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**“Solidarity at the Margins: Arendt, Refugees, and the Inclusive Politics of World-Making”
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The world is facing its greatest refugee crisis since the Second World War, with more people forcibly displaced than at any time since 1945¹ and a deepening xenophobic backlash taking hold in the United States, Australia, Britain, and Europe. While the numbers of displaced have steadily increased, opportunities for repatriation, resettlement, or local integration have progressively decreased, leaving an alarming number of people either forcibly encamped or pushed into a clandestine existence, at risk of arrest, imprisonment, and deportation.

Most attention to the plight of refugees – including failures to protect or to provide for their human rights – has centered on how states should satisfy their international legal obligations, and on how international institutions should augment compliance with legal rules.² Our claim, however, is that these developments necessitate a focus on how forced migration also stimulates voluntary forms of political interaction between refugees and non-refugees, and that doing so serves as a vital corrective to the problematic depoliticization of the legalist approach. It is noteworthy, for instance, that the question “what is political solidarity?” is rarely asked in the international legal context of the refugee debates. This chapter, by contrast, seeks to illuminate the political practices ordinary people may take by acting neither for nor against but rather *with* refugees, through the work of Hannah Arendt. Arendt famously articulated a relational and interaction-oriented approach to political recognition with her notion of a “right to have rights.” We argue that Arendt’s notion can counter the formal legalism dominating this topic, when supplemented by the underutilized yet fruitful theme of solidarity in Arendt’s work. Taking our cue from Arendt’s contention that political equality and solidarity are co-requisites for reciprocal recognition of the subjects of rights, we then examine representative examples of solidaristic interaction that aim to counteract the “rightlessness” of refugees today, and consider how such collective action promotes shared freedom as inclusive world-making practices.

¹ “Figures at a Glance,” United Nations High Commissioner for Refugees, accessed 3 August 2017, <http://www.unhcr.org/uk/figures-at-a-glance.html>.

² The recently adopted UNGA New York Declaration (19 September 2016), for example, calls on states to enhance the international community’s capacity to respond to mass displacement, through implementation of a Comprehensive Refugee Response Framework (CRRF). The CRRF is premised, however, on reaffirmation of the existing (and unmodified) international refugee regime. In this regard the New York Declaration reinforces the authoritative status of what Ian Hurd calls “international legalism”; *How to Do Things with International Law* (Princeton: Princeton University Press, 2017), 130.

Arendt, Refugees, and International Law

Arendt's now famous notion of a "right to have rights" arises from her analysis of the conclusion to the First World War. The Peace and Minority Treaties, the purpose of which were not only to bring the war to an end but also to create the conditions for peaceful co-existence in Europe, turned out in practice to have the opposite effect. The effort to create ethnically homogeneous nation-states from the dissolution of the Russian, Austro-Hungarian, and Ottoman empires, resulted in massive population displacements when millions were ejected from their homes because of their ethnic or religious incompatibility with the new state. In theory mechanisms existed to deal with individuals who had lost the protection of their country of origin – asylum, repatriation, and naturalization – but these proved impotent in practice as states asserted that they were powerless to solve the problem in the face of the numbers of displaced.³ Repeated exhortations of societies for the protection of human rights went unheeded as these "well-meaning idealists" failed to understand that protection of one's rights abroad was based not upon being a natural rights-bearing individual but a citizen of a foreign friendly nation.⁴ The fact that states either would not or could not protect the rights of those who had lost nationally-guaranteed rights revealed a paradox at the heart of the system of rights upon which the modern state was supposed to be founded; and refugees became the living, breathing embodiment of this paradox.

Arendt locates the origin of this paradox in the French Revolution's "Declaration of the Rights of Man and of the Citizen." Until the upheaval of the revolution, rights and privileges had been derived from one's position in society and had been guaranteed by social, spiritual and religious forces, rather than by government and constitution.⁵ The revolution turned this system on its head, and the rights of man were proclaimed as the foundation of all law, with man himself (not one's station, nor God, or the customs of history) as their source. That man appeared as the sovereign in matters of law at the same time as "the people was proclaimed sovereign in matters of government,"⁶ holds the key to understanding how refugees could lose all *human* rights as soon as they lost nationally-guaranteed rights: "the 'inalienable' rights of man would find their guarantee and become an inalienable part of the right of the people to sovereign self-government."⁷ The whole question of human rights, therefore, was blended in modernity with the question of national emancipation. As Tal Correm's chapter in this volume shows, the state's identification with the nation inscribed an exclusionary logic into the heart of the modern principle that the rule of law will protect the rights of all persons equally.⁸ As long as people were recognized as belonging to a state, this merging of human rights and national emancipation was relatively unproblematic. However, with the rise of nationalism, the precarious balance established by the French Revolution between "nation" and "state" tipped decidedly in favor of the nation.⁹ The state gradually lost its representative function and became an instrument of the nation, transforming the "citizen" into the "national". With the conquering of the state by the nation it became ever more obvious that not all people in Europe did *belong* to a nation-state, despite their *physical presence* within one state or another, and the millions forced to wander the

³ Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, Brace & World, 1973), 270-75.

⁴ Nanda Oudejans, "The Right to Have Rights as the Right to Asylum," *Netherlands Journal of Legal Philosophy* 43, no. 1 (2014): 10.

⁵ Arendt, *Origins*, 291.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ Tal Correm, "Arendt on National Liberation and Federalism", manuscript pages 2-4.

⁹ Ayten Gündoğdu, *Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants* (Oxford: Oxford University Press, 2015), 43-44.

