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The right to live or to live well? Refugees' quest for entitlement: A reflection through Aristotle's and Arendt's lenses

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Abstract: *The term "life" is undoubtedly a concept that legislators can no longer fail to understand in present times, certainly with a burning migration crisis at the forefront. The study explores the intrinsic relationship between the concepts of "life" and "rights" through the lens of ancient philosophy, in particular Aristotle's seminal writing. The distinction between "bios" and "zoe," as recognised by the latter, is analysed and reconsidered in contemporary contexts, within the framework of modern human rights and the challenges posed by the global migration crisis. Challenging thereby the philosopher Agamben, who maintains a dichotomy between the biological and the political body—albeit blurred by his conception of "naked life," the study argues for a nuanced interpretation of Aristotle's oeuvre, allowing for the recognition of a complementary—if not inseparable—connection between biological life and political existence. Through a further interlacing with Hannah Arendt's concept of "the right to have rights," the article aims to apply this framework to refugees' situations, emphasizing the intertwined nature of life and political recognition. In a forward-looking perspective, it is hoped to raise reflexive stances on the contemporary right to life, whose complete comprehending hinges on recognizing its innate political dimension.*

Key words: *Aristotle, biological existence, Hannah Arendt, life, political representation, refugees*

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1. Introduction

The term “life” is undoubtedly a concept that the law can no longer fail to understand in present times, certainly with a burning migration crisis at the forefront. Aristotle's writings remain of particular importance to comprehending the postulated content of modern human rights.

The ancient Greeks, including Aristotle, employed two words for “life,” conveying that they could refer to different concepts: *Bios* and *Zoe*. The distinction has been taken up by many thinkers, notably within the realm of politics, the most influential of whom being Giorgio Agamben. According to the latter, the boundary would have been clear between *Zoe* “which expressed the simple fact of living common to all living beings and *Bios*, which indicated the form or manner of living peculiar to an individual or group” (Agamben, 1998, 201–202).

However, his well-known diagnosis of modern western politics seems to be rooted in a misinterpretation of Aristotle's legacy. In his account, the political life of ancient Greek citizens was conducted separately from family life, and, thus, separately from the substantive and biological aspects of its reproduction (ibid., 10). In contrast, today's state would enclose these aspects within it, or what would be called the manifestations of bare life. The latter would be both included and enclosed in political life, while simultaneously being excluded from and opposed to it (ibid., 4–7). In effect, political sovereignty would be directed against the natural existence of human beings and their biological functions, such that the latter are maintained in existence, but tightly controlled by a state (Finlayson, 2010, 100). It is through such thesis that Agamben justifies most of the atrocities committed by states over the last century, including the creation of refugee camps (Agamben, 1998, 131–145).

While an attentive reading of Aristotle's writings confirms that “life” does have a biological and biographical character, it seems that neither characteristic corresponds exclusively to one term or the other, nor whether both can be associated with both terms. Indeed, whereas it would be inconceivable for Agamben to devise—as underlined in his writings—of any “*Zôé Politikè*” (ibid., 9), it would be wrong, according to Aristotle, for biological life to be devoid of any political feature as such.

From such a premise, is it not possible to reassess the relationship and recognize a complementarity between biological life and political existence, instead of such separation? What might this complementarity, perhaps oneness, teach about the fate of refugees, when one or both are affected? Is there a *right to live*—in Aristotelian sensus—granted to refugees, and why would it be of importance in today's situation?

The article seeks to distinguish between the living and the well-living according to the ancient Greek philosopher, and to understand the

complementarity of the biological with the political. It will further attempt to explain how this distinction on the one, and the complementarity on the other, can be modelled on Hannah Arendt's theories—including her famous phrase “the right to have rights”—for application to refugees' situations.

1.1 Review of “Life” in Aristotle regarding the Distinction between βίος (Bios) and ζωή (Zoe)

Although the present study does not pretend to define an Aristotelian definition of life *per se*, it seeks to apprehend what Aristotle meant by *Zoe* and *Bios* respectively and, subsequently, to understand the possible complementarity between them, the latter predisposed to be qualified as *Politikos* above all.

1.2 Aristotle's key statements on *Bios* and *Zoe*

At the outset, it is relevant to grasp the general usage of these terms in ancient Greek. The Liddell and Scott Greek-English lexicon provides the following definitions of *Bios* and *Zoe*.

Bios is defined as “life, i.e., not animal life (ζωή) but mode of life” and also a “manner of living (mostly therefore of men [...] but also of animals)”; it further signifies “a life, a biography” (Liddell & Scott, 1968, 316).

Zoe is delineated as “living, i.e., one's substance, property” but also “to get one's living by” and “life, existence” (ibid., 759).

From the above definitions, it can be assumed that *Zoe* expresses the simple fact of living, common to all animate beings—including animals and plants—whereas *Bios* signifies the form or manner of living for a singular being or group. While they provide a valuable baseline, it must be stressed these definitions are taken from extensive Greek literature and only cover partially Aristotle's use of the terms (Bagwell, 2018, 5).

From the latter two, Aristotle may be able to derive a distinction between the “living” and the “living-well”. Yet, it remains to determine what he means by “living,” as to ascertain whether his conception of life is respected within today's refugee camps, and what would be the incidences if such were (not) the case.

Although, according to him, living seems to be common for humans and plants, it becomes a task to identify the one specific to human beings (Klimis 2019, 89–90). In this regard, a negative definition appears possible: the nutritive life, and the growth life, are common to all living beings, i.e., humans, animals, and plants; along with sensitive life, which humans have in common with animals (ibid, 90). As such, these cannot be the particularity of human biological life.

In Book IX, Chapter 9, of the *Nicomachean ethics*, Aristotle quotes:

Now life (ζῆν) is defined in the case of animals by the power of perception, in that of man by the power of perception or thought; and a power is referred to the corresponding activity, which is the essential thing; therefore life (ζῆν) seems to be essentially perceiving or thinking and life (ζῆν) is among the things that are good and pleasant in themselves. (NE IX, 1170a15–20).

It would suggest that any individual must demonstrate a certain power of thought, be it great or lesser, to be considered a human-being who would possess life. In fact, whereas animals might be limited to the five senses for biological sustenance, humans necessarily have a mental and rational ability (Bagwell, 2018, 29). However, in addition to the present necessity—and those shared with other living beings—to possess life, Aristotle states in the subsequent passage that: “Life belongs to the things that are good and pleasant in themselves”. This affirmation infers that such would be true in that all people desire life. Subsequently, it could also be understood that activities of men—those proper to them but also those common to animals and plants—are good and pleasant in the sense of their being necessary for life (ibid., 32).

