comes to be what is at stake in politics. Which explains the fundamental character of totalitarian states as a ‘politicization of life’. Foucault considered that framing bioethics within the ethical call of the Other, avoids the risks and dangers of a ‘top down’ approach to biopolitics. A bioethics that truly represents the concerns of society and the individuals it consists of, could on the contrary be empowering, and the creator of new possibilities.

Nevertheless, the risk prevails even today, as modern democracy does not abolish the potentialities for designating an individual’s life as a ‘homo sacer’ but rather shatters it and disseminates it into every individual body, making it into precisely what is at stake in political conflict.

The most terrifyingly complete historical example we have of the *homo sacer* is, of course, the Holocaust. The wish to lend a sacrificial aura to the extermination of the Jews by means of the term ‘Holocaust’⁸ was, from this

8 The term *holocaust* comes from the Greek *holókaustos*: *hólos*, “whole” and *kaustós*, “burnt offering”. The *Century Dictionary* defined it in 1904 as “a sacrifice or offering entirely consumed by fire, in use among the Jews and some pagan nations”. The biblical term *shoah*, meaning “destruction”, became the standard Hebrew term for the murder of the European Jews. The Nazis used the phrase “Final Solution to the Jewish Question” (*die Endlösung der Judenfrage*).

perspective, an irresponsible historiographical blindness. The Jew living under Nazism is the privileged negative referent of the new biopolitical sovereignty and is, as such, a flagrant case of a *homo sacer* in the sense of a life that may be killed but not sacrificed. His killing therefore constitutes, neither capital punishment nor a sacrifice, but simply the actualization of a mere “capacity to be killed” inherent in the condition of the Jew as such. Hence, the Jews were exterminated not in a giant holocaust but exactly as Hitler had announced, “as lice”, which is to say, as *bare life*. The dimension in which the extermination took place is neither religion nor law, but biopolitics.

If it is true that the figure proposed by our age is that of an unsacrificable life that has nevertheless become capable of being killed to an unprecedented degree, then the bare life of *homo sacer* concerns us in a special way. Sacredness is a line of flight still present in contemporary politics, a line that is as such moving into zones increasingly vast and dark, to the point of ultimately coinciding with the biological life itself of citizens. If today there is no longer any one clear figure of the sacred man, it is perhaps because we are all virtually *homines sacri*.

Conclusion

Right-wing movements that are anti-globalist because of concerns about the loss of jobs see in the refugee problem a concrete instance of losing control. The movements of finance, the movements of global markets, are difficult to grasp for most people, outside of their ordinary experience and their understandings, but this is not the case for the human body (Foucault 2009). The refugee is a concrete and vulnerable example onto which to project one’s fears and hatreds, and this fundamental perception of the Other as a stranger comes back in the rhetoric of all far-right movements. Accepting this is an easy invitation for inaction, or even worse – it opens a path towards the negation of humanity of those perceived as ‘radically Other’.

Rather than advocating an abstract cosmopolitanism, as a means for countering this situation, what could provide effective outcomes would be the acceptance of the need to place oneself in a position of discomfort, and thus confront the necessary ethical tensions between particularistic attachments and universalist aspirations, between the multiplicity of human laws and the ideal of a rational order that would be common to all polities, and between belief in the unity of humankind and the healthy agonisms and antagonisms generated by human diversity. A practical cosmopolitanism, that instead opens the pathway towards a collective project of living with and for others, learning how to deal with, and overcome, division and the negation of a shared humanity, that flows from the construction of otherness and essentialized identities.

Tapping into the sympathetic and imaginative consciousness of people, and giving life to the ethical principles that derive from the common destiny, co-experiencing and co-suffering are thus transfigured into a positive project:

not merely offering assistance, or alleviating suffering, but acting to construct a living together that makes us live lives “we have reason to value” (Sen 2000), thereby sustaining social cohesion, through active involvement in the promotion of the collective and individual good. Revitalizing the commitment to fairness and equality, by valuing the lives of those who remain isolated, marginalized, and unrecognized.

In his 1795 essay on *Perpetual Peace*, Kant formulated what he referred to as the ‘three definitive articles’ (Kant 2016). These read: “The Civil Constitution of Every State shall be Republican”⁹; “International Right shall be based on the Federalism of Free States” and “The Law of World Citizenship Shall be Limited to Conditions of Universal Hospitality”. Kant himself notes the oddity of the locution ‘hospitality’ in this context, and remarks that “*it is not a question of philanthropy but of right*”.

In other words, hospitality is a right which belongs to all human beings insofar as we view them as potential participants in *a world republic*, with equal moral worth and warranting protection.

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9 By ‘republican’, Kant means separation of the executive power (the government) from the legislative power. Despotism is their unity such that the same ruler both gives and enforces laws, in essence making an individual private will into the public will (Rauscher 2017).

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Zona Zarić

Ljudska prava: moralni zahtevi i kriza gostoprimstva

Apstrakt

Ovaj članak se fokusira na aktuelnu migrantsku međunarodnu krizu i na načine kako ona vodi simboličkom i fizičkom nasilju kroz proces konstruisanja 'drugosti'. Oslanjajući se na argumentaciju Hane Arent o apatridima, i, pre svega, na pitanje o pravu na imanje prava, kao i na zaključke Đorda Agambena iz diskusije o *Homo Saceru*, ali i inspirišući se drugim ključnim autorima poput Džudit Batler, u radu insistiramo na ideji da se opasnosti od totalitarizma povećavaju, a uslovi za ekstremnu ljudsku ranjivost radikalno pogoršavaju etnicističkim i rasijalističkim negacijama drugoga, odnosno samih ljudskih prava. Međutim, umesto da zagaravamo apstraktni kosmopolitizam, koji ne bi bio utemeljen u savremenim društvenim odnosima, u članku branimo tezu o neophodnosti zauzimanja pozicije 'neugodnosti', kako bismo se suočili sa tenzijama između partikularističkih privrženosti i univerzalističkih težnji, između mnoštva zakona i ideala o zajedničkom racionalnom poretku svih politika, između verovanja u jedinstvo čovečanstva i antagonizmima koji se generišu u samoj ljudskoj različitosti.

Ključne reči: telo, nasilje, Drugi, hijerarhija, izbeglica, homo sacer, gostoprimstvo, kosmopolitizam