European continent became the apotheosis of the reality that “the moment human beings lacked their own government and had to fall back upon [their supposedly inalienable human rights], no authority was left to protect them and no institution was willing to guarantee them.”¹⁰ The peculiar situation in which these refugees found themselves was one of “rightlessness,” rooted in the loss of a community willing and able to guarantee any rights whatsoever.¹¹ In losing a “distinct place in the world,”¹² the displaced lost not merely the rights to liberty, expression, or a fair trial but, even more, an acknowledged place in any organized community whatsoever; they lost, in Arendt’s parlance, the “right to have rights”.¹³

Arendt alerts us therefore to the fact that the paradox of modern human rights is twofold: it revolves, on the one hand, around inherent natural rights versus relational political entitlements and, on the other, around inclusive citizenship versus exclusive nationality. Whereas the sovereign power of the nation-state was seen increasingly as resting on the prior inalienable rights of man, universal human rights found their functional expression only in membership in a particular national state. The problem is that each human is thought to securely possess rights by virtue of his or her citizenship, yet the national state is the only entity authorized to confer citizenship and is only responsible for protecting the rights of its own citizens. The practical consequence of this twofold paradox is that the human being denied or deprived of citizenship turns out to have no rights at all, especially as the legal category of citizenship is frequently conflated with naturalized “tribal” categories of homogeneous nationality, ethnicity, culture, and race.¹⁴ Moreover, now that the entire planet is covered by nation-states, the paradox of human rights has been cemented into the international system.

The international legal landscape of human rights and forced migration has evolved significantly, of course, since Arendt first diagnosed the flaws of human rights and conceived of the right to have rights.¹⁵ Most notably, the 1948 Universal Declaration of Human Rights was converted into legally binding treaties in 1966 and, further reinforcing the human rights framework, a complementary body of international refugee law progressively developed at the same time. In 1951, the same year as the publication of *Origins*, the UN adopted a new Refugee Convention, which formally guarantees to refugees certain rights and protections, and prohibits the return of a refugee to a territory where her life or freedom would be in danger.¹⁶ Nonetheless, the legal advances in refugee protection have by no means ensured either that all refugees have effective access to their human rights or that we are any closer to “solving” the refugee “problem” today. Refugees are increasingly vulnerable to (forcible) repatriation regardless of whether this repatriation is safe and desired by the refugees themselves.¹⁷ A logic of burden-shifting, rather than burden-sharing, dominates state reactions to refugees, particularly in the Global North. The Common European Asylum Policy, for example, functions on an underlying logic of deterring asylum seekers from reaching European territory and thus accessing the

¹⁰ Arendt, *Origins*, 292.

¹¹ *Ibid.*, 296.

¹² *Ibid.*, 293.

¹³ *Ibid.*, 296.

¹⁴ *Ibid.*, 226-34.

¹⁵ Megan Bradley, “Rethinking Refugeehood: Statelessness, Repatriation, and Refugee Agency,” *Review of International Studies* 40, no. 1 (2014): 102.

¹⁶ “Convention relating to the Status of Refugees,” United Nations, accessed 1 September 2017, <http://www.unhcr.org/uk/3b66c2aa10>.

¹⁷ B. S. Chimni, “From Resettlement to Involuntary Repatriation: Towards a Critical History of Durable Solutions to Refugee Problems,” *Refugee Survey Quarterly* 23, no. 3 (2004): 63.

harmonised procedures.¹⁸ For those who do manage to make it to Europe, the burden of examining an asylum claim and providing protection is shifted onto the border states of the Union and, if at all possible, onto “safe third countries” beyond the EU.¹⁹ Beyond Europe, Australia has one of the harshest asylum regimes in the world, outsourcing the imprisonment of asylum seekers to neighbouring south-east Asian states, many of whom are signatories of the Refugee Convention, but whose treatment of asylum seekers and refugees fall well below even the most basic protection standards.²⁰

It is tempting to interpret these problems as rooted in a lack of juridical enforcement. The Refugee Convention has no formal monitoring mechanisms, the United Nations High Commissioner for Refugees is, in many ways, an office limited by its organizational structure, leaving its operations at the mercy of powerful donors such as the USA and the EU. Many scholars influenced by Arendt’s reflections highlight the weak provisions in international law relating to asylum, and argue that the right to have rights should be understood as legal citizenship status.²¹ It is, in other words, enticing to think that the answer to the predicaments highlighted above is more, or better, law. However, we contend that this would be to miss what is arguably the most important aspect of Arendt’s diagnosis of the refugee problem and the human rights paradox: that rights, and belonging to a common world, must be reciprocally affirmed as a matter of *political practice* – namely, the action of (re)establishing ties to a shared human world – and not merely of legal codification. There is no doubt that Arendt supported the protective juridical status of citizenship. However, the question is whether the principle of belonging to a political community is best expressed in the legalist language of citizenship rights. As we discuss below, in Arendt’s formulation the type of political community upon which human rights depend is not the nation-state per se but, more fundamentally, a common world that individuals share with others.

The Right to Have Rights, Mutual Recognition, and Solidarity

The persistence of mass forced displacement generates powerful calls for justice in terms of respecting and protecting the human rights of refugees. According to Arendt, however, we miss a great deal by looking at rights only through a juridical lens, and we may lose sight of the very phenomenon that gives rise to calls for justice – namely, solidarity as the intersubjective experience of human togetherness, especially as the distinctive experience of struggling to achieve political belonging between equals. More specifically, an inordinately juridical approach to refugee rights can succumb to what Shklar describes as “legalism,” and easily eclipse the political dimensions of claiming and enacting rights with others. According to Shklar, legalism is “the ethical attitude that holds moral conduct to be a matter of rule following, and moral relationships to consist of duties and rights determined by rules.”²² Legalism is a feature of contemporary international law, representing a (typically liberal) commitment to formal legal

¹⁸ Jennifer Hyndman and Alison Mountz, “Another Brick in the Wall? Neo-*Refoulement* and the Externalization of Asylum by Australia and Europe,” *Government and Opposition* 43, no. 2 (2008): 249.

¹⁹ *Ibid.*

²⁰ In August 2016, *The Guardian* received a cache of over 2,000 leaked documents, now known as the Nauru Files, detailing appalling living conditions in the detention camps and allegations of widespread abuse, including of children, by authorities.

²¹ See, for example: Alison Kesby, *The Right to Have Rights: Citizenship, Humanity, and International Law* (Oxford: Oxford University Press, 2012).