As regards the term *Bios*, the latter is valuable in appreciating what would be necessary to live well according to the philosopher. One of the mentions in *Politics* explains that: “as production and action are different in kind, and both require instruments, the instruments which they employ must likewise differ in kind. But life (*Bios*) is action (*praxis*) and not production, [...]” (Politics I, 1254a5–9).

It must therefore be understood that *Bios* denotes a life where activities are ends in themselves, as opposed to productions. In the *Nicomachean Ethics*, the writings in chapter 7 of Book I, mention that “happiness, then, is something complete and self-sufficient, and it is the end of action” (NE I, 1097b14–22). Happiness is, in fact, itself desirable, especially since there is no higher end. The subsequent chapter further argues that happiness is achieved through excellent actions, which are in accordance with human’s function (Bagwell, 2018, 49–52).

The question is what exactly can be called the activity of *Bios* in that thought appears, concurrently, to have an end. To understand the ambivalence, *Zoe*’s activities are, as above mentioned, pursued for the pleasure they provide, whereas *Bios* embeds a specific form of pleasure—namely happiness—as the purpose of its activities. The pleasure form of the activities in relation to *Zoe* cannot be linked to it (ibid., 42–43). Moreover, the interest of *Bios*’ activities is they consist of excellent actions consistent with human functions (ibid.). Therefore, it is possible to consider the activity of thinking as ambivalent, both

as an end in itself (*Bios*) and as production, necessary for biological sustenance (*Zoe*).

It must further be determined what activities, being ends unto happiness, Aristotle would connect to *Bios*. In the *Nicomachean Ethics*, Aristotle compares the *bios theoretikos*, the *bios politikos* and the *bios apolaustikos*, namely the contemplative life of the philosopher, the political life of the citizen and the life of the person who seeks pleasure above all else (NE I, 1095b14–20). In view of the examination of well-living—considering refugees’ situation as political actors and (non-)citizens—the emphasis will be on the *bios Politikos*, whose aim is the well-living of the citizen.

As such, which means should citizens use to achieve the said happiness in a *bios politikos* (namely, a political way of life)? In political action, honours are sought, which risks subjecting the citizen to a dependence on those who bestow rather than on those who receive them (NE I, 1095b24–25; Klimis, 2019, 102). Seeking therefore the praise of wise men, who give credit only to virtue, the citizen will identify happiness with virtue and where virtue will be the political end (Aristotle, *Nicomachean Ethic* I, 1095 b 30–31; Klimis, 2019, 102). Consequently, the excellent actions, as mentioned above, of the political way of life appear as virtuous actions (ibid.).

To complete the present, it remains to determine what virtuous action would be, and whether it would be precluded from refugees. In view of Aristotle’s definition of virtue as “a disposition concerned with choice, lying in a mean relative to us, this being determined by reason and in the way in which the man of practical wisdom would determine it” (NE II, 1106b36–1107a2), and of the preceding observation that happiness is attained by excellent actions in accordance with human’s function, it can be inferred that the virtuous action of political life is that which actualizes the latter, namely its potential as a rational being. To achieve such aim, the citizen can model himself on the man of practical wisdom upon whom his honour depends, defined as having the ability to deliberate rightly on what promotes well-living as a whole and what is good or bad for human beings as such (NE IV, 1140 a25–28). The citizen will seek to realize its own living-well—which is bound to be political—and aim in each of its actions to work towards the good life of the city-state (Klimis 2019, 103).

2. Their Complementarity

The opening passage of Aristotle’s politics places the emphasis on community and the role it plays in achieving a certain good (Politics I, 1252a1–6). Aristotle distinguishes three basic forms of community: the household, the village, and the city (Politics, 1252b29–31). Yet, it remains to determine how to articulate the three with the previously acquired

distinction on the *Zoe* and the *Bios*? Each community appears to have a mode of living as its target good: the house seems to ensure the simple living of biological subsistence (*Zoe*), while the city achieves the transmutation of living into living-well (*Bios*). The village, on the other hand, is an in-between, notably prolonging biological and material subsistence (Klimis, 2019, 86). Such a presentation would seem to vindicate Agamben's clear dichotomy that the political and biological existence belong to different communities. Does the city, normally the exclusive framework of a *Bios* predisposed to be qualified as political (*Politikos*), not find a natural trait?

Agamben argues that Aristotle's semantic distinction of *Zoe* and *Bios* form a dyad and would be the primary authority for stating they are mutually opposed, and the latter excludes the former (Finlayson, 2010, 107). However, such a contention about Aristotle's use of language can be refuted by his extensive literature. In effect, these two Greek nouns have meanings that are slightly differing and—as explained earlier through their definitions—are partly overlapping (ibid., 109). No opposability or reciprocal exclusion between either term or their reflections can be inferred. Human beings can lead a political and a family life, as Aristotle nicely reminds through his "*Zoon Politikon*"¹ (Politics I, 1253a1–2).

The first book of *Politics* addresses the formation of the *Polis* from its origins in the household and the village and details the elements of the former. A rationale is given for two related claims: "the *Polis* exists by nature"; and "man is by nature a political animal" (Politics I, 12531–2). The reasoning advanced by Aristotle is that, if all the constitutive elements of a totality exist by nature, then the totality exists by nature; namely, the *Polis* (the totality) includes the village, which is itself composed of families (its components), and these elements exist by nature (Finlayson, 2010, 110). Hence, "if the previous forms of association are natural, so is the *Polis*, for it is the end of it, and the nature of a thing is its end" (Politics I, 1253a1–3). Moreover, if man is by nature a political animal, and if human association has for end, for nature, to be a *political* community, it is inconceivable that the biological and material components of this same association are excluded from the said political community, or *Polis* (Finlayson 2010, 110–11).

With regard to the components of human association—whether natural or material—they are underpinned by Aristotle in his *Politics* and are, albeit summarised at present, as follows: the natural and unchosen tendency of man and woman to procreate (Politics I, 1252a3); the natural hierarchies of master-slave and man-woman in order to satisfy indispensable needs and a mutual interest in preserving each other (Politics I, 1252a31–5); the innately group-oriented social pre-disposition of human beings to live together among their fellows (ibid.); and economic and material

1 The noun *zoon* refers to a living or animate being. See notably Finlayson 2010, 108.

interdependence of naturally needy beings (Politics I, 1252a14). It seems apparent the first two are the fundamentals of household and biological sustenance, while the other two tend to be more material—and even social—in character.

Consequently, it can be cautiously deduced that if the communities of the household and the village—which tend to ensure biological and material sustenance—are necessities for political life, then political life could not be accessed if the latter are not provided. In other words, if man has not freed himself from the bondage of tasks ensuring his biological substance, he could not engage in the deliberations of political life. Such an assessment is of crucial importance in evaluating refugees' access to politics.

