

jurisprudence represent significant steps forward in setting the standard of protection of women's dignity:

1. Imposing on states the obligation to criminalise all forms of sexual abuse;
2. Imposing on states the obligation to effectively prosecute all forms of sexual abuse, regardless of whether the perpetrator used force and whether the victim resisted, and thus identifying non-consent rather than force or resistance as the central element of rape;
3. Imposing on states the obligation to secure respect for dignity of women in investigation of rape, particularly in respect of conducting gynaecological examinations.

References

- Center for Reproductive Rights. 2002. *Bringing rights to bear: An analysis of work of the treaty monitoring bodies on reproductive and sexual rights*. New York, NY: Center for Reproductive Rights.
- Clapham, Andrew. 2006. *Human rights obligations of non-state actors*. Oxford: Oxford University Press.
- Dembour, Marie-Bénédicte. 2006. *Who believes in human rights? Reflections on the European convention*. Cambridge: Cambridge University Press.
- Feldman, David. 1999. Human dignity as a legal value – Part I. *Public Law* 682–702.
- Grant, Evandé. 2007. Dignity and equality. *Human Rights Law Review* 7(2): 299–329.
- Little, Nicholas J. 2005. From no means no to only yes means yes: The rational results of an affirmative consent standard in rape law. *Vanderbilt Law Review* 58: 1321–1365.
- MacKinnon, Catharine A. 2005. Unequal sex: A sex equality approach to sexual assault. In *Women's lives – Men's laws*, ed. Catharine A. MacKinnon, 240–248. Cambridge, MA: Harvard University Press.
- McColgan, Aileen. 1996. *The case for taking the date out of rape*. London: Pandora.
- McCrudden, Christopher. 2008. Human dignity and judicial interpretation of human rights. *European Journal of International Law* 18(9): 656–724.
- Mowbray, Andrew W. 2004. *Development of positive obligations under the European convention on human rights*. Oxford: Hart.
- Munro, Vanessa. 2005. Concerning consent: Standards of permissibility in sexual relations. *Oxford Journal of Legal Studies* 25(2): 335–352.
- Quintana Osuna, Karla. 2008. Recognition of women's rights before the Inter-American court of human rights. *Harvard Human Rights Journal* 21(2): 301–312.
- Radačić, Ivana. 2005. Status of women and treatment of gender-specific violence in international humanitarian and international criminal law. *Zbornik Pravnog fakulteta Sveučilišta u Rijeci* 26(1): 1041–1062.
- Radačić, Ivana, and Ksenija Turković. 2010. Rethinking Croatian rape laws: Force, consent and the contribution of the victim. In *Rethinking rape law: international and comparative perspectives*, eds. Clare McGlynn and Vanessa Munro, 169–183. Oxon: Routledge.
- Schultziner, Doron. 2003. Human dignity – Function and meaning. *Global Jurist Topics* 3(3), Article 3.

Chapter 10 Social Exclusion

Practices of Misrecognition

Steffen K. Herrmann

Abstract Social Exclusion can be mainly understood in three different ways: as a form of spatial separation, a lack of participation, or as emanating from *practices of misrecognition*. One of the approaches based on the latter understanding was proposed by the Israeli social philosopher Avishai Margalit. For him, social exclusion by practices of misrecognition is one way to harm human dignity. Margalit frequently referred to the persecution of Jews during National Socialism in order to substantiate this thought. In my chapter, I take up this thought and demonstrate that in national socialist Germany various practices of misrecognition played an important role within anti-Semitism, a fact which can be clearly shown in the politics of the *personal name*. This is because the personal name is a unique symbol of human dignity. The giving of a name is not only a performative act by which we become singular and distinctive; first and foremost, it inaugurates us as social beings. I would like to distinguish four stages within which Jewish names were targets of social exclusion during National Socialism: *insult, degradation, debasement and humiliation*. What began as a seemingly harmless and ordinary practice of teasing, displayed in nicknames such as “Itzig”, gradually developed into a system of utmost cruelty, embodied in a state-run policy of debasement and exclusion of a whole section of the population, which was initiated by the declaration of the names “Sarah” and “Israel” as obligatory for Jews. This system culminated in the concentration camps where the number replaced the human name. As the paradigmatic figure of the nameless, I will examine the so called “Muselmann” more closely. He marks the transitional point where social exclusion turns into *social death*, and the loss of human dignity becomes absolute.

S. K. Herrmann (✉)
Department of Philosophy, Freie Universität Berlin, Germany
e-mail: s.k.herrmann@fu-berlin.de

10.1 Introduction

When the idea of “social exclusion” entered into academic debates as a theoretical concept around the end of the twentieth century, it was meant to reflect the situation of those people who no longer experience themselves as fully participating members of society, but instead as part of a merely dispensable human mass. In contrast to members of the underprivileged lower classes, who at least experience having a positive social identity within a system of social inequality, these individuals find themselves in a state of social isolation providing no positive identification at all. The sociologist Zygmunt Bauman coined the expression “wasted life” to describe this condition (Bauman 2004).