²² Judith N. Shklar, *Legalism: Law, Morals, and Political Trials* (Cambridge, MA: Harvard University Press, 1964), 1.

principles and the legitimacy of judicial institutions and processes as the primary mechanisms by which to constrain state behaviour and protect individual rights. Yet, as Shklar notes, legalism fences “legal thinking off from all contact with the rest of historical thought and experience,” thereby obscuring “both the political provenance and the [political] impact of judicial decisions.”²³ Seen in a purely legalist light, international human rights law can be said to enjoy great (though not undisputed) legitimacy, but that very same legalism contributes to depoliticizing our understanding of rights-claiming as an expression of the human capacity for solidaristic action.

Arendt expresses similar dismay at the eclipse of political experience in her critique of the well-intentioned focus on abstract rules and formal duties in the modern international human rights system. Even as the movement to formally codify human rights within international law rapidly gathered momentum in parallel to creation of the UN system, the prevailing understanding of human rights remained beholden to the tragic contradictions of the human rights paradox discussed above. When framed this way, not only do human rights have a nebulous theoretical origin in some higher “nature,” in practice human rights legalism proves to be largely impractical in the face of actual denials of rights.²⁴ Shorn of a properly political basis for rights claims, refugees forced outside the bounds of law are routinely relegated to the margins of society. Hence, Arendt’s caution against trusting in human rights legalism as a reliable guarantee for the provision of refugees’ rights, coupled with her alternative proposal for a political rendering of the right to have rights, remains valid today. Expressed simultaneously as “the right of every individual to belong to humanity” and as “a right to belong to some kind of organized community,”²⁵ the right to have rights is Arendt’s vindication of the claim to be recognised by others as a free and equal person in a political community understood as the “human artifice” of a common world. The world, for Arendt, is an associative public space that stands “in-between” human beings; it is composed of symbolically structured artifacts, institutions and relationships, and it provides a common ground for us to appear and respond to one another through our interactions.²⁶ The world is both a condition for, and the creative realization of, human freedom expressed as political speech and action. Yet political action in and for the world depends not only upon the capacity to act as such, but to act as equals, that is, to act *with* others and neither for nor against them in a web of relationships.²⁷ The right to have rights represents, then, the political condition of having a stable connection to a common world, which serves as the intermediary through which a plurality of human beings relate to each other and become capable of regarding one another as equals, of articulating reciprocal rights claims, and of respecting each other’s rights. This means that the practical enjoyment of human rights ultimately depends upon the artificial political status made manifest through mutual recognition in the name of freedom and equality. “Our political life,” Arendt explains, “rests on the assumption that we can produce equality through organization, because man can act in and change and build a common world, together with his equals and only with his equals.”²⁸

²³ Ibid., 3, ix.

²⁴ Arendt, *Origins*, 379 ff.

²⁵ Ibid., 298, 297.

²⁶ Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1998), 7-9, 49-57.

²⁷ Ibid., 180, 199-203.

²⁸ Arendt, *Origins*, 301. For some major interpretations of Arendt’s notion of the right to have rights, see Seyla Benhabib, “‘The Right to Have Rights’: Hannah Arendt on the Contradictions of the Nation-State,” in *The Rights of Others*, 49; James Ingram, “What Is a ‘Right to Have Rights’? Three Images of the Politics of Human Rights,” *American Political Science Review* 102, no. 4 (2008): 401; Frank Michelman, “Parsing ‘A Right to Have Rights’,”

When read against the relational process of seeking and extending recognition, we claim, Arendt's appeal to the right to have rights thus acquires clearer political significance. A state may legislate laws that codify and provide for rights *vertically*, of course, but the enjoyment of rights will be practically efficacious and politically meaningful only when the freely associated members of a political community mutually recognize these rights among themselves as artifacts of political practice. Individuals mutually empower each other as rights bearers as an on-going act of *horizontal* political inclusion, whereby they regard each other as having the status of free and equal persons within the political community. Inclusion and politically effective equal rights thus stem from acts of plural subjects joining together to establish symmetrical relations of mutual recognition in shared political space, rather than being grounded on some innate and immutable natural feature.²⁹ Insofar as an individual is recognised by others as having a claim to belong as an equal member of a political community, then he or she is recognised not just as a human being but as a person, a distinct and unique "who,"³⁰ free to act and communicate with others in a political sphere.³¹ Recognition of a person as a politically-relevant actor in turn brings further access to and enjoyment of a variable bundle of rights mutually agreed upon and guaranteed by the members of a community, politically (*de facto*) even if not legally (*de jure*).

While many commentators understand the condition of belonging to a political community required by the right to have rights as equivalent to citizenship or the right to nationality,³² we believe such an interpretation is too narrowly conceived, for several reasons. First, "community" for Arendt can mean something other than the entity of nation-state (e.g. activist groups, salons, councils, town halls, communes, neighborhood assemblies, cities, and even globally federated polities). Second, "belonging" can mean something other and more than possessing the legal status of citizenship. In the deepest political terms endorsed by Arendt, "citizens" are simply those who "leave the privacy of their households" to exercise political freedom with others in the public political space "common to all."³³ Third, privileging citizenship as the referent for rights claims presupposes both a legal subject already located within defined national boundaries, and a coherent correspondence between that subject and a specific state expected to function as judicial safeguard of the rights promised to citizens. Such protections are routinely denied to refugees, whose national-legal links to any given state remain precariously incomplete in practice. Fourth, the citizenship interpretation problematically assumes that individuals are already constituted as legal subjects prior to their entry into the public realm of political interaction.³⁴ Yet a person's place in a common world is not solely the direct result of being (pre)defined as citizen, but more importantly is formed by way of socio-political interactions with others to which shared meanings and reciprocal acknowledgements of

Constellations 3, no. 2 (1996): 200; and Serena Parekh, "A Meaningful Place in the World: Hannah Arendt on the Nature of Human Rights," *Journal of Human Rights* 3, no. 1 (2004): 41.

²⁹ Michelman, "Parsing 'A Right to Have Rights,'" 206.

³⁰ Arendt, *The Human Condition*, 175-76.

³¹ Christoph Menke, "The 'Aporias of Human Rights' and the 'One Human Right': Regarding the Coherence of Hannah Arendt's Argument," *Social Research* 74, no. 3 (2007): 753.