Furthermore, while Aristotle does not deny that such components are natural foundations of association in the *Polis*—and to that extent, requisite conditions for the political life—he merely denies that these foundations of association are sufficient in themselves for political living. As Finlayson well explains, “a properly political order has to have, in addition to this material, economic, and instinctual basis, a deeper (and more worthy) basis in citizenship, civic friendship, and justice” (2010, 111).

A relevant point that deserves further development is the concept of friendship. Indeed, it seems self-evident that human communities do not rest solely on the purpose of the good they pursue. There must be a mutual benevolence, a friendship, between its members (Bagwell, 2018, 87). Friendship appears to be “the bond of the state; and lawgivers seem to set more store by it than they do by justice” (NE VIII, 1155a). Hence the importance of concord, that “exists between good men, since these are of one mind both with themselves and with one another, as they always stand more or less on the same ground” (NE IX, 1167b). Friendship would be a further endorsement of how biological and political complement each other, in that it articulates the two great spheres of human life: public and private life. While in private life, natural friendships develop within the family, the public life seeks concord and a kind of general friendship of citizens towards each other.

Moreover, in addition to the referred foundations, a properly political order is “something that is embedded in the constitution, laws, practices, institutions and collective life of the *Polis* and instilled in the ethos or character of its individual citizens through education and up bringing” (Finlayson 2010, 111). As previously stated, to achieve happiness in the political way of life, the citizen will attempt to direct his actions towards the good life of the *Polis*. However, it cannot be denied that such virtuous action can be self-induced through educational policy as to inculcate in children an *ethos* by training them to develop certain qualities for the actions (ibid.).

The simple living and the well-living would therefore be layers of life that are intrinsically linked and continuous, although distinct in quality. To further appreciate the complementarity between the good life and the mere living, a comparison may also be drawn with Aristotle's writings in *Physics* and *Metaphysics* on the material, mobile, formal, and final causes, which are linked and cooperatively drive a being to its essence and inner perfection (*Physics*, 2:3, 1:332–34; *Metaphysics*, 6.2, 2:1620–22; Finlayson 2010, 112–3).

For example, and to use Finlayson's illustration, simple life can be the efficient cause of the *Polis*; its citizens, territory, walls, etc. its material cause; the constitution, laws, etc. its formal cause; and the happiness of its citizens and the *Polis* its final cause (Finlayson 2010, 112–13).

It therefore stands to reason that a complementarity, if not oneness, is evident between the biological life and the political life, demonstrating that Agamben's separation of the two—argued based on Aristotle's writings—can no longer be maintained as such.

3. Rights that would arise from Aristotle's Respective Conceptions of Living and Living-Well.

Worldwide, according to the United Nations, a staggering 108.4 million people have been forcibly displaced by the end of 2022. 35.3 million are considered refugees, of whom about half are minors (United Nations High Commissioner for Refugees [UNHCR] 2023). The uprooted life of refugees raises questions about the life they have been prescribed: indefinite location and severely restricted movement, is living-well—or living as such—even conceivable under such conditions (Gessen, 2018).

The observation of impermanence and uprootedness clashes directly with Aristotle's different *communities*: while each of them—family, village, and city—pursues a particular good, what becomes when refugees, are deprived of all communities, including the most fundamental ones aiming at providing biological sustenance? Such a starting point is of importance to appreciating how the *Zoe* and *Bios* are missed by refugees, as they are fated to be *decommunitarised*.

3.1 The Right to “Live”

In recent years, while it would be widely accepted that a right to live is pursued by refugee law—and at least seems to be supported by the international sphere—Aristotle may be able to undermine confidence in legislators to understand what such a right entail, given his understanding of *Zoe*. In fact, the right to live according to Aristotle would have a broader conception than that envisaged by international standards.

3.2 Lege Ferenda

As clarified earlier, *Zoe* is akin to the simple fact of living, which for humans includes nutritive sight; growth; sentient life, namely the five senses; and thought for biological (re)production. In addition, all these mentioned must be good and pleasurable in that they are necessary for life. It appears therefore apparent the aim is to ensure biological sustenance.

Hannah Arendt's view of Aristotle's *Zoe* is also worth discussing, as she applies it to a rather modern context. The latter could help in understanding what an Aristotelian right to live would imply in today's society.

From the "labour and life" section of *The Human Condition*, Arendt borrows Aristotle's distinction between *Bios* and *Zoe* and applies it to the modern human being (Bagwell, 2018, 2). According to her, labour, with its connection to *Zoe*—the latter referring to the "ever-recurrent cyclical movement of nature"—includes "all human activities which arise out of the necessity to cope with them and have in themselves no beginning and no end, properly speaking" (Arendt, 1998, 176–9). Arendt suggests work is an essential activity for sustaining life, encompassing thereby any activity directed towards its maintenance or reproduction (Voice, 2014, 37).

Thus, industrial activities, large-scale agriculture, resource extraction, and similar activities, all categorize as work given their aim of sustaining and/or reproducing life (*ibid.*). Insofar as human beings are subject to biological imperatives, the constraint upon human life is expressed as a necessity that binds until death (*ibid.*). Arendt directly contrasts necessity with freedom, contending that so long as individuals are bound by biological needs, they cannot be free (*ibid.*, 47). Such idea might resonate with Aristotle, who suggests that access to politics is contingent on the prior sustenance of natural needs. Moreover, the motor of biological life is shared by humans with all other living beings, and "forever retains the cyclical movement of nature," itself "endlessly repetitive" (Arendt, 1998, 179). As such, *Zoe* as biological sustenance—sought by all living organisms albeit in different ways—directly echoes Aristotle's earlier understanding.

At first sight, a right to live according to Aristotle, and modernised by Hannah Arendt's interpretation of *Zoe*, would be a right to have natural needs met, but also not to be excluded from any activities that allow for the said subsistence. In this regard, one may criticize refugees' plight in camps—dependent on humanitarian aid—who are formally excluded from social and economic activities and depend solely on international assistance to provide all material goods necessary for their minimal biological existence (Parekh, 2016, 90). They find themselves outside the common space to provide for themselves (Agier, 2008, 2). While this deprivation does not

seem to be a problem when their needs are met by international charity, the latter is not always guaranteed, and such exclusion would pose serious issues when charity runs out.

As an essential element of *Zoe*, access to labour would potentially be enshrined in a right to life in the Aristotelian and Arendtian sense.

3.3 *Lege Lata*

At the outset,—and as observed from the different levels of legislation whether international, European, or national—there is no explicit right to live *per se*, but rather a right to life which, although similarly termed, has a different scope.