The concept of social exclusion, resulting from the need to conceptualize this condition, was principally influenced by two basic approaches. One of the latter takes the concept literally and examines the phenomenon of social exclusion mainly in regard to practices of *spatial separation*. Seminal contributions to this position were provided by the works of Erving Goffman (1961) and Michel Foucault (2003), which investigated the shutting away of mentally-ill patients into psychiatric institutions. While their work focused mainly on the fate of those stigmatized as “abnormal” from a hegemonic point of view, the subsequent research widened the focus on other socially marginalized groups – for example, the marginalization of economically disadvantaged classes who live largely separated from society in socially deprived areas, ghettos, or favelas. Based on this perspective, social exclusion is understood as a process of setting up spatial zones in which the socially disadvantaged are segregated from the rest of society. On the other hand, there is a second tradition which considers social exclusion in regard to the lack of possibilities for social groups to participate politically and socially. In the Anglo-Saxon context, these inquiries focused on the concept of the “underclass” to examine to what extent poverty, unemployment, or social origin make it impossible to participate in what is commonly considered to be a good life (Dahrendorf 1988). In similar ways, close attention has been paid to this potential for a lack of participation with the concept of “*les exclus*” in France. However, more socially proven factors were at play here, such as, for example, lack of education, cultural habitus or a minority lifestyle (Castel 2002). In contrast to the first perspective, these approaches do not consider social exclusion within a context of spatial segregation, but rather as a *lack of participation* as a result of political, economic, and social barriers. Consequently, this theoretical tradition therefore regards social exclusion as being the systematic discrimination of socially disadvantaged groups to whom participation in society’s good life is denied.

A third theoretical tradition recently became available as a research resource. Here, exclusion processes are not traced back to local separation or a lack of participation but rather understood as emanating from *practices of misrecognition* (Honneth 1995, Taylor 1994). Central to this theory is the exclusion from social belonging. In analogy to the approach first introduced, the concept of social exclusion here is also understood literally, with the crucial difference, however, that it is not the concept of exclusion which is taken literally, but rather that of “the social”.

Social rather than spatial positionings are now the central focus of interest. Based on this perspective, exclusion is understood as a lack of recognition of certain social groups through which individuals are driven into a state of social isolation, where any positive identification with their own identity is no longer possible. One of the approaches based on the latter theoretical tradition was proposed by the Israeli social philosopher Avishai Margalit. His reflections are of particular importance in that, for him, in acts of humiliation social exclusion can be increased to the extent that a human being is excluded from “the family of man” (Margalit 1996: 108). In this case it is not only questioned whether the excluded are full-fledged members of society, but rather it is their basic human dignity which is at stake. In what follows, I would like to show that, based on this notion, it is not only possible to adequately describe the state of “wasted life” in theoretical terms, but also to work out an entire set of symbolic practices of misrecognition through which social exclusion processes are executed.

Margalit frequently exemplified his reflections on exclusion through the example of the persecution of Jews during National Socialism. For him, the misrecognition of the Jewish community is a paradigmatic case which serves to demonstrate how social exclusion can escalate into dehumanization. In the following, I would like to take up Margalit’s basic thought and apply it to a specific matter: the human personal name. I would like to concentrate on the personal name because it is especially useful in clearly depicting the transformation and increase of practices of misrecognition – and this, indeed, not by showing how exclusion expands quantitatively but rather how it increases qualitatively. Therefore, first of all, I would like to demonstrate how our human existence is inimitably expressed by the personal name (10.2). Based on this, I would like to succinctly reconstruct how the politics of personal names became a fundamental component of the persecution of the Jews in National Socialism (10.3). Subsequently, the third section will reveal how processes of the social exclusion of Jews were implemented with the help of the misrecognition of the personal name (10.4). In the fourth section, it will ultimately become clear how, through the humiliation of the personal name, social exclusion could reach so far that the affected individuals’ humanity was put into question (10.5). In conclusion, I will summarize the continuum of practices of misrecognition and their relevance for social exclusion processes (10.6).

10.2 The Personal Name as a Sign of Humanity

“No mortal remains nameless,” stated Homer in the *Odyssey* – and it seems that he was indeed right when he alleged that no human being was without a name. For, not only is it so that, according to current knowledge, the personal name is a solid component of all natural languages, it is also the case that we know of no culture in which people are not bestowed with a name. It appears as though the personal name plays a decisive role for our human existence. For this reason, in the Anglo-Saxon as well as the continental philosophical tradition, relevant studies have continuously been devoted to *personal names*. Although I am not able to reproduce the entire

controversial debate surrounding the functionality of personal names here, I would like to point out two important characteristics.