³² Kristy A. Belton, "Statelessness: A Matter of Human Rights," in *The Human Right to Citizenship: A Slippery Concept*, ed. Rhoda E. Howard-Hassmann and Margaret Walton-Roberts (University Park, PA: The Pennsylvania State University Press, 2015), 36.

³³ Hannah Arendt, *The Promise of Politics* (New York: Schocken Books, 2005), 132, 167

³⁴ Article 25 of the International Covenant on Civil and Political Rights, for instance, declares: "Every *citizen* shall have the right and the opportunity . . . [to] take part in the conduct of public affairs, directly or through freely chosen representatives" (emphasis added). The Convention thus excludes a political rendering of the right to have rights, and formally deprives non-citizens of political voice and public presence.

equal status are attached. It is not simply the loss of citizenship that matters for refugees; rather, the loss of a place in a world endowed with collective meaning and valued coexistence acquires greater existential weight in Arendt's political conception of the right to have rights. The citizenship interpretation is unable to make sense of the predicament of those who, uprooted and compelled to surrender the freedom of participating directly in the voluntary ties of political life, struggle with the sense that "the recovering of a new personality is as difficult – and as hopeless – as a new creation of the world."³⁵

Although the legal category of citizenship certainly is a meaningful and functionally significant marker of "belonging" as an equal member of the modern state, in and of itself it is simply too reductive to capture the more expansive participatory meanings that Arendt otherwise foregrounds in her work. Our aim is not to dismiss the importance of legal affirmation of citizenship rights. The legal institutionalization of rights claims can bolster the protective mantle of citizenship status, of course, yet by themselves legal rights can mask the ability of non-citizens to form interactional relationships with others as political agents and use reciprocally-empowering human rights claims. Accordingly, the legalist paradigm remains incomplete unless complemented by participatory political solidarity.³⁶

The way that mutual recognition operates as a mode of political action speaks not only to the capacity for freedom rooted in plurality, but more pointedly to the way in which that freedom is directed towards the affirmation of a worldly public space which is both constituted by our relationships with other selves and humanized by making that space more inclusive and equal. For Arendt, it is only when I am in the company of others who recognize me as their equal – as someone entitled to appear in the world with others – that I can be said to exist in an "equalizing" political relationship intermediated by a common world.³⁷ This interpretation finds support in Arendt's discussion of *humanitas*, in which she clarifies that the "worldliness" of the public realm is built on recognition of and encounters with diverse others. She suggests the world becomes increasingly humanized the more that we exhibit a cooperative disposition to share the world with other human beings to whom we stand in relation as unique yet equal. In the process of speaking and acting together with those different than us, of hearing and acknowledging other points of view, we infuse the world with an ethos of reciprocity, mutual respect, and understanding necessary for "humanness" to appear in a public space of equality and distinction between people.³⁸ This ability to expand the scope of recognition enacts *humanitas* as a creative practice, and (re)constitutes the relational fabric of the common world. It also stands in stark contrast to the increasingly restrictive asylum policies of states, which seek to contain the freedom of movement of asylum seekers by limiting border access and removing refugees to isolated and precarious camps. Where this so-called "humanitarianism" is premised on distancing refugees from a world in which they may share political agency with non-refugees,³⁹ Arendt suggests the disposition of *humanitas* is characterized by the collective assertion of each

³⁵ Hannah Arendt, *The Jewish Writings* (New York: Schocken Books, 2007), 271.

³⁶ Our interpretation of the right to have rights contra the legalist paradigm is, we believe, consistent with Arendt's insistence that "it is precisely sovereignty [we] must renounce" if we wish to be free; *Between Past and Future* (New York: Penguin Classics, 2006), 165. This is because the legalist paradigm regards human rights as both founded alongside, and necessarily referring back to, the sovereign right of the state. For more on Arendt's critique of the conventional alignment of political freedom with sovereignty, see the chapters by Keith Breen and Kei Hiruta in this volume.

³⁷ Arendt, *The Human Condition*, 215.

³⁸ Hannah Arendt, *Men in Dark Times* (San Diego, New York, and London: Harcourt Brace, 1968), 73-80.

³⁹ Michel Agier, *Borderlands* (Cambridge: Polity, 2016), 53, 63-66.

person's right to belong to, act in, and jointly shape the world with others.⁴⁰ In short, the capacity for freedom finds its most politically meaningful expression when it is experienced in acts of solidarity, conceived by Arendt as a world-oriented phenomenon of cultivating participatory human togetherness.

The discourse of solidarity has a long and diverse history.⁴¹ Solidarity may refer to an attitude, sentiment or feeling of connection and unity with others; more specifically, it is a "type of action" underpinned by a collective commitment to "standing together" either to promote some common political aim or to overcome some shared hardship, threat, or injustice.⁴² For our purposes the most pertinent question is, why does it matter how solidarity is conceived? The broad answer is that, given Arendt's account of participatory freedom as coeval with the conditions of plurality and equality in the public realm, solidarity must be viewed as integral to political action itself. In Arendt's eyes, "solidarity is a principle that can inspire and guide action."⁴³ She emphasizes, moreover, how solidarity specifically inspires individuals to "establish deliberately" a "community of interest with the oppressed and exploited," yet this is done "dispassionately" insofar as solidarity looks upon "the strong and the weak, with an equal eye."⁴⁴ Although Arendt never systematically spelled out what she meant by solidarity, various aspects emerge in her writings that convey the distinctively political character of solidary action. A first dimension is revealed by the contrast Arendt draws between "brotherhood" and "solidarity."⁴⁵ Whereas the former concept connotes an intimate bond based on pre-existing familial, personal or "blood" ties, solidarity means freely forging relations of mutual recognition, respect, and obligation between unfamiliar persons. Philosophically, Arendt's distinction can be described in terms of the differentiation made by Scholz between political and social solidarity. Social solidarity is predicated either on a pre-political group essence, such as race or nation, or on an identical "life" experience, such as systemic economic exploitation, which excludes those who do not share such paradigmatic characteristics.⁴⁶ Political solidarity, to the contrary, is a type of constructed group relationship forged out of shared political commitments and acts of mutual support on behalf of differently situated individuals.⁴⁷ Whereas social solidarity is exclusive, since it is "restricted to those who suffer in the same objective fashion," political solidarity is inclusive, insofar as it "comprehends those who suffer and those who make common cause with them."⁴⁸ Solidarity, on this political view, is a participatory practice that ties plural individuals together "through collective political action" itself, instead of presuming that some unifying sameness first exists as the prerequisite for action.⁴⁹

A second aspect of Arendt's meaning of solidarity is the difference between negative and positive modes of solidarity. Negative solidarity refers to a sense of being united only by a

⁴⁰ Arendt, *Men in Dark Times*, 12-17.