At the international level, reference can be made to Article 3 of the Universal Declaration of Human Rights, from 1948, which states “everyone has the right to life, liberty and security of person” (United Nations General Assembly 1948). At the European level, the right to life is expressly enshrined in Article 2 of the European Convention on Human Rights (Council of Europe 1950). The additional protocol no. 13 further abolishes the death penalty in all circumstances (Council of Europe 2002).

Considered an “absolute right,” the right to life in the strict sense implies that no one—thereby including governments—may attempt to end a life (Equality and Human Rights Commission 2021). It further requires a state to adopt appropriate measures, such as enacting laws to safeguard life and, in certain circumstances, by intervening to rescue lives when in danger (*ibid.*). Public authorities are also to take account of the said right when undertaking decisions that could endanger life or affect life expectancy (*ibid.*).

Article 2 of the Convention is of particular importance, not least because of its interpretation by the European Court. The first paragraph of the article declares that “the right to life of every person is protected by law” (Council of Europe 1950). The article further refers to a limited list of exceptions, where deprivation of life are not to be regarded as inflicted in its contravention when it results from the use of force which is no more than absolutely necessary in defence of any person from unlawful violence; in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; in action lawfully taken for the purpose of quelling a riot or insurrection (*ibid.*).

The Court has emphasised on numerous occasions that Article 2 of the Convention may come into play even if the person whose right to life has been violated is not dead (European Court of Human Rights [ECTHR] 2020, 7). It also examined on the merits allegations under Article 2 made by persons claiming their lives were at risk, even if such risk had not

yet occurred, provided there was a serious threat to their lives (*ibid.*). As an example, mention should be made of the case of *R.R. and Others v. Hungary* (2013), in which the applicants complained that they had been excluded from a witness protection program.

The scope of the article is to be appreciated as “non-derogable” according to the Convention, subject to exceptions listed exhaustively within it (ECtHR, 2020b, 13). Indeed, Article 15 of the Convention states, *inter alia*, that in time of public emergency threatening the life of the nation, any member state may take measures derogating from its obligations under the Convention, albeit without prejudice to the rights which the article considers inalienable. In fact, even in the event of war, the right to life must be guaranteed (*ibid.*).

International human rights instruments apply, in principle, regardless of nationality. Accordingly, the European Convention on Human Rights, as stated in Article 1, benefits “everyone” within the jurisdiction of a member state. This includes not only nationals of that member state, but also nationals of other states—whether parties to the Convention or not—as well as stateless persons (Van Drooghenbroeck, 2004, 76–8). It has sometimes been mistakenly argued that persons unlawfully present in a state’s territory cannot invoke the rights and freedoms contained in international human rights instruments ratified by that state. However, such an analysis is legally incorrect (*ibid.*).

On the national level, including the European scene, legal systems uphold the right to life under various constitutional and legislative mechanisms. While this fundamental right may be enshrined textually in certain constitutions, it may also be inferred or derived from related rights in the absence of such enshrinement. Reference may be drawn to the Belgian constitutional court, most notably in a decision of 7 June 2006, which considers that the right to life is a logical extension of the right to integrity enshrined in Article 22 of the constitution, and of the right to lead a life in conformity with human dignity guaranteed by article 23§ 1, of the same constitution:

Although the constitutional provisions invoked do not guarantee, as such, the right to life, the exercise of the rights they enshrine presupposes respect for the right to life, so that they can be combined with the above-mentioned treaty provisions, which explicitly protect this right (91/06, B.34.).

3.4 The Right to “Live Well”

Undoubtedly, in political terms, refugees—either stateless persons or illegal migrants—are confined to remaining apart from the common political community, as they are refused social integration and lack political rights

or influence in the states where they remain (Agier, 2008). Consequently, Refugees are often barred from integrating communities in which they are found, and very few are given the chance to be resettled—leading some to spend their entire lives excluded from any social or political community (Parekh, 2016, 90).

3.5 *Lege Ferenda*

As explained earlier, Aristotle's *bios* is above all predisposed to be *politikos*. In the political way of life, happiness can be achieved through virtuous actions, which were understood as actions directed towards the good life of the city.

In *The Human Condition*, Arendt deploys Aristotle's division of *Bios* and *Zoe* in her account of the modern realm of human agency (Bagwell, 2018, 5). The latter distinction is useful in demonstrating how labour (previously studied in relation to *Zoe*) is distinguished from action (said to be associated with *Bios*) which, together with work as such, form a *vita activa* (Voice 2014, 36). It is in the latter that she deems the “conditions under which life on earth was given to man” (Arendt 1998, 7). The *vita activa* is to be contrasted with the *vita contemplativa*, which finds echoes in Aristotle's thinking with his *bios theoretikos* (Bagwell, 2018, 93).

There could have been an Arendtian translation of Aristotle's political life contemplative life in her coinage of *vita activa* and *vita contemplativa* respectively. However, it was not her position, as she explains that such an equivalence would have been lost with the disappearance of the old city-state, where “*vita activa* lost its specifically political meaning and denoted all kinds of active engagement in the things of this world” (Arendt, 1998, 53). According to her, the *bios politikos*—or the domain of human affairs—would consist exclusively of action (*praxis*) and speech (*lexis*) deemed to be political and thereby excluding anything that is merely necessary or useful (*ibid.*, 71). Meanwhile, Aristotle argues the opposite, maintaining the material and biological bases of human association are complementary to political association (Finlayson, 2010, 118).

Arendt differs from both Aristotle and the modernists: on the one hand, she further rejects the priority of the contemplative life over the political life of the former, but also refutes the latter's valorisation of work and labour over political action (Voice, 2014, 36). Arendt advocates for a *vita activa*, but also for a precise ranking of its components by prioritizing political action over work and labour (*ibid.*, 36).

A passage from her work is worth noting:

Limited by a beginning and an end, that is, by the two supreme events of appearance and disappearance within the world, it follows a strictly linear movement whose very motion nevertheless

is driven by the motor of biological life which man shares with other living things and which forever retains the cyclical movement of nature. The chief characteristic of this specifically human life, whose appearance and disappearance constitute worldly events, is that it is itself always full of events which ultimately can be told as a story, establish a biography; it is of this life, *bios* as distinguished from mere *Zôé*, that Aristotle said that it “somehow is a kind of *praxis*”. For action and speech, which as seen before, belonged close together in the Greek understanding of politics, are the two activities whose end-result will always be a story with enough coherence to be told, no matter how accidental or haphazard the single events and their causation may appear to be (Arendt, 1998, 176).