First of all, the personal name is special in that it names an individual object without defining it conceptually. In this way, it is contrasted to definite descriptions which name an individual object by means of a specification. An example of this distinction is the personal name "Aristotle" compared to the description "Alexander the Great's teacher." While the latter does attempt to name a person by particular characteristics, the former names an individual without any specifications about the one named. The fact that the proper name can't be understood as a description was first pointed out by John Stuart Mill (Mill 1843: book 1, ch. 2, §§ 1–5) with his realist theory and then subsequently by Saul Kripke (Kripke 1980) who developed it into a pragmatic theory of the personal name. This means that it makes no conceptual declaration about the named person and that the person is named omitting any concrete characteristics. Therefore, the name is not in fact the word with the most abstract meaning but rather the most concrete: It names a unique social being. The personal name *individuates* its bearer as no other verbal expression can. We do not have to make any particular effort in order to complete the name, it just names us: at all times. Even if our characteristics change with time, the personal name names the same person when she/he is a child, an adult or in old age. Independent of all changes, it guarantees that "I" was the same yesterday as "I" am today and that "I" will be tomorrow. In this way, the personal name notably endows "selfsameness" as it was termed by Paul Ricœur (1992: 27–40). As a result, the personal name uniquely stabilizes our individual existence. This also becomes clear when we consider the basic difference between addressing someone with "you" versus addressing someone by name: The "you" address has no continuous reference: "You" retains its continuity only for the duration of the act of addressing, for in the moment where another addressee is spoken to, the "you" is someone different. "You", according to Benveniste, is a "mobile sign" whose reference is constituted in each case based on the performance of the utterance – due to its indexicality, the appellative power of the pronoun is rooted within the context (Benveniste 1971: 220). By contrast, the use of the personal name is stable across contexts; its naming does not only make reference to the addressed person in completely varied situations, but also in their absence – and it is for exactly this reason that it is unique. In contrast to "you", personal names constitute a "fixed sign" to which its reference adheres.¹ Thus, at all times, and even in the absence of the concerned person, the existence of a concrete "you" can be referred to and with that the situation-specific game of presence and absence can be transcended. For this reason, our individual existence is anchored in our personal names as it is in no other form of address. The personal name accords individuality throughout time and different contexts. Not least because of this does it serve as an identificatory sign in the signature: It is the identification of an unmistakable singularity.

¹Cf. also Saul Kripke's concept of the *rigid designators* (Kripke 1980: 48–71).

We must, however, differentiate between this analytical meaning of the name and the social meaning, which only comes to the fore if we address the naming process. The latter will demonstrate to us that not only is it true that singularity is imparted upon individuals through names in what concerns space and time, but that *social belongings* are also endowed through them. The act of baptism is one social ritual which represents a clear example of this. The baptism ritual belongs to the "original performatives", referred to as such by John L. Austin; in other words, those classes of utterances which name and produce something in the same breath. However, the endowing power of naming is not only of interest here in that the priest dictates a name to the newborn before the eyes of the community and in doing so creates a singular societal being, but rather is representative of the child's belonging to the Christian community. In this case, the act of immersion into holy water can be read as the symbolization of immersion into the human community.² This social importance of the naming process, the endowment of belonging, is also apparent in other rites of passage. The transition into, for example, marriage, a monastery, or the priesthood is sealed with a new name. Here, naming represents a kind of social rebirth which is meant to make it clear that the individual now belongs to a new social group. This effect is also evidenced in very different cultural contexts: For example, in Borneo, the Kayan only grant their newborns a personal name after 8 months. If the child dies before the naming ritual, it is mourned with the same rituals as if it had been stillborn (Bering 1992: 186). There is thus a direct connection between the granting of a name and being treated as a social being with the corresponding burial ceremonies. What this and the previous examples demonstrate is that the name granting which occurs in our social practices does not only serve to create a clearly identifiable reference for someone from the very beginning, but rather also to mark her/his belonging. While the context of belonging can differ from case to case, all personal names do have one thing in common: The personal name vouches for the fact that we recognize someone to be a member of the human community. The name itself conveys a fundamental belonging to this species; in other words, having a name means that one is recognized as human.³

²Subsequently, Judith Butler emphatically referenced Austin regarding the constitutive power of the name. She writes that to obtain a name means "to have the very term conferred by which the recognition of existence becomes possible" (Butler 1997: 5). While Butler focuses on the subject-constituting power of the name, in the following context I am more concerned with the social belonging which accompanies the name.