⁴¹ See Hauke Brunkhorst, *Solidarity: From Civic Friendship to a Global Legal Community* (Cambridge, MA: The MIT Press, 2005), and Lawrence Wilde, *Global Solidarity* (Edinburgh: Edinburgh University Press, 2013).

⁴² Avery H. Kolers, "Dynamics of Solidarity," *Journal of Political Philosophy* 20, no. 4 (2012): 367.

⁴³ Hannah Arendt, *On Revolution* (New York: Penguin Classics, 2006), 89.

⁴⁴ *Ibid.*, 88-89.

⁴⁵ *Ibid.*, 248; see also Hannah Arendt, *On Violence* (New York: Harcourt, Brace & World, 1970), 69.

⁴⁶ Ken Reshaur refers to this social conception of solidarity (or fraternity) as "natural solidarity"; see "Concepts of Solidarity in the Political Theory of Hannah Arendt," *Canadian Journal of Political Science* 25, no. 4 (1992): 734.

⁴⁷ Sally J. Scholz, *Political Solidarity* (University Park, PA: The Pennsylvania State University Press, 2008), 21-50; Arendt, *Men in Dark Times*, 13.

⁴⁸ Reshaur, "Concepts of Solidarity," 725.

⁴⁹ Amy Allen, "Solidarity after Identity Politics: Hannah Arendt and the Power of Feminist Theory," *Philosophy & Social Criticism* 25, no. 1 (1999): 101-2.

common experience of suffering, injustice, or oppression. While discovering that others are similarly affected by an “intolerable situation”⁵⁰ may indeed draw an individual out of an egoistic focus on self, negative solidarity for Arendt nonetheless is deficient because it neither requires nor necessarily motivates taking further action. Because negative solidarity engenders a sense of commonality only from finding oneself subjected to the same fate as others, it serves to bind self and other not through acts undertaken in the pursuit of a common *good* but through fearful identification with a common *bad*.⁵¹ In comparison, positive solidarity arises when individuals together put their efforts either towards actively resisting oppression and injustice, or towards speaking and acting in the common cause of (re)building the relational fabric of a shared world. Positive solidarity is something achieved, by empowering individuals as actors capable of exercising their rights and responsibilities not just in their countries of legal citizenship, but in any political community in which they reside. Through speaking and acting together for the purpose of improving their common condition, those enacting positive solidarity sustain an accompanying sense of responsibility for a human plurality that thrives only in the inclusive space that lies between unique yet equal people. Arendt argues therefore that solidarity can be made “meaningful in a positive sense only if it is coupled with political responsibility.”⁵² Political responsibility, for Arendt, is based on the recognition that our own freedom and equality is bound up with the freedom and equality of others, and thus that the public realm serves as the bridge between the individual and the collective. Solidarity entails an assumption of responsibility to assure others’ right to have rights – a responsiveness to the speaking and acting of others that respects their predicaments and perspectives – which also leads to establishing relationships that have the potential to deepen and sustain a common world.

A third key aspect of solidarity that emerges is “a readiness to share the world” with others.⁵³ Solidarity in this sense is about political or civic friendship. Civic friendship, in contrast to personal friendship, is a kind of political togetherness in which we relate ourselves to others via the intermediary of a worldly in-between, thereby assuming a critical distance from the fusing affection of love in order to preserve our plurality and distinctiveness. Through respectfully supportive relationships of civic friendship “without intimacy,”⁵⁴ we not only acknowledge the opinions and actions of others as meaningful but also question, debate, and challenge those opinions and actions through “incessant and continual discourse.”⁵⁵ This form of civic friendship involves a sense of solidarity as being-with-others for the purpose of publicly seeking to (re)establish a shared world inhabited by a plurality of human beings. It also indicates that sharing the world with others and action are co-constitutive, since action is impossible in isolation from others: “a We is always engaged in changing our common world.”⁵⁶ A final aspect of solidarity that follows from the practice of civic friendship is that “a readiness to share the world with others” is ultimately about hospitality. Hospitality, Arendt explains, is an “openness to others” which also serves to humanize the world by countering inequalities and exclusions structured into a society’s socio-legal institutions.⁵⁷ This is because welcoming and encountering diverse others fosters a robust attitude of responsibility to the revelatory character of plurality

⁵⁰ Arendt, *Men in Dark Times*, 83.

⁵¹ *Ibid.*, 82.

⁵² *Ibid.*, 83.

⁵³ Arendt, *Men in Dark Times*, 25.

⁵⁴ Arendt, *The Human Condition*, 243.

⁵⁵ Arendt, *Men in Dark Times*, 30.

⁵⁶ Hannah Arendt, *The Life of the Mind* (Orlando: Harcourt Brace Jovanovich, 1978), 200.