From this extract, it can be outlined how there would be, in the linear movement of life, a possibility of event manifestations which, together, could create the biography of individuals. As such, this type of life—which views itself as the quintessential *Bios*—is uniquely human (Bagwell, 2018, 7). However, Arendt goes further by translating Aristotle’s *praxis* as “action and speech,” indissociably involved in the events of the biography (Arendt, 1998, 176). From her interpretation of Aristotle, Arendt traces a modern philosophical incursion to the distinction of *Bios* and *Zoe*, the relevance of which cannot be overestimated in building a right to live well in the modern world (Bagwell, 2018, 8).

For Arendt, action is linked to plurality, in that human beings are both fundamentally similar and different (Voice 2014, 38–40). Through action, it becomes possible to satisfy the need to differentiate oneself from this sameness, thus justifying Arendt’s preference for action, rather than work or labour (Parekh and MacLachlan, 2013, 21). It is not clear, however, whether she considers action and speech to be synonymous, but she often uses them as being the same (*ibid.*). In action and speech, “men show who they are, actively reveal their unique personal identities and thus make their appearance in a human world” (Arendt, 1998, 179). In other words, action could stand for an existential fulfilment to be achieved in human life and mark one’s place in the world (Parekh and MacLachlan, 2013, 21).

However, a further point in her theory deserves attention. In her view, action is a human capacity rooted in natality, in that humans are “beginners by virtue of birth” (Arendt 1998, 303). It is therefore not so much an achievement as a capacity, in that action implies starting and setting in motion what is neither predicted nor controlled (Parekh and MacLachlan, 2013, 22). Action, or “the fact that man is capable of acting means that the unexpected can be expected of him, that he is capable of accomplishing what is infinitely improbable” (Arendt, 1998, 304). Such views on action as an innate capacity would suggest that human beings retain this same capacity to act and to begin, including in refugee camps.

As previously clarified, humankind cannot see itself as free so long as it must transcend its natural needs (Arendt, 1998, 115). It further allows to understand how Arendt identifies freedom with action, namely that “Men are free as long as they act, neither before nor after; for to be free and to act are the same” (Arendt, 1993, 153). As such, freedom should not be understood as a subjective state or inner disposition, but a human experience achieved primarily through political action, where a person reveals their uniqueness with others (Parekh and MacLachlan, 2013, 22). Indeed, while freedom would be “the reason why men live together in a political organization. Without it, political life as such would be meaningless” (Arendt, 1993, 146), freedom is inter subjective, entailing the presence and recognition of others within a shared public domain (Parekh and MacLachlan, 2013, 22).

While without “a politically guaranteed public domain, freedom does not have the global space to make its appearance” (Arendt, 1993, 149), it seems easy to appreciate the harm suffered by refugees, especially those in camps. Indeed, *decommunitarised*, they would be deprived of the reliability and sustainability of a politically guaranteed space where their actions and words could be seen and understood (Parekh and MacLachlan, 2013, 23). Though far from condemning refugee political action to impossibility, such action would nevertheless be limited as it would lack the very conditions that make it consistently meaningful (*ibid.*). As such, they experience a fundamental lack of the right to live well, albeit theoretically possessing certain rights, such as freedom of expression or opinion (*ibid.*).

For modern humankind, Aristotle's well-living would not be limited to acting virtuously for the good of the city, but necessarily require the ability to do so through a common and public domain. To “live well” would be a matter of granting a right to a “space of appearance” (Arendt, 1998, 199), where refugees could come together to act. It could involve, among other things, the granting of an institutionalised public framework in which refugees could act alongside citizens. In effect, in the absence of access to citizenship, would there be a right allowing them a political equivalent to citizenship, in that the latter seems most likely of satisfying such a demand?

3.6 *Lege Lata*

In the interest of coherent reasoning, it is fitting to commence with the broad conception of the right, namely in the Aristotelian and Arendtian sense. While Aristotle's deliberation would rather suppose a right of association and opinion, Arendt additionally advocates for a political equivalence of citizenship.

The former does not raise difficulties in that they are enshrined in various legally binding international instruments, irrespective of the legal

status of their beneficiaries. Examples include the ECHR, in articles 10 and 11, on freedom of expression and freedom of association and assembly respectively, which according to its first provision apply “to everyone” (Council of Europe 1950).

The Arendtian approach seems to pose greater doubts. Indeed, if equivalences to citizenship exist, one cannot fail to appreciate the inherent hardship in accessing them. Loss of citizenship can cover different realities: a formal loss, namely the stateless refugee, whose citizenship is taken away by governmental acts of denationalization; and a material loss, where a refugee retains citizenship but cannot claim it, considering the unreliability of their government to guarantee them the standard legal protections that (other) citizens usually enjoy (Maxwell *et al.*, 2018, 5–6).

In view of obtaining an equivalent of citizenship, a review of the applicable national laws is necessary. A distinction is to be made between statelessness and refugee status, which have divergent paths to recognition of their legal residence. Although partial, these statuses would allow for the benefit of rights to be recognised and enjoyed under a state. Yet must they still be able to qualify for them.

A relatively limited number of countries have introduced procedures for determining statelessness, albeit not strictly regulated (UNHCR, 2014, 8). For example, Belgian legislation does not provide for a specific administrative procedure or a specific instance for the recognition of statelessness status (Lauvaux, 2012, 710). The so-called “potpourri V” law designates the “family tribunal” as competent to address disputes regarding nationality and statelessness status (Commissariat Général Aux Réfugiés Et Aux Apatrides [CGRA], n. d.). The onus is on the claimant to provide evidence they are stateless (*ibid*). However, it should be noted the difficulty in proving such statelessness when the claimant is unable to engage in administrative matters with the services of the country with which they have a connection (UNHCR, 2014, 34). States are not explicitly required to confer a right of residence to a person who is awaiting determination of their status as a stateless person or who has been recognised as such. In the absence of a right to remain on the territory, the person is exposed to permanent insecurity and faces hardship in benefitting from rights guaranteed by international human rights law. The recognition of stateless status, in contrast, grants certain rights, and the benefit of a “ban on expulsion,” i.e., a very temporary right of residence (Van Ruymbeke and Versailles, 2018, 321–24).

Candidate refugees (or candidates for subsidiary protection), on the other hand, are subject to another extreme, namely the bureaucratization of state agencies for the reception of asylum seekers. Following the introduction of the application, the seeker will automatically be granted a legal residence permit, albeit temporary (CGRA 2022, 7). While

numerous examples can be cited, one could highlight Poland with continued restrictions on access to asylum; Hungary's inhumane policies, withholding individual protection (European Council of Refugees and Exiles, 2023); or excessive bureaucracy imposed, for example, by Great Britain (Coulten and Lilley, 2022). Mention may equally be made of a recent referral order condemning the Belgian state and *Fedasil*—the federal agency for the reception of asylum seekers in Belgium—for failing to enable asylum seekers to apply for refugee status in Belgium (Rigaux, 2022). The applicants, including several humanitarian associations, claim the Belgian state is failing to fulfil its international obligations by denying potential candidates access to the facility where to submit their application, given the lack of available places in the reception centres organised by *Fedasil* (*ibid.*).