³The much discussed question of what status we accord animals when we grant them a name naturally comes up in this case. Although I am not able to debate this in detail here, I would like to point out two important considerations concerning how this problem could be solved: First of all, for the most part, we grant animals with just one first name and not with a personal name which includes a first and last name. One could conclude from this that we follow a different practice in the naming of animals as compared to the naming of humans. And, indeed, I think we should keep in mind that the naming of a human being makes a different normative claim than does the naming of an animal. However, we should also be aware of the fact that the naming of animals causes the

The analytical and social research concerning the meaning of the personal name shows us that two extremes are condensed within it. On one hand, it names a *unique* being: an individual; on the other hand, a *general* being: a human. Individuality and sociality create the inseparable double-sided nature of the name granting process through which we are simultaneously produced as individuals and as members of the human community. However, the personal name's inimitable endowment power has a consequence: Its misrecognition has the ability to not only injure our individuality but also our very humanity.

10.3 The Politics of the Personal Name

The misrecognition of the personal name played an influential role in the German history of antisemitism. In this case, the Jewish name was used in a unique way as a means of enforcing the politics of social exclusion. The initial use of nicknames or derogatory names, which can be regarded as seemingly harmless and belonging to ordinary teasing practices, gradually developed into a systematically controlled policy which culminated in the complete disappropriation of the name. In order to understand this process, we must first return to the point of origin which enabled the naming politics in German-Jewish relations to attain such decisive importance in the first place.⁴

(i) *The "baptism" of the German Jews*: The decisive starting point of personal name policy is the year 1812. Up until this year, Jews were almost completely excluded from social life in the German States. During the Age of Enlightenment, however, the emancipation of the Jews was promoted: The forced segregation was to be repealed in favor of assimilation. The Jews were to leave behind their old identity and become a part of the "German community" as citizens. This social rebirth of the "German Jew" was directly tied to a naming law: Jews, who traditionally up until that point often only had a first name, were supposed to take on a last name. This new social belonging was meant to be confirmed through the names by a kind of collective baptism – the choice of name was consequently not subject to restrictions. On the contrary, Jews were even encouraged to take on Germanic names in order to be able to completely identify with German society. In this way, one was well and truly abiding by *Wilhelm v. Humboldt's* quintessentially progressive inspired opinion about the Law of Emancipation which stated "that each individual who has no reason to ask about it for religious reasons, shall remain uncertain whether someone is Jewish or not" (Bering 1989: 198).

line of separation between animals and humans sometimes to become indistinct. For, to the degree to which we give animals names, we surprisingly often begin to treat them as social beings.

⁴The onomast Dietz Bering has done an excellent job of tracing the various stages of antisemitic political strategies in Germany regarding the personal name in several publications. His research, upon which I will draw below, is to this day unrivalled in the field (cf. above all Bering 1992, 1990).

(ii) *Restoration and incipient regulation*: No later than the emergence of modern antisemitism in the late nineteenth century (representative of this is the time between the publication date of the antisemitic "founding works" by Gobineau in 1853 and Chamberlain in 1899) (Gobineau 1983, Chamberlain 1912), it was attempted to limit and reverse the emancipation process begun at the beginning of the century. The antisemitic movement demanded that clear measures concerning names must be established once again. This demand was doomed to failure, however, for in the same way that there were Christians with Old Testament names, there were now Jews with Germanic names. In order to stop anymore "misclarifications", the adoption of German names was therefore subjected by degree to strict regulations. Thus, in 1898, the right which had been given to Jews to freely choose their first names was retracted, and in turn, five years later the right to take on a name at baptism which had less of a Jewish background was revoked. At the same time that it was attempted to make it difficult for Jews to take on German names through such restrictions, Germans were supposed to be motivated to take on Germanic names. The following is a citation from the weekly newspaper *Schlesische Landwacht* in a 1924 issue: "He who loves Germany, should risk everything! A German man must have a German name."⁵

(iii) *Marking and Segregation in NS*: After the transfer of power, the National Socialists continued with already existing efforts: Not only should it be made easier for Germans with apparently Jewish names to take on Germanic names, but also, as was proposed in 1933 by the German Bar Association [*Deutscher Anwaltsverein*], all Jewish name changes were to be reversed. Consequently, on January 5, 1938, the law concerning the "changing of surnames and first names" did indeed come to pass. According to §7, a compulsory reversal of every Jewish name change before 1933 could be initiated. This process ended up being more difficult and less applicable (than initially assumed by the Nazis, so that while the compulsory reversal process was in progress, an ordinance was released on January 1, 1939 which stated that the additional name of "Israel" or "Sarah" would be attached to every Jewish name which was not easily recognized as such. This enforced naming act was nearly the exact opposite to the 1812 emancipation edict: In that case it aimed at integrating the Jews into German society and making them indiscernible as Jews, whereas with this second "baptism act", the intention was to make the Jews visible in society so that their exclusion could be implemented all the more easily. This stigmatization process was intensified once again just two years later. Jews were subject to permanent visibility after the introduction of the Yellow Star on which the word "Jew" was resplendent in large letters: This visual stigma guaranteed their separation prior to any personal contact. The last chapter in the National Socialists' naming policy was finally begun with the incarceration of Jews into concentration camps and the beginning of the extermination policy: Upon arrival at the camp, names were

⁵"Wer Deutschland liebt, soll auch das Letzte wagen! Ein deutscher Mann muß deutschen Namen tragen." Exemplar in "Ulrichsches Staatsarchiv Berlin/Dahlem" Justizministerium Rep. 84a, Nr. 2365, p. 91.

replaced with numbers. The sign of social existence was replaced with the number; the sign of serial death.

