Jacques Rancière

Who Is the Subject of the Rights of Man?

As we know, the question raised by my title took on a new cogency during the last ten years of the twentieth century. The Rights of Man or Human Rights had just been rejuvenated in the seventies and eighties by the dissident movements in the Soviet Union and Eastern Europe—a rejuvenation that was all the more significant as the "formalism" of those rights had been one of the first targets of the young Marx, so that the collapse of the Soviet Empire could appear as their revenge. After this collapse, they would appear as the charter of the irresistible movement leading to a peaceful posthistorical world where global democracy would match the global market of liberal economy.

As is well known, things did not exactly go that way. In the following years, the new landscape of humanity, freed from utopian totalitarianism, became the stage of new outbursts of ethnic conflicts and slaughters, religious fundamentalisms, or racial and xenophobic movements. The territory of "posthistorical" and peaceful humanity proved to be the territory of new figures of the Inhuman. And the Rights of Man turned out to be the rights of the rightless, of the populations hunted out of their homes and land and threat-

The *South Atlantic Quarterly* 103:2/3, Spring/Summer 2004.
Copyright © 2004 by Duke University Press.

ened by ethnic slaughter. They appeared more and more as the rights of the victims, the rights of those who were unable to enact any rights or even any claim in their name, so that eventually their rights had to be upheld by others, at the cost of shattering the edifice of International Rights, in the name of a new right to "humanitarian interference"—which ultimately boiled down to the right to invasion.

A new suspicion thus arose: What lies behind this strange shift from Man to Humanity and from Humanity to the Humanitarian? The actual subject of these Rights of Man became Human Rights. Is there not a bias in the statement of such rights? It was obviously impossible to revive the Marxist critique. But another form of suspicion could be revived: the suspicion that the "man" of the Rights of Man was a mere abstraction because the only real rights were the rights of citizens, the rights attached to a national community as such.

That polemical statement had first been made by Edmund Burke against the French Revolution.[1] And it had been revived in a significant way by Hannah Arendt. *The Origins of Totalitarianism* included a chapter devoted to the "Perplexities of the Rights of Man." In that chapter, Arendt equated the "abstractedness" of "Men's Rights" with the concrete situation of those populations of refugees that had flown all over Europe after the First World War. These populations have been deprived of their rights by the very fact that they were only "men," that they had no national community to ensure those rights. Arendt found there the "body" fitting the abstractedness of the rights and she stated the paradox as follows: the Rights of Man are the rights of those who are only human beings, who have no more property left than the property of being human. Put another way, they are the rights of those who have no rights, the mere derision of right.[2]

The equation itself was made possible by Arendt's view of the political sphere as a specific sphere, separated from the realm of necessity. Abstract life meant "deprived life." It meant "private life," a life entrapped in its "idiocy," as opposed to the life of public action, speech, and appearance. This critique of "abstract" rights actually was a critique of democracy. It rested on the assumption that modern democracy had been wasted from the very beginning by the "pity" of the revolutionaries for the poor people, by the confusion of two freedoms: political freedom, opposed to domination, and social freedom, opposed to necessity. In her view, the Rights of Man were not an ideal fantasy of revolutionary dreamers, as Burke had put it. They were the paradoxical rights of the private, poor, unpoliticized individual.

This analysis, articulated more than fifty years ago, seems tailor-made, fifty years later, to fit the new "perplexities" of the Rights of Man on the "humanitarian" stage. Now we must pay close attention to what allows it to fit. It is the conceptualization by Hannah Arendt of a certain state of exception. In a striking passage from the chapter on the perplexities of the Rights of Man, she writes the following about the rightless: "Their plight is not that they are not equal before the law, but that no law exists for them; not that they are oppressed, but that nobody wants to oppress them."[3]