Between administrative red tape and access to justice, the recognition of the refugee remains hardly guaranteed.

Strictly speaking, one can appreciate there is less of a right to live well in the different legislation levels. Such an embodiment in the relevant sources of law would rather be reflected in the “right to an adequate standard of living,” a component of the so-called “second generation of rights,” namely economic, social, and cultural rights (Claude and Weston, 2006, 173). The latter is guaranteed by Article 25 of the 1948 Universal Declaration of Human Rights (UDHR), as well as the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), under its Article 11.

Article 25 of the UDHR provides in its first paragraph that:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control (United Nations, 1948).

Aside from considering that such a right would be more in line with Aristotle's and Arendt's notion of living, its effectivity must be considered. The declaration is not legally binding but provides the groundwork for a series of legally binding texts (Smis, *et al.* 2011, 98–9). Accordingly, it remains to determine whether the article is being adopted under a binding instrument.

Article 11 of the ICESCR states:

The states parties to the present covenant recognize the right of everyone to an adequate standard of living for himself and his family, including food, clothing and housing, and to the

continuous improvement of living conditions. States parties shall take appropriate steps to ensure the realization of this right (United Nations General Assembly, 1966).

Although the Covenant incorporates and complements the second generation of rights previously enunciated in the UDHR, it uses programmatic language, implying that most provisions will not be given direct effect (Hachez and Delgrange, 2014, 246). With few exceptions, not including the present article, national courts thereby refuse to allow the provisions to be invoked before them. The international monitoring system of the ICESCR fails to provide any further satisfaction insofar as it provides merely soft jurisprudence with no binding sanctions (United Nations, 1966).

Under national legal systems, constitutional and legislative mechanisms reinforce the primacy of guaranteeing human dignity, social well-being, and individual freedoms. While specifics differ by country, the overarching premise holds that states must ensure their residents—irrespective of legal status—enjoy a dignified standard of living and essential services.

The Belgian Constitution, for instance, devotes a place to economic, social, and cultural rights under the right to human dignity in its article 23, dating from 1993 (Hachez, 2005, 293–324). It provides that everyone has the right to lead a dignified life, and the respective legislators must guarantee economic, social, and cultural rights, including the right to social security, health protection and social, medical, and legal assistance. In the Belgian constitution, rights and freedoms apply, in principle, indistinctly to Belgian and foreign residents—Article 23 being no exception (Van Drooghenbroeck, 2004, 76–78). However, the division between legally and illegally residing refugees is relevant to the present article. Mention should be made of the right to social aid, presented as the means to live in accordance with human dignity. In effect, only Belgians and specific foreigners are eligible to apply for the right to social integration, including recognised stateless persons and recognised refugees legally residing (Van Ruymbeke and Versailles, 2018, 321–24). On the contrary, candidates for both refugee (or subsidiary protection) and statelessness status, illegally residing, are not eligible for social integration. The same applies to recognised stateless individuals who have not been issued a residence permit, owing to the differentiation of procedures for stateless persons from those implemented for asylum seekers (*ibid.*).

Far from an access to politics, the embodiment of living-well in positive law appears to refer primarily to Aristotle's and Hannah Arendt's sense of simple living. Indeed, it refers to the satisfaction of natural needs rather than the political realm of individuals. As the boundary between living and living-well becomes increasingly blurred, the confidence of lawmakers to understand a right to live as such, seems to be challenged.

3.7 The Complementarity between Biological Life and Political Life and “The Right to have Rights.”

A first complementarity, drawn from Aristotle's writings, is to consider the natural bases of human association as complementary to political life, such that: “each lower level of human social existence is preparation and material for the higher level” (Bradley, 1991, 27). Although Hannah Arendt supports the opposite, her position whereby the biological and animal basis of human association is opposed and excluded from the political domain, will be ignored. It would somewhat be illogical to assume that “everything that is merely necessary or useful is strictly excluded” (Arendt, 1998, 71) from the political domain. Indeed, if action, like freedom, is only attainable by satisfying natural needs, it follows that everything necessary for political life should not be excluded, nor should anything useful be (Finlayson, 2010, 118–9).

While Agamben argues that the modern state politicizes natural life (Agamben, 1997, 4), notably within refugee camps (*ibid.*, 131–45), the present account demonstrates otherwise: camps are not a political project, but rather an invention fundamentally contrary to politics itself (Klimis, 2019, 106). By analysing the concept of life, and the right to live in the Aristotelian and Arendtian sense that would derive therefrom, one should recognize that insofar as the very foundations of any human association are not fulfilled, access to political community would be impossible. Refugees in camps dependent on humanitarian aid, inscribed in a context where these foundations are weak or even absent, have no access to political life. As such, a *bios politikos* would appear almost utopian in such circumstances.

However, a second complementarity should be considered between political and biological life. In 1949, Hannah Arendt raised a statement which remains as relevant today as ever, whose famous motto “The right to have rights” (Arendt, 1949, 36). The latter merely translates her scepticism about the concept of human rights. While such rights should, in principle, accrue to every person by reason of their humanity, they were only guaranteed and conditioned on membership of a state (Gessen, 2018). If you do not have a passport, you would not only be deprived of travel, but also of your most fundamental rights.

Author Stephanie Degooyer, whose writings explore the well-known phrase, explains that “the refugee crisis after world-war II revealed to Arendt that humans can exist in a place called nowhere; they can be displaced from political community—they can be turned into abstractions” (Maxwell *et al*, 2018, 30). Through a formal or substantive loss of citizenship, refugees were differentiated from members of the political community, in that they were merely excluded (*ibid.*, 6). Their remaining membership was that of humanity. As Hannah Arendt suggests, refugees who no longer belong

to any nation-state, became “humans and nothing but humans” (Arendt, 1978, 135).

The remaining hope for providing support and protection dawned with the concept of human rights (Gessen, 2018). In this respect, the preamble to the Universal Declaration of Human Rights seemed to indicate that the inalienable rights would apply “to all members of human family” (United Nations, 1948). They would have been covered, simply by virtue of their membership to humanity.