⁵⁷ *Ibid.*, 15.

that enriches our sense of reality. In other words, the opinions of others need to be heard and their appearance needs to be seen, both to encourage our ability to think from the standpoint of others and to prevent our perception of reality from shrinking to the solipsistic perspective of a singular, internal consciousness. Arendt suggests that solidarity reinforces “the solid ground of reality” by remaining faithful to the “infinite plurality” of human beings and their “most elementary” freedom to be included in? some place on earth.⁵⁸ Fundamental to solidarity is the act of welcoming others in such a way that acknowledges their equal political standing no matter where they may be from on earth. At the same time, freedom of movement – whether within or across state borders – is “the substance and meaning of all things political,” because the public space of politics can be neither forged nor sustained without the ability to freely encounter and “interact in speech with many others and experience the diversity of the world.”⁵⁹

Refugee Solidarity and World-Building from the Margins

Arendt’s understanding of solidarity thus refers to individuals establishing inclusive relationships with others, so that each person can participate as a political equal in building the kind of world that they want to share. Central to this understanding is that solidarity is constituted *by* and *with* people of fundamentally diverse views and experiences, thereby making solidaristic belonging a political rather than pre-political phenomenon. The decisive contrast with legalism is that those engaged in solidaristic action do not simply view themselves “vertically” as mere subjects of the law and of a state’s citizenship, but instead regard each other “horizontally” as responsible co-creators of the worldly space within which political participation, including the claiming and enacting of rights, can unfold. Arendt’s conception of solidarity shows us that it is from neither law nor charity alone that we can expect a “solution” to the refugee “problems” that occupy our attention today. The “durability” of any achievements in this area will always be relative to the different kinds of joint endeavours and relational attachments that link disparate peoples in terms of their concern for a shared, and thus human, world.

There are many instances of refugee solidarity around the world, where people from different backgrounds join together not only to resist the injustice of violent refugee exclusion, but even more powerfully to create modes of political inclusion that enable refugees to claim a meaningful place within local communities. It is the interactional nature of this refugee practice – where refugees have mobilized on their own as well as with allied non-refugee groups – that is of interest here. Through the following illustrative examples, we highlight some of the ways that different grassroots groups embody political freedom by speaking and acting together, generating the right to have rights as a gesture of solidaristic recognition across diverse identities and experiences, thereby empowering both refugees and non-refugees as equal political participants in building a common, hospitable world.

Over 1.3 million people sought asylum in the European Union (EU) in 2015, more than twice the number for all of 2014.⁶⁰ The so-called “refugee crisis” prompted the EU to adopt a “new European Agenda on Migration”, which further entrenches the EU’s securitized “border management” approach to containing the “flow of irregular migrants” into Europe.⁶¹ Several EU

⁵⁸ Ibid., 23, 31.

⁵⁹ Arendt, *The Promise of Politics*, 129.

⁶⁰ “Asylum statistics (2016),” Eurostat, accessed 3 August 2017, http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics.

⁶¹ “Irregular Migration & Return,” European Commission, Migration and Home Affairs, accessed 3 August 2017, https://ec.europa.eu/home-affairs/what-we-do/policies/irregular-migration-return-policy_en.

member states have adopted even more restrictive anti-migrant legislation, with Hungary perhaps the most extreme case. Since 2015, the nationalist government of Viktor Orbán has built a razor fence along Hungary's southern border to keep out refugees; made it a criminal offence to enter the country through the border fence; authorized police to ban people entering, leaving and operating public areas and buildings; rejected the EU's binding refugee redistribution quota system; and approved the mandatory detention of all asylum seekers in container camps.⁶² Although these measures violate Hungary's obligations under EU and international human rights law, Orbán chauvinistically asserts they are needed to "preserve" the purity of both a "Europe for the Europeans" and "a Hungarian Hungary."⁶³

These attempts by the Hungarian state to "immobilize mobility" and "depluralize" public space have sparked a number of grassroots activist movements seeking to challenge the material effects of the law by politicizing and "remobilizing" refugee agency.⁶⁴ Volunteer groups such as SEM (Segítsünk Együtt a Menekülteknek/Let's Help Refugees Together), W2Hu (Üdvözlünk Magyarországon/Welcome to Hungary), and Migszol (Migrant Solidarity Group of Hungary) seek to join citizens, NGOs, activist networks, and refugees together into political coalitions or "horizontal solidarities" meant to disrupt "the state's immobilizing strategies" and jointly empower citizen and refugee political agency.⁶⁵

Migszol furnishes a clear example of a voluntary political association playing a role in realizing the right to have rights, in the context of defying Hungarian (anti)asylum legislation intended to reinforce an ethnochauvinist citizen/non-citizen dichotomy. Launched in 2012, Migszol initially was a response to the reintroduction of asylum seeker detention but subsequently expanded its activities to address numerous exclusionary dimensions of the experiences of those seeking asylum in, or transiting through Hungary – including lack of adequate housing, healthcare, educational opportunities, and the prevalence of sexual violence against migrant and refugee women.⁶⁶ Migszol's goals centre on the principle of "speaking together *with* refugees and asylum seekers, not *for* them."⁶⁷ The group presents this principle as a mechanism for welcoming refugees, confirming their presence in the public realm, and involving them as equal participants with Hungarian citizens in joint political action. The principle is fundamentally inclusive and empowering, basing all decisions for collective action on agreement reached through open dialogue between the group's plural members. Politically, the group is based on bringing equality into being, advocating a "non-hierarchical" bottom-up process to define its mode of organization, thereby making mutual recognition incumbent on each member, citizen and non-citizen alike.⁶⁸ By strongly emphasizing each person's mutually-guaranteed equal status within an "open" rather than closed political association, Migszol not only asserts the right of refugees to participate on an equal footing in decision-making processes but also sets the stage for each individual's equal claim to political activity. Migszol's politics-centred approach includes courses in Hungarian language and society aimed to empower refugees to

⁶² "Fenced Out: Hungary's Violation of the Rights of Refugees and Migrants," Amnesty International, accessed 12 September 2017, <https://www.amnesty.org/en/documents/eur27/2614/2015/en/>.

⁶³ Amnesty International, "Fenced Out," 4.

⁶⁴ Minna Annastiina Kallius, Daniel Monterescu, and Prem Kumar Rajaram, "Immobilizing Mobility: Border Ethnography, Illiberal Democracy, and the Politics of the 'Refugee Crisis' in Hungary," *American Ethnologist* 43, no. 1 (2016): 26.

⁶⁵ *Ibid.*, 27.

⁶⁶ "Our History," Migszol, accessed 1 July 2017, <http://www.migszol.com/our-history.html>.

⁶⁷ "Our Values," Migszol, accessed 1 July 2017, <http://www.migszol.com/our-values.html>.