There is something extraordinary in the statement "nobody wants to oppress them" and in its plainly contemptuous tone. It is as if these people were guilty of not even being able to be oppressed, not even worthy of being oppressed. I think that we must be aware of what is at stake in this statement of a situation and status that would be "beyond oppression," beyond any account in terms of conflict and repression, or law and violence. As a matter of fact, there were people who wanted to oppress them and laws to do this. The conceptualization of a "state beyond oppression" is much more a consequence of Arendt's rigid opposition between the realm of the political and the realm of private life—what she calls in the same chapter "the dark background of mere givenness."[4] It is in keeping with her archipolitical position. But paradoxically this position did provide a frame of description and a line of argumentation that later would prove quite effective for depoliticizing matters of power and repression and setting them in a sphere of exceptionality that is no longer political, in an anthropological sphere of sacrality situated beyond the reach of political dissensus.

This overturning of an archipolitical statement into a depoliticizing approach is, in my view, one of the most significant features of thought that was brought to the fore in the contemporary discussion about the Rights of Man, the Inhuman, and the crimes against humanity. The overturn is most clearly illustrated by Giorgio Agamben's theorization of biopolitics, notably in *Homo Sacer*.[5] Agamben transforms Arendt's equation—or paradox—through a series of substitutions that equate it, first, with Foucault's theory of biopower, and, second, with Carl Schmitt's theory of the state of exception.

In a first step, his argument relies on the Arendtian opposition of two lives, an opposition predicated on the distinction between two Greek words: *zoe*, which means "bare physiological life," and *bios*, which means "form of life," and notably the *bios politikos*: "the life of great actions and noble words." In her view, the Rights of Man and modern democracy rested on

the confusion of those two lifes—which ultimately meant the reduction of *bios* to sheer *zoe*. Agamben equated her critique with Foucault's polemics on "sexual liberation." In *The Will to Know* and *Society Must Be Defended*, Foucault argues that the so-called sexual liberation and free speech about sex are in fact effects of a power machine that urges people to speak about sex. They are effects of a new form of power that is no longer the old sovereign power of Life and Death over the subjects, but a positive power of control over biological life. According to Foucault, even ethnic cleansing and the Holocaust are part of a "positive" biopolitical program more than revivals of the sovereign right to kill.[6]

Through the biopolitical conceptualization, what, in Arendt, was the flaw of modern democracy becomes in Agamben the positivity of a form of power. It becomes the complicity of democracy, viewed as the mass-individualistic concern with individual life, with technologies of power holding sway over biological life as such.

From this point on, Agamben takes things a step further. While Foucault opposed modern biopower to old sovereignty, Agamben matches them by equating Foucault's "control over life" with Carl Schmitt's state of exception.[7] Schmitt had posited the state of exception as the principle of political authority. The sovereign power is the power that decides on the state of exception in which normal legality is suspended. This ultimately means that law hinges on a power of decision that is itself out of law. Agamben identifies the state of exception with the power of decision over life. What is correlated with the exceptionality of sovereign power is the *exception of life*. It is life as bare or naked life, which, according to Agamben, means life captured in a zone of indiscernibility, of indistinction between *zoe* and *bios*, between natural and human life.

In such a way, there is no more opposition between sovereign power and biopower. Sovereign power is the same as biopower. Nor is there any opposition between absolute state power and the Rights of Man. The Rights of Man make natural life appear as the source and the bearer of rights. They make birth appear as the principle of sovereignty. The equation would still have been hidden at that time by the identification of birth—or *nativity*—with *nationality*, that is, with the figure of the citizen. The flow of refugees in the twentieth century would have split up that identity and made the nakedness of bare life, stripped of the veil of nationality, appear as the secret of the Rights of Man. The programs of ethnic cleansing and extermination would then appear as a radical attempt to draw the full consequences of

this splitting. This means that the secret of democracy—the secret of modern power—can now show up at the foreground. Now state power has concretely to do with bare life. Bare life is no longer the life of the subject that it would repress. Nor is it the life of the enemy that it would have to kill. It is, Agamben says, a "sacred" life—a life taken within a state of exception, a life "beyond oppression."[8] It is a life between life and death that can be identified with the life of the condemned man or the life of a person in a state of coma.