However, Arendt quickly identified the concept’s disillusionment, in that human rights, instead of being guaranteed by humanity itself, were ultimately dependent on nation-states’ willingness to recognize and enforce the rights of those who had become unprotected by the loss of their national affiliations (Arendt, 1978, 290–301). Refugees, whose sole affiliation is to humanity, have been and continue to be subjected to extreme forms of violence (Maxwell, *et al*, 7). Similarly, membership did not prevent the consequences of the Nazi regime on the Jews stripped of any legal status in the eyes of governments, they found no use in belonging to humanity when their most fundamental right to live was completely annulled by the regime (*ibid.*, 7).

Since then, such a critique cannot be considered outdated: as the migration crisis reaches its peak and its own record, the Ukrainian war seems to have reinforced the assumption of a dependence on the will of nation-states to ensure human rights effectiveness. Indeed, while not discounting the merits of international support for Ukrainian refugees, the variable geometry of nations’ migration policies seems to underline that States, or their—when considering the EU and its temporary protection—ultimately decide when and which refugees deserve protection, rather than their belonging to humanity *per se*.

Based on such considerations, Arendt suggested that the only necessary and failing right would be that of being a citizen of a nation-state, or at least of an organised political community, as previously discussed (Maxwell, *et al*. 2018, 8). It is through such a right that the enjoyment of all other civil, social, economic, and political rights can be guaranteed. Thus, a “Right to have Rights” (Arendt, 1978, 298).

The said complementarity between living and well-living appears to be conceivable as a oneness: since access to political community, dependent on the satisfaction of living according to Aristotle, appears hardly attainable, how could stateless or illegal refugees claim even the most vital rights i.e., civil and political rights enabling the satisfaction of natural needs, but also not to be excluded from any activity permitting such subsistence? It appears, in effect, that a right to live would be unattainable without one to live well, and conversely.

An unspoken but foreboding sentence might be drawn for refugees: how can one who does not belong to a community claim the rights arising from it, when the condition for claiming such rights would be membership of a community (Maxwell, *et al.* 2018, 11)? Humanitarian and camps bureaucracy present an instrument of politics fundamentally at odds with the latter, in that it greatly reduces, if not totally, the potential for refugees to act. In fact, when Aristotle asserted that human beings gather and maintain the political community also for the sake of simple living (Politics III, 1278b25; Finlayson, 2010, 111), perhaps had he already succeeded in covering the complexity of refugees' current realities.

4. Conclusion

Today's right to live appears to be a bare right, stripped of any effectiveness until an essential constituent is recognised: its political substance. To the initial question whether refugees in camps a right have to live or to live well, it appears that one can no longer be content to choose, insofar as these two terms are not to be differentiated, but rather indissociable.

Why not take notice of the "Calais Jungle" for example, which, far from fitting its appellation, has attempted to create a political representation with its "Council of Exiles" meeting once a week (De Coninck, 2017, 12–3). As Agier comments, "this is the moment, that of speaking out "in the name of the refugees," (all "vulnerable"), that politics is introduced into the camp" (Agier, 2011, 156). In a place where even biological sustenance is meagre, men and women cling to politics, for there is an inherent instinct in the human essence that the biological side depends on politics, and conversely. Man would be, as Aristotle pointed out, a true political animal (Politics I, 12531–2), for politics and biology are to be inseparable for humankind.

Far from conceding to an almost Arendtian pessimism, it would be of interest to underline the reasoning behind the above ruling of the Brussels Court of First Instance (Rigaux, 2022), which seemed, almost unwittingly, to consecrate this indissociably. The Tribunal held the Belgian state to be at fault for failing to allow all third-country nationals to submit their application for international protection and, accordingly, to benefit from the right to asylum granted by *Fedasil*, on account of their alleged lack of availability (Ghyselinck, 2022, 1). This action infringed their fundamental rights, notably the right to a dignified life (Rigaux, 2022). In its view, once an application has been registered and examined, the asylum seeker has the right to be "welcomed" in Belgium, that is, to be accommodated in a centre where they must be fed and housed until the right to asylum is recognised or refused (*ibid.*). Although the Court chose the terms "dignified life," it should be appreciated that this wording would refer to the Aristotelian and Arendtian concept of living, regardless of the current legislative practice. Nonetheless, the Court is

decisive: the lack of access to political recognition deprives a person of their right to live. Perhaps would it be the onset of a recognition that the right to life cannot be satisfied with a naked version to be effectively affirmed.

Today, given the finding that most essential rights, such as the right to live, are only guaranteed by the possibility of claiming them, why not consider the deprivation of the political as an infringement of the former? Why not draw on current positive law to assess the apparent incoherence that lies within it? In fact, while the European Court of Human Rights concluded a violation of the right to life when subjects maintain their life to be in danger owing a serious threat (ECtHR, 2020, 7), is there not already grounds for condemning states under the article? After all, the inability to claim one's right to life carries a serious risk for life itself.

It remains the reality of the refugee camps that a *right to life* devoid of any policy would be naked, and that its inadequacy must be acted upon today before it finds itself too easily disregarded.

References

- Agamben, G. (1998). *Homo Sacer: Sovereign Power And Bare Life*. Translated by Daniel Heller Roazen. Stanford: *Stanford University Press*.
- Agier, M. (2008). *On The Margins of The World: The Refugee Experience Today*. Malden, MA: *Polity Press*.
- Agier, M. (2011). *Managing the Undesirables: Refugee Camps and Humanitarian Government*. Translated by David. Fernbach. Malden MA: *Polity Press*.
- Arendt, H. (1949). 'The Rights of Man': What Are They? *Modern Review* 3/1 Summer, 24-37.
- Arendt, H. (1978). *Origins of Totalitarianism*. New York: *Mariner Books*.
- Arendt, H. (1993). *Essays in Understanding, 1930-1954*. Edited by Jerome Kohn. New York: *Harcourt Brace & Company*.
- Arendt, H. (1993). *Between Past and Future*. New York: *Penguin*.
- Arendt, H. (1994). We refugee. In *Altogether Elsewhere. Writers on Exile*, edited by Marc Robinson, 264-74. Washington: *Harvest Books*.
- Arendt, H. (1998). *The Human Condition: Second Edition*. Chicago: *The University of Chicago Press*.
- Aristotle. (1995). *Metaphysics*. In *The Complete Works of Aristotle*, vol. 2, translated by William David Ross, edited by Jonathan Barnes, 2.1152-1729. New Jersey: *Princeton University Press*.
- Aristotle. 1995. *Nicomachean Ethics*. In *The Complete Works of Aristotle*, vol. 2, translated by William David Ross, revised by James Opie Urmson, edited by Jonathan Barnes, 2.1729-1868. New Jersey: *Princeton University Press*.