⁶⁸ "Mission Statement," Migszol, accessed 1 July 2017, <http://www.migszol.com/mission-statement.html>.

participate in and enact their own demands for community inclusion by making their voices, experiences, and opinions heard and therefore meaningful.⁶⁹ Importantly, while Migszol engages in collaborative “horizontal” solidarities with other Hungarian civil society groups working on intersecting issues (such as poverty, homelessness, and discrimination against Roma), its explicit objective is to remain independent of both government institutions and humanitarian aid groups.⁷⁰ Migszol insists on this autonomy to defy both depoliticizing narratives depicting refugees as “humanitarian victims lacking agency” and “vertical” statist politics reducing refugee identities to arbitrary legal and “bureaucratic categories.”⁷¹ Migszol’s participatory practices instead foreground “the right to be present in the public sphere” and “freedom of movement” as conditions central to reclaiming and fostering refugees’ agency, and hence their properly political status. In short, practicing participatory freedom and forging worldly bridges between its equal yet distinct members provides a rallying point for Migszol’s efforts to rehumanize shared public spaces in opposition to the legalized enforcement of segregation by the Hungarian government.

Various efforts also have been undertaken in Australia to pursue the political aim of making worldly public space more inclusive in practice. Australian refugee policy has long been marked by a relative openness toward formally resettled refugees accompanied by a marked hostility toward spontaneous arrival of asylum seekers. Since the mid-1990s various iterations of detention and off-shore processing policies have effectively turned asylum seeking into a crime, the punishment for which is indefinite detention, usually in an off-shore camp.⁷² The conditions in such camps have frequently been described as unfit for human habitation, and successive Australian governments have been criticised as systematically violating the human rights of asylum seekers.⁷³ Each iteration of such policies has been met with protests on the part of Australian citizens, refugees and asylum seekers, leading to the growth of a diverse and diffuse “refugee rights” movement. Many groups include refugees and asylum seekers in their activities, but the refugee rights movement in Australia has at times struggled with issues of paternalism, and a tendency to speak and act *for*, rather than *with* refugees, inadvertently playing into the portrayal of refugees as humanitarian victims lacking agency.⁷⁴

Established in 2009, RISE: Refugees, Survivors and Ex-detainees is an organization run and governed by refugees, asylum seekers, and ex-detainees. Based in Melbourne, but working with refugees and other organizations nation-wide, RISE engages in political and legal advocacy, provides support services including assistance with housing and material needs, educational activities including English language tuition, and creative arts projects, all of which aim to redress social barriers, and to “empower refugee, ex-detainee and asylum seeker communities to actively participate in wider society.”⁷⁵ RISE thus actively contests the exclusion of refugees and

⁶⁹ “School,” Migszol, accessed 1 July 2017, <http://www.migszol.com/school.html>.

⁷⁰ “About Other Migszol Groups,” Migszol, accessed 1 July 2017, <http://www.migszol.com/other-migszol-groups.html>; <http://www.migszol.com/join.html>.

⁷¹ Kallius, Monterescu, and Rajaram, “Immobilizing Mobility,” 27, 31; “Mission Statement,” Migszol, accessed 1 July 2017, <http://www.migszol.com/mission-statement.html>.

⁷² Hyndman and Mountz, “Another Brick in the Wall,” 256-62.

⁷³ Human Rights Watch’s 2017 World Report on Australia summarises various human rights violations in Australia’s offshore detention policies; see “Asylum Seekers and Refugees,” accessed 25 October 2017, <https://www.hrw.org/world-report/2017/country-chapters/australia>.

⁷⁴ “Refugee Rights Movement in Australia: ‘for’ or ‘with’?,” WACA – Whistleblowers, Activists and Citizens Alliance, accessed 26 July 2017, http://www.waca.net.au/refugee_rights_movement_for_or_with.

⁷⁵ “Who We Are,” RISE: Refugees, Survivors and Ex-detainees, accessed 26 July 2017, <http://riserefugee.org/who-we-are/>.

asylum seekers not only from the everyday life of the communities in which they live but also from the formal political realm. In line with the motto of the organization, “Nothing about us without us,” RISE seeks to provide a forum for, and mechanism through which, refugees and asylum seekers can make their voices heard in local, state-level and national policy discussions on the issues that affect their status and everyday lives. In late November 2016, RISE began a campaign, #BlockTheBill, in opposition to proposed legislation that would result in lifetime bans from Australia for anyone who had attempted to reach Australia by boat since July 2013.⁷⁶ In initiating the campaign, the refugees and asylum seekers of RISE stake a claim to a place in the public realm, assert their presence as an equitable right to belong, and actively counter their formal position in society as voiceless non-citizens. That RISE chose to make this intervention itself is significant. While keen to coordinate with other organizations involved in the refugee rights movement, RISE recognises the importance of refugees and asylum seekers being able to speak and act for themselves, rather than relying on the “translation” of their voices and experiences by other, albeit well-meaning, groups. In much the same way as Migszol in Hungary, RISE seeks to intervene in a hostile public environment toward refugees and asylum seekers through foregrounding equality-in-plurality, rather than sameness and the reproduction of hierarchical structures based on legal status. The experiences and opinions of all those involved in the group’s work are valued precisely because they are unique,⁷⁷ and the ability of individuals to participate in the work of the organization is not dependent upon their legal status.

These examples suggest several observations about the contours of political solidarity from an Arendtian perspective. First, solidarity is an active rather than passive principle, something that is enacted through practices between plural groups rather than something inherently present within singular groups. Groups closed in on themselves, premising unity on sameness, will never be able to experience solidarity because they lack the experience of plurality and its attendant call for building multifaceted relationships with others. On this view, solidarity is plurality-dependent, as we cannot be in solidarity with “ourselves” (those “like us”) but only with other distinctively unique persons. Solidarity also has a process character, as something that must be brought into existence and sustained over time. The “becoming” of solidarity requires establishing spaces of appearance, confronting exclusions that prevent some individuals from appearing with others, and fostering collaborative practices that actualize the power potentials of the group. For these reasons, solidarity requires a continuing process of discussion, persuasion, and compromise to maintain an active balancing of respective positions. Such specificities are crucial to the dynamics of solidarity and to ensuring that the politicized spaces of joint action they build remain egalitarian and horizontally self-governing as established by participants.