In his analysis of the Holocaust, Agamben emphasizes the continuity between two things: scientific experimentation on life "unworthy to being lived," that is, on abnormal, mentally handicapped, or condemned persons, and the planned extermination of the Jews, posited as a population experimentally reduced to the condition of bare life.[9] Therefore the Nazi laws suspending the constitutional articles guaranteeing freedom of association and expression can be thought as the plain manifestation of the state of exception, which is the hidden secret of modern power. Correspondingly, the Holocaust appears as the hidden truth of the Rights of Man—that is, the status of bare, undifferentiated life, which is the correlate of biopower. The camp can be put as the "nomos" of modernity and subsume under one and the same notion the camps of refugees, the zones where illegal migrants are parked by national authorities, or the Nazi death camps.

In such a way, the correlation of sovereign power and bare life takes place where political conflicts can be located. The camp is the space of the "absolute impossibility of deciding between fact and law, rule and application, exception and rule."[10] In this space, the executioner and the victim, the German body and the Jewish body, appear as two parts of the same "biopolitical" body. Any kind of claim to rights or any struggle enacting rights is thus trapped from the very outset in the mere polarity of bare life and state of exception. That polarity appears as a sort of ontological destiny: each of us would be in the situation of the refugee in a camp. Any difference grows faint between democracy and totalitarianism and any political practice proves to be already ensnared in the biopolitical trap.

Agamben's view of the camp as the "nomos of modernity" may seem very far from Arendt's view of political action. Nevertheless, I would assume that the radical suspension of politics in the exception of bare life is the ultimate consequence of Arendt's archipolitical position, of her attempt to preserve the political from the contamination of private, social, apolitical life. This attempt depopulates the political stage by sweeping aside its always-

ambiguous actors. As a result, the political exception is ultimately incorporated in state power, standing in front of bare life—an opposition that the next step forward turns into a complementarity. The will to preserve the realm of pure politics ultimately makes it vanish in the sheer relation of state power and individual life. Politics thus is equated with power, a power that is increasingly taken as an overwhelming historico-ontological destiny from which only a God is likely to save us.

If we want to get out of this ontological trap, we have to reset the question of the Rights of Man—more precisely, the question of their subject—which is the subject of politics as well. This means setting the question of what politics is on a different footing. In order to do this, let us have a closer look at the Arendtian argument about the Rights of Man and of the Citizen, an argument that Agamben basically endorses. She makes them a quandary, which can be put as follows: either the rights of the citizen are the rights of man—but the rights of man are the rights of the unpoliticized person; they are the rights of those who have no rights, which amounts to nothing—or the rights of man are the rights of the citizen, the rights attached to the fact of being a citizen of such or such constitutional state. This means that they are the rights of those who have rights, which amounts to a tautology.[11]

Either the rights of those who have no rights or the rights of those who have rights. Either a void or a tautology, and, in both cases, a deceptive trick, such is the lock that she builds. It works out only at the cost of sweeping aside the third assumption that would escape the quandary. There is indeed a third assumption, which I would put as follows: the Rights of Man are the rights of those who have not the rights that they have and have the rights that they have not.

Let us to try to make sense of the sentence—or develop the equation. It is clear that the equation cannot be resolved by the identification of a single *x*. The Rights of Man are not the rights of a single subject that would be at once the source and the bearer of the rights and would only use the rights that she or he possesses. If this was the case, indeed, it would be easy to prove, as Arendt does, that such a subject does not exist. But the relation of the subject to his or her rights is a little more complicated and entangled. It is enacted through a double negation. The subject of rights is the subject, or more accurately the process of subjectivization, that bridges the interval between two forms of the existence of those rights.

