

**Hannah Arendt, “The Decline of the Nation-State and the End of the Rights of Man”
“II: The Perplexities of the Rights of Man” pp. 290-302.**

1. The title of this section describes “the perplexities of the rights of man.” In other places Arendt refers to a “paradox” of rights discourse (e.g. 291, 302). (She seems to use “perplexities” and “paradox” loosely and as synonyms.)

What is the specific paradox to which Arendt refers? Will resolving the paradox be a matter of political will and organization (making international law more powerful, for example), or is there some deeper obstacle to resolving it?

2. “[H]umanity, which for the eighteenth century, in Kantian terminology, was no more than a regulative idea [a taken-for-granted assumption that structures possible knowledge, rather than an empirical claim], has today become an inescapable fact. This new situation, in which ‘humanity’ has in effect assumed the role formerly ascribed to nature or history, would mean in this context that the right to have rights, or the right of every individual to belong to humanity, should be guaranteed by humanity itself. It is by no means certain whether this is possible.” [298]

Keep reading—at least to the end of the section on page 299. In what sense has *humanity* replaced “nature or history”? Why does Arendt doubt that humanity can guarantee the right to have rights? Does this mean we should give up on the concept of humanity?

3. “One of the surprising aspects of our experience with stateless people who benefit legally from committing a crime has been the fact that it seems to be easier to deprive a completely innocent person of legality than someone who has committed an offense,” says Arendt on page 295. She makes the point again in slightly different ways on 296 and 300.

Explain the point Arendt is making in your own words. Consider the case of Ebrahim Toure, as reported for example here: <https://www.theguardian.com/world/2018/oct/03/cananda-ebrahim-toure-immigration-detention> (text copied on the other side of this page). In what way does this case make Arendt’s point? What, if anything, is unjust about what happened to Toure? What would have to change to prevent this injustice happening to anyone else?

4. In this chapter Arendt is trying to explain two things: why the interwar period created the conditions for the rise of totalitarianism in Europe, and how human rights come to be least meaningful when they are most relevant. The last sentences of the chapter read, “Even the emergence of totalitarian governments is a phenomenon within, not outside, our civilization. The danger is that a global, universally interrelated civilization may produce barbarians from its own midst by forcing millions of people into conditions which, despite all appearances, are the conditions of savages” (302).

Arendt makes a number of references to “savages” and “barbarians” in this chapter. What do you think she is describing? In this final paragraph she rather obliquely brings together the two big things she is trying to explain. How are they connected?

**THE GUARDIAN Canada: man freed from indefinite immigration detention after six years
Ebrahim Toure's release prompted renewed criticism of a system that can incarcerate
people with no upper limits**

Leyland Cecco *in Toronto* Wed 3 Oct 2018 14.46 BST

The release of a stateless man who was held without charges by Canadian immigration authorities for six years has prompted renewed criticism of a system in which asylum seekers and other immigrants can be held indefinitely.

Ebrahim Toure was freed by the Canadian Border Services Agency from a facility in Toronto last month, putting an end to what is thought to have been one of the country's longest immigration detentions. Canada is among the few countries in the world to rely on an immigration detention system with no upper limits. "It feels good to be out. I just want to go home and sit down," Toure said in a statement. "It's been six years since I've been outside – everything has changed." Toure originally claimed refugee status in Canada after arriving to the country on a fraudulent passport. Immigration officials arrested him in 2013, believing he was a flight risk prior to his hearings.

Although he was neither charged nor convicted of a crime in Canada, Toure was sent to a maximum security prison in Ontario for the first four and a half years of his detention. Toure's legal team protested, arguing there was no indication he was any risk to the public. But Canadian authorities classified Toure as a "high-risk" case because of a prior conviction in the United States for selling illegal DVDs. "Given our review of the case at this time, the CBSA was comfortable releasing Mr Toure with conditions," the agency told the Guardian in an emailed statement.

According to reporting by the Toronto Star, Toure had 69 separate hearings over the course of his detention, and like other immigrants who the government feared were a flight risk, was confined to prison-like space. There have been 17 recorded deaths in immigration detention since 2000, said the Toronto-based advocacy group, No One Is Illegal, in a media release. It was only after a superior court judge in Ontario found his detention in a prison to be "cruel and unusual" that he was relocated to an immigration facility.

Much of the debate around Toure's detention status focused on which country would receive him following deportation. While he believes he was born in the Gambia and spend much of his childhood in Guinea, neither country would issue him the required documents necessary for repatriation.

His eventual release prompted fresh calls for broader reforms to Canada's immigration detention system. Max Chaudhary, an immigration lawyer in Toronto, pointed out that adjudicators overseeing immigration hearings – which can extend a petitioner's detention – do not need to have a legal background, despite having powers similar to that of a judge. "There's been a lot of concern expressed the system. I mean, it even led to an audit from within the government itself. This was indicative of a problem that was both palpable and noticeable," he said.

The auditor's report, issued over the summer, described a catalogue of systemic shortcomings, including inadequate legal representation for detainees, overreliance on the testimony of border officers and numerous factual errors used during critical decision making processes. Critical assessments of the system have also come from human rights activists, including Global Detention Project, which has raised concerns over the detention of mentally ill immigrants and children. "The community is elated that Ebrahim is finally free," MacDonald Scott, a member of Toure's legal team, said in a statement. "However, his situation points out the futility of a system that detains people for immigration purposes regardless of whether that purpose will ever be achieved."