10.4 Insult, Degradation, and Debasement

After this short summary of the antisemitic personal name policy, I would like to examine the various naming practices used in this context with regard to their power to implement social exclusion. At this point I'd like to take up Margalit's distinction between insult and humiliation (Margalit 1996: 119). What Margalit means by this is that, where the former questions the reputation of a human being, the latter questions the human being as such. Therefore, the meaning of social exclusion differs in both cases: Where the insult tries to exclude its addressee from a social context *within* the social sphere, the humiliation tries to totally exclude a human being from all social contexts and, therefore, to situate it *beyond* the social sphere. While in his studies Margalit argues that the forms of misrecognition, that a "decent society" should care for, are primarily acts of humiliation, social philosopher Axel Honneth (1997) has tried to show that the insult can exert a dramatic form of misrecognition too. Following this latter argument, I would like to deepen Margalit's concept of insult by distinguishing between three different practices.⁶

(i) *Transforming names into an insult*: One of the most obvious forms of name misrecognition is the nickname. However, unlike an insult such as "Jewish Pig" [*Judensau*], which comes across as coarse and violent, nicknames always make use of a certain kind of linguistic wit in their transformation of the name. On a very basic rhetoric level, one example is the linking of a personal name and an attribute through a rhyme, such as in the nickname "*Itzig-Witzig*" [ger. "*witzig*" means "funny"]. The creativity used in this simple play on words can develop into elaborate metaphors. The following passage from Wilhelm Marr's 1873 appeal "Don't vote for Jews" can serve as an example here, where seemingly typical Jewish names are transferred into a Darwinist scenario: "If you open the cages in a zoological garden and set free the beasts of prey, shall the *fox* then not devour the chicken, shall the *wolf* not tear up the sheep, shall the *lion* not break into the herds, shall the *bear* not steal the honey? Yes, shall even the *deer* and the *stag* not graze to their hearts' content wherever they can?" (Bering 1989: 200)⁷ Marr here takes up the semanticity of particular names and transfers them from their purely signifying use through a method of both decontextualization and recontextualization into a setting where they seem to reflect their bearers' social roles. Here, Marr makes use of the iterability of language – in other words, of the fact that no linguistic sign is permanently fixed in its meaning,

⁶A profound analysis of the relationship between the works of Margalit and Honneth is given by Jonathan Allen (1998). My distinction between the following three forms of insults is inspired by the different discrimination mechanisms that were pointed out by Carl Grammann and Margret Wintermantel in their research on discriminating speech acts (1989).

⁷Translator's note: The German names of these animals [*Fuchs, Wolf, Löwe, Bär, Reh, Hirsch*] were perceived as typical Jewish surnames.

but is able to take on new meanings in new contexts through grafting (Derrida 1982). Marr uses this openness of linguistic signs to incorporate seemingly Jewish names into a context where these names suddenly seem to unveil the characteristics of their addressee.

However, it would hardly occur to anyone to take these insults literally, for nicknaming is not primarily about the semantic meaning but about the creative transformation of names. This transformation is the reason why nicknames are laughed at. Consequently, the crucial point of the insult is not what they denote on a semantic level, but which social relationships they construct. The nickname produces a solidarity community in that those who laugh are included in this community while those who are laughed at are excluded from it. On this note, what is most insulting of all is the distinction which is made between those who belong and those who must remain on the outside. The nickname does not only indicate to the addressed Jews that they are not a part of the laughing German community, but at the same time claims the otherness of their existence. In this way, the insult reveals itself to be merely an act of *rejection* which marks its addressees as social outsiders.