Two forms of existence. First, they are written rights. They are inscriptions of the community as free and equal. As such, they are not only the

predicates of a nonexisting being. Even though actual situations of rightlessness may give them the lie, they are not only an abstract ideal, situated far from the givens of the situation. They are also part of the configuration of the given. What is given is not only a situation of inequality. It is also an inscription, a form of visibility of equality.

Second, the Rights of Man are the rights of those who make something of that inscription, who decide not only to "use" their rights but also to build such and such a case for the verification of the power of the inscription. It is not only a matter of checking whether the reality confirms or denies the rights. The point is about what *confirmation* or *denial* means. *Man* and *citizen* do not designate collections of individuals. Man and citizen are political subjects. Political subjects are not definite collectivities. They are surplus names, names that set out a question or a dispute (*litige*) about who is included in their count. Correspondingly, *freedom* and *equality* are not predicates belonging to definite subjects. Political predicates are open predicates: they open up a dispute about what they exactly entail and whom they concern in which cases.

The Declaration of Rights states that all men are born free and equal. Now the question arises: What is the sphere of implementation of these predicates? If you answer, as Arendt does, that it is the sphere of citizenship, the sphere of political life, separated from the sphere of private life, you sort out the problem in advance. The point is, precisely, where do you draw the line separating one life from the other? Politics is about that border. It is the activity that brings it back into question. This point was clearly made during the French Revolution by a revolutionary woman, Olympe de Gouges, in her famous statement that if women are entitled to go to the scaffold, they are entitled to go to the assembly.

The point was precisely that equal-born women were not equal citizens. They could neither vote nor be elected. The reason for the prescription was, as usual, that they could not fit the purity of political life. They allegedly belonged to private, domestic life. And the common good of the community had to be kept apart from the activities, feelings, and interests of private life. Olympe de Gouge's argumentation precisely showed that the border separating bare life and political life could not be so clearly drawn. There was at least one point where "bare life" proved to be "political": there were women sentenced to death, as enemies of the revolution. If they could lose their "bare life" out of a public judgment based on political reasons, this meant that even their bare life—their life doomed to death—was political. If, under

the guillotine, they were as equal, so to speak, "as men," they had the right to the whole of equality, including equal participation to political life.

Of course the deduction could not be endorsed—it could not even be *heard*—by the lawmakers. Nevertheless, it could be enacted in the process of a wrong, in the construction of a dissensus. A dissensus is not a conflict of interests, opinions, or values; it is a division put in the "common sense": a dispute about what is given, about the frame within which we see something as given. Women could make a twofold demonstration. They could demonstrate that they were deprived of the rights that they had, thanks to the Declaration of Rights. And they could demonstrate, through their public action, that they had the rights that the constitution denied to them, that they could enact those rights. So they could act as subjects of the Rights of Man in the precise sense that I have mentioned. They acted as subjects that did not have the rights that they had and had the rights that they had not.

This is what I call a dissensus: putting two worlds in one and the same world. A political subject, as I understand it, is a capacity for staging such scenes of dissensus. It appears thus that *man* is not the void term opposed to the actual rights of the citizen. It has a positive content that is the dismissal of any difference between those who "live" in such or such sphere of existence, between those who are or are not qualified for political life. The very difference between man and citizen is not a sign of disjunction proving that the rights are either void or tautological. It is the opening of an interval for political subjectivization. Political names are litigious names, names whose extension and comprehension are uncertain and which open for that reason the space of a test or verification. Political subjects build such cases of verification. They put to test the power of political names, their extension and comprehension. They not only confront the inscriptions of rights to situations of denial; they put together the world where those rights are valid and the world where they are not. They put together a relation of inclusion and a relation of exclusion.

The generic name of the subjects who stage such cases of verification is the name of the demos, the name of the people. At the end of *Homo Sacer*, Agamben emphasizes what he calls the "constant ambiguity" of the people that is at once the name of the political body and the name of the lower classes. He sees in this ambiguity the mark of the correlation between bare life and sovereignty.[12] But the demos—or the people—does not mean the lower classes. Nor does it mean bare life. Democracy is not the power of the poor. It is the power of those who have no qualification for exercising power.