- Aristotle. (1995). *Nicomachean Ethics* Translated by Harris Rackham. Cambridge: *Harvard University Press*.
- Aristotle. (1995). *Physics*. In *The Complete Works of Aristotle*, vol. 1, translated by Robert Purves Hardie and Russell Kerr Gaye, edited by Jonathan Barnes, 1.315-447. New Jersey: *Princeton University Press*.
- Aristotle. (1995). *Politics*. In *The Complete Works of Aristotle*, vol. 2, translated by Benjamin Jowett, edited by Jonathan Barnes, 1.1986-2130. New Jersey: *Princeton University Press*.
- Aristotle. (1990). *Politics*. Translated by Harris Rackham. Cambridge: *Harvard University Press*.
- Bagwell, S. (2018). An examination of 'life' in Aristotle concerning the distinction between βίος (Bios) and ζοή (Zoe). Master's thesis, University of Saskatchewan.
- Bradley, AC. (1991). Aristotle's Conception of The State. In *A Companion to Aristotle's Politics*, edited by David Keyt and Fred D. Miller, 13-56. Oxford: *Basil Blackwell*.
- Claude, RP. and Weston, BH. (2006). *Human Rights in the World Community: Issues and Action*. Philadelphia: *University of Pennsylvania Press*.
- Commissariat général aux Réfugiés et aux Apatrides. (2022). Vous êtes reconnu réfugié en Belgique. Vos droits et vos obligations. Commissariat général aux réfugiés et aux apatrides.
- Commissariat général aux Réfugiés et aux Apatrides Anonymous. (n. d.). Apatrides.
- Coulten, L. and Lilley, E. (2022). Refugees are facing added trauma of UK bureaucracy. *The Guardian*.
- Council of Europe. (1950). *European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols nos 11 and 14*. Council of Europe Treaty Series 005. Strasbourg: *Council of Europe*.
- Council of Europe. (2002). *Protocol 13 to the European Convention on Human Rights and Fundamental Freedoms on the abolition of the Death Penalty in all Circumstances*. Council of Europe Treaty Series 187. Vilnius: *Council of Europe*.
- De Coninck, V. (2017). Un conseil des migrants à Calais. *Revue Project* 3, 358: 12-13. [Link](#) (last visited 26 August 2024).
- Equality and Human Rights Commission. (2021). Article 2: Right to life. Equality and Human Rights Commission.
- European Council on Refugees and Exiles. (2023). Eastern borders: Poland continues restricting access to asylum, Hungary's inhumane policies increase smuggling crimes and deny people protection, Austrian minister calls for urgent reform of so broken EU asylum system.
- European Court of Human Rights. (2020). Guide on article 2 of The European Convention on Human Rights. European Court of Human Rights.
- European Court of Human Rights. (2020b). Guide to article 15 of the European Convention on Human Rights. European Court of Human Rights.
- Finlayson, J.G. (2010). Bare life and politics in Agamben's reading of Aristotle. The review of *Politics* 72, no. 1 (Winter): 97-126. [Link](#) (last visited 25 August 2024).
- Gessen, M. (2018). The Right to Have Rights and The Plight of the Stateless. *The New Yorker*.
- Ghyselinck, R. (2022). FEDASIL - Saturation du réseau d'accueil - Manquement aux obligations internationales. *Bulletin Juridique et Social* 2, no. 688 (March): 1.
- Hachez, I. (2005). Les 'obligations correspondantes' dans l'article 23 de la constitution. In *la responsabilité, face cachée des droits de l'homme*, edited by Hugues Dumont, François Host and Sébastien Van Drooghenbroeck, 293-324. Bruxelles: *Bruylant*.

- Hachez, I. and Delgrange, X. (2014). *Le droit international et européen des droits de l'Homme devant le juge national*. Edited by S. Van Drooghenbroeck. Bruxelles: *Larcier*.
- Klimis, S. (2019). Les puissances politiques du vivre: créer le commun du bonheur, par-delà la sidération de la vie nue. In *Vie bonne, vulnérabilité, commun(s). Schèmes anciens et usages contemporains*, edited by Olivier Renaut, Sandrine Alexandre, and Haud Gueguen, 79-109. Paris: *Presse Universitaires de Paris-Nanterre*.
- Lauvaux, V. (2012). L'accès des apatrides à l'aide sociale. In *Regards Croisés Sur La Sécurité Sociale*, edited by Francine Étienne et Michel Dumont, 708-730. Liège: *Anthemis*.
- Liddel, H.G., and Scott, R. (1968). *A Greek-English Lexicon*. Oxford: *University Press*.
- Maxwell, L., Hunt, A., DeGooyer, S. and Moyn, S. (2018). *The Right to Have Rights*. London and New York: *Verso*.
- Parekh, S. and MacLachlan, A. (2013). Beyond the Ethics of Admission: Stateless people, refugee camps and moral obligations. *Legal Philosophy Between State and Transnationalism Seminar Series*. [Link](#) (last visited 25 August 2024).
- Parekh, S. (2016). *Refugees and the Ethics of Forced Displacement*. New York and London: *Routledge*. [Link](#) (last visited 13 January 2024).
- Rigaux, MF. (2022). Le droit à la dignité humaine des demandeurs d'asile ne souffre pas d'exception. [Link](#) (last visited 14 January 2024).
- Smis, S., Janssens, C., Mirgaux, S., and Van Laethem, K. (2011). *Handboek Mensenrechten*. Antvers: *Intersentia*.
- United Nations High Commissioner for Refugees. (2014). *Manuel sur la protection des apatrides*.
- United Nations High Commissioner for Refugees. (2023). *Figures at a Glance*. [Link](#) (last visited 25 August 2024).
- United Nations General Assembly. (1948). *Universal Declaration of Human Rights*. 217 (III) A.
- United Nations General Assembly. (1966). *International Covenant on Economic, Social, and Cultural rights*.
- Van Drooghenbroeck, S. (2004). L'effectivité des droits sociaux fondamentaux de l'enfant : le contentieux de l'aide sociale aux étrangers en séjour illégal comme paradigme, in *Les Enfants et L'aide Sociale*, edited by Pierre Jadoul, 59-111. Liège: *ASBL Jeunesse et Droit*.
- Van Ruymbeke, M, and Versailles, P. (2018). Les bénéficiaires de l'aide sociale, sensu stricto. In *Guide social permanent. Tome 4 - Droit de la Sécurité Sociale: Commentaire*, edited by Gaston Van Den Avyle, 151-333. Liège: *Wolter Kluwer*.
- Voice, P. (2014). Labour, work, and action. In *Hannah Arendt: Key Concepts*, edited by Patrick Hayden, 36-51. New York and London: *Routledge*.