(ii) *Ascription of names as degradation*: The "*Weiß vs. Goebbels* case is a well-known example of name ascription" (Bering 1983). When the future NSDAP minister of propaganda Joseph Goebbels came to Berlin in 1926 and was in search of a protagonist for his anti-Jewish propaganda, he chose Bernhard Weiß: a Jew from an assimilated family and a bearer of the "Iron Cross" [*Eisernes Kreuz*]. In the 1920s, Weiß was Berlin's vice police president and therefore presided over the largest Prussian administrative body of 20,000 men. This important public figure served Goebbels as a symbol for the "infiltration" of the most prestigious and highest positions in Germany by "Eastern Jews" [*Ostjuden*]. In his periodical *Der Angriff* – German for *The Attack* – Goebbels tried to unmask Weiß as the paradigmatic case of the Jews' dangerous mimicking nature. Goebbels used the practice of name ascription to support his claim that the reassuring mask of the police president was only a façade used to hide the "eternal Jew" lurking behind it. From this moment on, he would claim in his anti-police-column, "Watch out for rubber truncheons" [*Vorsicht Gummiknüppel*], that Bernhard Weiß' actual name was "Isidor."⁸ Let us now take a closer look at what the ascription of this name means: For the anti-Semites, "Isidor" represented not only a typical Jewish name, but moreover was a description for a "typical Jew". Therefore in its manner of use regarding Weiß, the name did not serve as a proper noun for a person anymore but rather as a declaration about his character – a declaration that Goebbels would make explicit on many other occasions (ugly, stinky, obsessed with power, devious) and which condenses into a conglomeration of prejudices in the form of the name Isidor. In this case, the name becomes merely an ascription; in other words, it no longer refers to a person independent of his or her characteristics but rather makes a declaration about this

⁸"Yes, Isidor! I dare. I am breaking the spell. Under the cowardly protection of immunity, I call the child by its name. Isidor! The 'O' must be stretched to real length, and the 'R' must be rolled, and then the name will once again resound with unspeakable sweetness and strength. The gift of the East." Goebbels quoted in Bering (1989: 194) (unofficial translation).

person on a connotative level. This has the effect that the addressee is not named anymore as an individual, but is rather ascribed certain characteristics – in this case, this results in the typical array of contemporary antisemitic stereotypes.

In contrast to the insult, which attempts to label its addressees as social outsiders through the marking of their non-belonging, the degradation achieved by the use of the name “Isidor” works precisely because it ascribes devalorizing characteristics to Weiß and thus questions his authority and integrity. The decisive analytic difference between the insult and the degradation therefore lies in the fact that, while the former serves first and foremost to mark those concerned as social outsiders, the latter aims primarily at claiming their social inferiority. The rejecting dissociation is in this case, first and foremost, an ascribed devalorization. The degradation therefore consists in a twofold step of *devalorizing* and *ascribing*.

(iii) *De-individuating names as debasement*: It has been reported that acts of debasement were already occurring within the context of the 1812 Jewish Emancipation Bill. While this edict allowed the Jews in Prussia to freely choose their surnames, Jews in Western Galicia had to “receive” their new name – and this name was often full of scorn and disdain: “Trumpet Slime”, “Banister” or “Garlic Smell”; such were the names that were conferred at this time. In contrast to the degradation which gives names a conceptual character, those acts of debasement rely exactly on the opposite mechanism: A concept is used as a personal name. This mechanism is also similarly deployed more than a 100 years later in the National Socialist “Jew Policy”: Starting on September 19, 1941, all Jews had to wear the Yellow Star in a clearly-visible manner on their clothes; the Star featured the word “Jew” in letters which were supposed to look like Hebrew characters. This act corresponds precisely to the paradigmatic naming moment which Wittgenstein describes as the act of “attaching a label to a thing” (Wittgenstein 2001 [1953]: 6). The six-pointed Yellow Star was not only literally pinned on, it simultaneously served as a name. However, in this case it was not a true personal name, but rather a term for a particular class: From now on, the name of a Jew would be “Jew”. Therefore, the power of the name to establish individuality increasingly disappeared. The Yellow Star instead transformed its bearer into part of an anonymous mass. This was exactly the effect intended by the Nazis. They were no longer interested in the power of naming to establish identity but, conversely, in subsuming individuals into one class. The Yellow Star was a visible sign of belonging at all times, and its concealment was severely punished. Its permanent visibility was the precondition for a comprehensive exclusion of Jews from public life: sitting on park benches, going to the theatre, using the tramway, and other forms of social participation were made impossible through the Star. In this way, the imposed name became a key element in the exclusion of Jews from everyday social life.

The debasement exerted through the Yellow Star differs from degradation in several ways: First, through state policy, the devalorizing power of the degradation was increased to general invalidation. To the same extent that the Jews were increasingly deprived of their rights, they were consequently treated as second-class citizens. Secondly, the degrading power of naming is increased through its legal anchoring.

It no longer solely depends on individual or collective acts of misrecognition, but is decreed by the state’s sovereignty. Thus, ascription becomes an imposition. Thirdly, with the introduction of the Yellow Star, the name lost its function of establishing individuality. The individual became part of the masses where he or she no longer enjoyed any individual esteem. The decisive mechanisms underlying debasement thus consist of a threefold step of *invalidating*, *imposing*, and *de-individuating*.