In the third book of *Laws*, Plato lists all the qualifications that are or claim to be sources of legitimate authority.[13] Such are the powers of the masters over the slaves, of the old over the young, of the learned people over the ignorant people, and so on. But, at the end of the list, there is an anomaly, a "qualification" for power that he calls ironically God's choice, meaning by that mere chance: the power gained by drawing lots, the name of which is democracy. Democracy is the power of those who have no specific qualification for ruling, except the fact of having no qualification. As I interpret it, the demos—the political subject as such—has to be identified with the totality made by those who have no "qualification." I called it the count of the uncounted—or the part of those who have no part. It does not mean the population of the poor; it means a supplementary part, an empty part that separates the political community from the count of the parts of the population.

Agamben' s argument is in line with the classical opposition between the illusion of sovereignty and its real content. As a result, he misses the logic of political subjectivization. Political subjects are surplus subjects. They inscribe the count of the uncounted as a supplement. Politics does not separate a specific sphere of political life from the other spheres. It separates the whole of the community from itself. It opposes two counts of counting it. You can count the community as the sum of its parts—of its groups and of the qualifications that each of them bears. I call this way of counting *police*. You can count a supplement to the sum, a part of those who have no part, which separates the community from its parts, places, functions, and qualifications. This is politics, which is not a sphere but a process.

The Rights of Man are the rights of the demos, conceived as the generic name of the political subjects who enact—in specific scenes of dissensus—the paradoxical qualification of this supplement. This process disappears when you assign those rights to one and the same subject. There is no man of the Rights of Man, but there is no need for such a man. The strength of those rights lies in the back-and-forth movement between the first inscription of the right and the dissensual stage on which it is put to test. This is why the subjects of the Soviet constitution could make reference to the Rights of Man against the laws that denied their effectivity. This is also why today the citizens of states ruled by a religious law or by the mere arbitrariness of their governments, and even the clandestine immigrants in the zones of transit of our countries or the populations in the camps of refugees, can invoke them. These rights are theirs when they can do something

with them to construct a dissensus against the denial of rights they suffer. And there are always people among them who do it. It is only if you presuppose that the rights *belong* to definite or permanent subjects that you must state, as Arendt did, that the only real rights are the rights given to the citizens of a nation by their belonging to that nation, and guaranteed by the protection of their state. If you do this, of course, you must deny the reality of the struggles led outside of the frame of the national constitutional state and assume that the situation of the "merely" human person deprived of national rights is the implementation of the abstractedness of those rights. The conclusion is in fact a vicious circle. It merely reasserts the division between those who are worthy or not worthy of doing politics that was presupposed at the very beginning.

But the identification of the subject of the Rights of Man with the subject deprived of any right is not only the vicious circle of a theory; it is also the result of an effective reconfiguration of the political field, of an actual process of depoliticization. This process is what is known by the name of *consensus*. *Consensus* means much more than the reasonable idea and practice of settling political conflicts by forms of negotiation and agreement, and by allotting to each party the best share compatible with the interests of other parties. It means the attempt to get rid of politics by ousting the surplus subjects and replacing them with real partners, social groups, identity groups, and so on. Correspondingly, conflicts are turned into problems that have to be sorted out by learned expertise and a negotiated adjustment of interests. *Consensus* means closing the spaces of dissensus by plugging the intervals and patching over the possible gaps between appearance and reality or law and fact.

In this way, the "abstract" and litigious Rights of Man and of the citizen are tentatively turned into real rights, belonging to real groups, attached to their identity and to the recognition of their place in the global population. Therefore the political dissensus about the part-taking in the common of the community is boiled down to a distribution within which each part of the social body would obtain the best share that it can obtain. In this logic, positive laws and rights must cling increasingly to the diversity of social groups and to the speed of the changes in social life and individual ways of being. The aim of consensual practice is the identity of law and fact. The law has to become identical to the natural life of society. To put it in other terms, *consensus* is the reduction of democracy to the way of life of a society, to its *ethos*—meaning by this word both the abode of a group and its lifestyle.