Second, border securitization, including walling practices, constant surveillance, and compulsory detention, not only induce fear and insecurity in the everyday lives of refugees, but even more crucially restrict and debase their humanizing freedom of movement across time and space. The presumption of a sovereign entitlement to wield absolute control over borders diverts attention from the state’s exclusionary use of legal status to subjugate human beings, and to legitimize the widespread suppression of freedom as “normal.” Because shared worlds are built on relationships, interrupting movement and closing or tightening borders prevents individuals

⁷⁶ “#BlockTheBillCampaign,” RISE: Refugees, Survivors and Ex-detainees, accessed 26 July 2017, <http://riserefugee.org/blockthebillcampaign/>.

⁷⁷ “Our Charter and Aims,” RISE: Refugees, Survivors and Ex-detainees, accessed 26 July 2017, <http://riserefugee.org/who-we-are/our-charter-and-aims/>.

from establishing and maintaining the worldly connections with others that sustain political freedom. Without channels through which we can move to meet other people “in the middle,” as it were, worlds cannot even begin to take shape much less be renewed. While political action often is temporary and transient, solidaristic action tends to cultivate practices sustained over longer periods of time, which deepen the relational bonds and trust involved in ongoing struggles for recognition in the public realm. Reclaiming freedom of movement is, then, integral to refugee solidarity networks which look to anchor world-building in a shared vision of collective responsibility for future collaboration.

Third, freedom of movement also entails a mental spatiality. On the one hand, it means the capacity to move corporeally in an uninhibited fashion, using borders not as barriers but as pathways through which people can connect via the qualitatively distinct spaces that can be bridged or brought together by relationships that conjoin such spaces into something shared or common. On the other hand, it means the ability to provoke the movement of thoughts, pushing our ideas, beliefs, and opinions forwards and backwards, in order to encounter other conceptual worldviews and, by way of constructing new mental connections based on imagining the world from other people’s points of view, thereby “enlarging” our thinking.⁷⁸ The imaginative enlargement of our thinking plays a crucial part in solidarity as can be seen, for example, when we attend to Arendt’s famous depiction of the world as akin to a table which relates and separates those gathered around it.⁷⁹ While the image of the table prompts us to consider the importance of plurality in that those seated around the table see it from different perspectives, the crux for solidarity is that it should also prompt us to reflect upon the vital political condition of equality; for without equality, how does anyone get invited to sit around the table, and discuss matters of common concern with others to begin with? As such, the process of enlarging our thinking engages critically with questions about how “tables” or worlds are created, who does or does not gain a seat at the table, and who is or is not seen and heard while sitting at the table.

Finally, however much solidarity groups may differ, they nonetheless all demonstrate that equality and freedom are co-constitutive of political action. As Arendt suggests, freedom becomes actualized through a relationship of equals, making equality a condition for the right to have rights. Yet the examples considered here demonstrate that equality is not assumed to be a “natural” quality by groups that view solidarity in fundamentally political terms; it is an “artificial” product of plural human beings working together to create the conditions in which they can regard one another as equals and thereby guarantee each other rights. Another way to put this is that participants in solidarity activism are capable of seeing each other as equals – before each other and not simply “before the law” – because they stand in relation to a common world arising through jointly acting in concert. In this sense, the right to have rights refers not only to a status but to an activity, of participating in the construction of a shared world in which different people can be “equalized.” It is based, in other words, on the presumption of having an equal share in a political community and the possibility of freely participating on equal terms with others. Belonging of this sort, which accentuates the inextricable connection between equality and freedom, is captured by Arendt’s appeal to Greek *isonomia*, which denotes “that all have the same claim to political activity.”⁸⁰

⁷⁸ Arendt, *Between Past and Future*, 241; Hannah Arendt, *Lectures on Kant’s Political Philosophy* (Chicago, IL: University of Chicago Press, 1992), 73-74.

⁷⁹ Arendt, *The Human Condition*, 52.

⁸⁰ Arendt, *The Promise of Politics*, 118.

Conclusion

Reflecting on the global challenge posed by the record number of human beings now forcibly displaced, UN High Commissioner for Refugees Filippo Grandi recently suggested the “problem” must be seen in a new light: “The numbers are staggering. Each one represents a human life. But this is not a crisis of numbers. It is a crisis of solidarity.”⁸¹ With this in mind, Grandi proposed the need for “solutions” that enable refugees “to reclaim or acquire full membership in society and to build a stable future.” The argument of this chapter has been that refugee solidarity, when viewed through an Arendtian lens of mutual recognition and collective political interaction, provides one potent pathway for refugees to (re)claim their right to have rights and participate in building a shared world genuinely hospitable to their future as equal members of society.

Drawing on Arendt’s critique of human rights legalism, we have argued that solidaristic interactions cannot be encapsulated in narrowly juridical terms. Despite attempts to deny refugees and asylum seekers any effective political agency by relegating them to the margins of society, numerous voluntary associations have emerged seeking to carve out world-centric spaces in which solidaristic interactions can take place beyond the state- and citizenship-centric vantage point of legalism. Burgeoning refugee solidarity associations can be characterized, we suggest, as bolstering freedom in the guise of joint political action to empower the world-making capacity of refugees and asylum seekers. Without necessarily being informed directly by Arendt’s work, the refugee solidarity groups considered in this chapter exhibit an Arendtian understanding of constructing and sharing a common world based on mutual recognition of a politically-constituted equal human status. By standing up for themselves with others, refugees meaningfully assert their agentic capabilities and participate in translating their plight into political and not merely juridical terms. This shifts the focus of refugee politics from the state as legal protector of national membership to refugees as political actors in their own right, irrespective of citizenship status. Through this lens, a politically-sensitive understanding of the practice of solidarity can be glossed as a virtuous circle: since acting together with others depends upon human plurality, solidaristic action helps to strengthen the bonds of belonging so that everyone can feel at home in a common world. In the end, solidarity by and with refugees is a politically significant attempt to transform the widespread perception that human plurality is a problem to be solved rather than a blessing for which we should be grateful.

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