10.5 Humiliation

Forcing individuals to wear the Yellow Star was not the end of the National Socialist policy of misrecognition. It was not until the concentration camps that a last, drastic step was implemented. Those who upon arrival were not sent directly from the platform to the gas chamber were subjected to extermination through labor under inhumane conditions. In her autobiographical records, Ruth Klüger describes the predominant communication structure as follows:

During the following weeks I was to hear this hate-drenched tone all the time, and every time I cringed. It was a tone which stripped the person it addressed of her or his personhood, and at the same time held her like a lifeless thing; it was a tone no one should ever get used to, designed to intimidate and thereby deaden the sense of self. [. . .] Authority in Auschwitz meant disrespect for the prisoners to the point of rejecting their existence, their right simply to be (Klüger 2001: 94–95).

The aporia to which this kind of speech leads is noticed by Klüger herself shortly afterwards when she writes:

This relentless need to insult those discriminated against, at their expense: It can only mean that it actually wasn’t so easy for the ‘master race’ to deal with the death camps. One had to prove to oneself by exercising such flippant cruelty that these subhumans weren’t human. And by proving it to oneself, they would actually become humans again, because they counted on them having a reaction to the insult. The insult would have been meaningless without the mortification that it was meant to produce.⁹

The address situation in the camp thus presents itself as follows: On the one hand, it denies its counterpart’s humanity, but on the other hand, the act of denial itself is in turn an acknowledgment of this very humanity. As inhumane as the address may be, it always retains some remains of humanity. This leads to a state of contradiction between the recognition and the misrecognition of the addressee. Avishai Margalit called this problem the “paradox of dehumanization,” and considers it to be representative of the unique nature of the National Socialist humiliation during the Shoah (Margalit and Motzkin 1996). The fact that this contradiction can increase to such an extremely critical degree becomes apparent not only in the fact that the camp SS

⁹This passage was not included in the English translation of the German original, due to some minor deviations from the German edition. It can be found in Klüger (1994: 143, unofficial translation).

reduced their speaking to the prisoners to a minimum, but above all in the way they dealt with the prisoners' names.

The rite of passage for those who were not murdered immediately upon their arrival at the Auschwitz camp was the tattooing of the number. In his autobiographical record "Survival in Auschwitz," Primo Levi describes this scene as a baptismal rite which assigns him a "new name." He remembers: "My name was 174, 517" (Levi 2008: 18). Now, *prima facie*, Levi seems to be right in thinking of the number as a name, because the number can in fact assume the individuating function of the personal name. It even seems to fulfill this task better than the name, since no overlapping of numbers can occur, as can happen with conventional personal names – and the associated administrative advantage is certainly one of the reasons why the Nazis decided to number the camp prisoners. However, the number does not seem to be a better name for those concerned. Only shortly after his description of the assignment of the number, Levi proclaims a particular uneasiness when he writes that the bluish number engraved under his skin seems "taunting" to him. What Levi depicts with such a moderate tone was experienced as a particularly forceful act of injury by many other prisoners. This is apparent in Ilse Stephan's record. She writes: "In the concentration camp, we were not humans, but only numbers! My camp number was 45,708" (Henneberg 1996: 82). As opposed to Levi, Stephan does not experience the number assignment as an act of naming but as the revocation of one's name. In her eyes, it is precisely a number which cannot be a name. However, if we want to understand this experience, we cannot inquire about the analytical meaning of names and numbers; we instead need to refer to their social meaning. The dehumanization experience linked to the assignment of the number is rooted in our way of dealing with it. We already saw that the human personal name fundamentally expresses belonging to the community of human beings. It is precisely this meaning that is undermined by the number, in that its function is not to name people but to name an object. The number is a unit, it is used for quantification, counting and charging; it is an element within a universal series of all possible objects. Through the number, a person is appropriated as an object and holds a functional value within a defined context. She or he becomes an element in an equation in which different values are calculated according to one another. Even if the number is therefore similar to the personal name when it comes to its identifying function, its social meaning is an entirely different one. Where the name humanizes, the number dehumanizes, because while the former indicates a belonging to the community of human beings, the latter stands for the marking of the non-human. This experience of dehumanization was reinforced by the fact that human beings who were reduced to numbers were actually treated as objects. This becomes apparent in what kind of death people died in the camps. For instance, in Claude Lanzmann's *Shoah* documentary, survivors recount how the Germans had prohibited them to refer to murdered prisoners as "the dead" or "victims." Instead, they had to talk about "figures," "dolls" or "marionettes" and refer to the murdered as "things." In the camps, no human beings were supposed to be carried to their graves; instead, things were to be destroyed. Giorgio Agamben sums up this process when he states: "In Auschwitz, people did not die, rather, corpses were produced. Corpses without death, non humans whose

decease is debased into a matter of serial production" (Agamben 1999: 72). Death was entirely devoid of any social ritual of human expression of grief; no ceremony whatsoever testified to the demise of a human being – the individual burial was replaced by the mass extermination of individual units.¹⁰ This reifying function can be seen as an additional reason why the Nazis resorted to using numbers. The expropriation of the name was supposed to be a means for depriving the victims of their human visage. This was meant to facilitate the executioner's ability to annihilate humans like things without feeling any emotions.