As a consequence, the political space, which was shaped in the very gap between the abstract literalness of the rights and the polemic about their verification, turns out to diminish more and more every day. Ultimately, those rights appear actually empty. They seem to be of no use. And when they are of no use, you do the same as charitable persons do with their old clothes. You give them to the poor. Those rights that appear to be useless in their place are sent abroad, along with medicine and clothes, to people deprived of medicine, clothes, and rights. It is in this way, as the result of this process, that the Rights of Man become the rights of those who have no rights, the rights of bare human beings subjected to inhuman repression and inhuman conditions of existence. They become humanitarian rights, the rights of those who cannot enact them, the victims of the absolute denial of right. For all this, they are not void. Political names and political places never become merely void. The void is filled by somebody or something else. The Rights of Man do not become void by becoming the rights of those who cannot actualize them. If they are not truly "their" rights, they can become the rights of others.

"The Rights of the Other" is the title of an essay written by Jean-François Lyotard, originally a paper given within the auspices of the *Oxford Lectures on the Rights of Man*, organized in 1993 by Amnesty International.[14] The theme of the rights of the other has to be understood as an answer to the question, What do Human Rights mean in the context of the humanitarian situation? It is part of an attempt to rethink rights by first rethinking *Wrong*. The issue of rethinking Wrong increasingly took the floor after the collapse of the Soviet Empire and the disappointing outcomes of what was supposed to be the last step to universal democracy. In the context of the new outbursts of racial or religious hatred and violence, it was no longer possible to assign crimes against humanity to specific ideologies. The crimes of dead totalitarian regimes had to be rethought: they were said to be not so much the specific effects of perverse ideologies and outlaw regimes as the manifestations of an infinite wrong—a wrong that could no longer be conceptualized within the opposition of democracy and antidemocracy, of legitimate state or lawless state, but which appeared as an absolute evil, an unthinkable and unredeemable evil.

Lyotard's conceptualization of the Inhuman is one of the most significant examples of that absolutization. Lyotard did in fact split the idea of the inhuman. In his view, the forms of repression and cruelty, or the situations of distress that we call "inhuman," are the consequences of our betrayal of

another Inhuman, what we could call a "good" Inhuman. That Inhuman is Otherness as such. It is the part in us that we do not control. It may be birth and infancy. It may be the Unconscious. It may be the Law. It may be God. The Inhuman is the irreducible otherness, the part of the Untamable of which the human being is, as Lyotard says, the hostage or the slave. Absolute evil begins with the attempt to tame the Untamable, to deny the situation of the hostage, to dismiss our dependency on the power of the Inhuman, in order to build a world that we could master entirely.[15]

Such a dream of absolute freedom would have been the dream of the Enlightenment and of Revolutionary emancipation. It would still be at work in contemporary dreams of perfect communication and transparency. But only the Nazi Holocaust would have fully revealed and achieved the core of the dream: exterminating the people whose very mission is to bear witness to the situation of hostage, to obey the law of Otherness, the law of an invisible and unnamable God. "Crimes against humanity" appear then as crimes *of* humanity, the crimes resulting from the affirmation of a human freedom denying its dependency upon the Untamable. The rights that must be held as a response to the "humanitarian" lack of rights are the rights of the Other, the rights of the Inhuman. For instance, in Lyotard's view, the right to speak must be identified with the duty of "announcing something new."[16] But the "new" that must be announced is nothing but the immemorial power of the Other and our own incapacity to fulfill the duty of announcing it. The obedience to the rights of the Other sweeps aside the heterogeneity of political dissensus to the benefit of a more radical heterogeneity. As in Agamben, this means infinitizing the wrong, substituting for the processing of a political wrong a sort of ontological destiny that allows only "resistance." Now this resistance is no manifestation of freedom. On the contrary, resistance means faithfulness to the law of Otherness, which rules out any dream of "human emancipation."

This is the philosophical way of understanding the rights of the Other. But there is a less sophisticated and more trivial understanding of them: if those who suffer inhuman repression are unable to enact the Human Rights that are their last recourse, then somebody else has to inherit their rights in order to enact them in their place. This is what is called the "right to humanitarian interference"—a right that some nations assume to the supposed benefit of victimized populations, and very often against the advice of the humanitarian organizations themselves. The "right to humanitarian interference" might be described as a sort of "return to sender": the disused

rights that had been sent to the rightless are sent back to the senders. But this back and forth movement is not a null transaction. It gives a new use to the "disused" rights—a new use that achieves on the world stage what consensus achieves on national stages: the erasure of the boundary between law and fact, law and lawlessness. The human rights that are sent back are now the rights of the *absolute* victim. The absolute victim is the victim of an absolute evil. Therefore the rights that come back to the sender—who is now the avenger—are akin to a power of infinite justice against the Axis of Evil.

The expression "infinite justice" was dismissed by the U.S. government a few days after having been put forward as an inappropriate term. But I think that it was fairly appropriate. An infinite justice is not only a justice that dismisses the principles of International Law, prohibiting interference in the "internal affairs" of another state; it is a justice which erases all the distinctions that used to define the field of justice in general: the distinctions between law and fact, legal punishment and private retaliation, justice, police, and war. All those distinctions are boiled down to a sheer ethical conflict between Good and Evil.

Ethics is indeed on our agendas. Some people see it as a return to some founding spirit of the community, sustaining positive laws and political agency. I take a fairly different view of this new reign of ethics. It means to me the erasure of all legal distinctions and the closure of all political intervals of dissensus. Both are erased in the infinite conflict of Good and Evil. The "ethical" trend is in fact the "state of exception." But this state of exception is no completion of any essence of the political, as it is in Agamben. Instead it is the result of the erasure of the political in the couple of consensual policy and humanitarian police. The theory of the state of exception, just as the theory of the "rights of the other," turns this result into an anthropological or ontological destiny. They trace it back to the inescapable prematuration of the human animal. I think that we had rather leave the ontological destiny of the human animal aside if we want to understand who is the subject of the Rights of Man and to rethink politics today, even if out of its very lack.

Notes

1 Edmund Burke, *Reflections on the Revolution in France*, ed. J. G. A. Pocock (Indianapolis: Hacket, 1987).

2 Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt Brace, 1951), 297–98.

3 Arendt, *Origins of Totalitarianism*, 293.
4 Ibid., 297.
5 Giorgio Agamben, *Homo Sacer* (Stanford: Stanford University Press, 1998).
6 Foucault, *The History of Sexuality, Volume 1: An Introduction* [*The Will to Know*], trans. Robert Hurley (New York: Pantheon, 1978) and *Society Must Be Defended*, trans. David Macey (New York: Picador, 2003).
7 Carl Schmitt, *Politische Theologie* (Berlin: Duncker and Humblot, 1922).
8 Agamben, *Homo Sacer*.
9 Ibid.
10 Ibid.
11 Arendt, *Origins of Totalitarianism*, 294.
12 Agamben, *Homo Sacer*.
13 Plato, *Laws*, trans. Trevor J. Saunders (Middlesex: Penguin, 1970), bk. 3, 137–39.
14 Jean-François Lyotard, "The Other's Rights," in *On Human Rights*, ed. S. Shute and S. Hurley (New York: Basic Books, 1994). This essay was originally presented as a paper within the auspices of the Oxford Lectures on the Rights of Man, organized in 1993 by Amnesty International.
15 Lyotard, "The Other's Rights," 136.
16 Ibid.

Copyright of South Atlantic Quarterly is the property of Duke University Press and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.

Copyright of South Atlantic Quarterly is the property of Duke University Press and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.