Now, it is subject to discussion whether or not the number was introduced as a technical-administrative aid in order to allow for a smoother mass extermination procedure, or if it was supposed to be a morality disinhibiting tool for the perpetrators. In any case, for the victims it was undoubtedly linked to experiencing the revoking of their humanity.¹¹ At precisely this point, the expropriation of the name changes from being a form of debasement to becoming a form of *humiliation*. Regardless of what entitlements and rights we perceive as founded in human dignity, they are all based on the fact that we treat human beings as human beings. Now the humiliation does precisely the opposite: It treats human beings as if they were *things*. Or, as Margalit puts it: "The key concept for humiliation is rejection from the human commonwealth. But such rejection is not based on a belief or attitude that the rejected person is merely an object or an animal. The rejection consists of behaving *as if* the person were an object or an animal" (Margalit 1996: 112). So even if humiliation works in a very similar manner to debasement, it goes one decisive step further: It denies the very humanity of a human being by treating it as an object. In the erasure of the name, this step becomes completely apparent.

The loss of belonging to the community of human beings often implied that those concerned were no longer able to positively identify with their own self. Through this loss of self-esteem, the prisoners entered that very state of "wasted life" that represents the outmost vanishing point of social exclusion procedures. In the context of the camp, this incarnation of the wasted life is embodied in the character of the Muselmann, who is also often referred to as a "nameless hulk".¹² This expression was used to characterize those prisoners whose physical appearance was marked by extreme emaciation. Their physical decline became obvious due to skin discoloration, loss of hair, development of edema all over the body and the vulnerability to

¹⁰This also explains the importance of the struggle to turn the numbers back into names, as, for instance, Hans-Joachim Lang succeeded in achieving with 86 victims. For the families' grieving rituals, the knowledge about the time and place of their relatives' death is crucial (Lang 2004).

¹¹Although I mainly focus in this paper on the fate of the persecuted Jews, in remembrance of all Shoah victims, I would like to point out that all other camp prisoners – Sinti and Roma, homosexuals, the mentally disabled, political opponents, or so-called asocials – were of course affected by dehumanization too.

¹²Margalit mentions the Muselmann as the paradigmatic figure of dehumanization: "Sometimes directed efforts were made to bring the victims of aggression to a state where they can be seen as non human, as in the case of the Muselmann in the concentration camps" (Margalit 1996: 104). For a closer analysis of the figure of the Muselmann, see also the seminal contributions by Sofsky (1997: 200) and Agamben (1999).

all sorts of infections. In the course of their immiseration, they lost up to two thirds of their normal body weight. As Zdzislaw Ryn and Stanislaw Klodziński write in their study, unique up until today, the Muselmanns were avoided by all persons in the camp due to their physical infirmity: "No one felt compassion for the Muselmann, and no one felt sympathy for him either. The other inmates, who continually feared for their lives, did not even judge him worthy being looked at. For the prisoners, who collaborated, the Muselmann was a source of anger and worry; for the SS, he was merely useless garbage" (Ryn and Klodziński 1987: 127, unofficial translation). The Muselmann represented the figure who was excluded from nearly all social circles and who found him/herself at the point of utmost social isolation. This figure represented a fate which threatened all camp prisoners: *social death*. For, when the others had stopped addressing the Muselmann as a human being, he would lapse into total social apathy. His face became apathetic, his eyes became dull, and his voice grew increasingly faint. His speech, which could no longer hope for any kind of response, changed into mere muttering. But it was not only the social capacities to express oneself which were incrementally lost, it was also the basic social practices such as washing oneself or using the toilet; investment in social relations gradually faded away, only to finally disappear entirely. The Muselmann is therefore merely depicted as a "bundle of physical functions" (Améry 1980: 9), as a "living dead" (Carpi 1993: 17) who vegetates on the "threshold between life and death" (Agamben 1999: 47). In this state of social isolation, in most cases he inevitably progressed towards his own physical expiration. It is, however, significant to note that if the Muselmann was addressed once again by someone, he could sometimes be saved from his fate. This could be in the form of a letter from the outside, an arousing speech by a comrade, or through some human gesture.¹³ The minimal amount of human recognition contained in such gestures created the beginning of a social bond which could provide the broken-down bodies with the strength they needed to survive.

10.6 Practices of Misrecognition

The history of the antisemitic personal name policy is one possible way to understand the social exclusion of Jews from the community of human beings in National Socialism. However, this is certainly not sufficient to comprehend the National Socialist politics of exclusion in its entirety. Apart from symbolic practices of exclusion, acts of physical violence also played an essential role: In the form of physical abuse, of pogroms and of forced deportations, they contributed to the Jews' exclusion from the social sphere. But just as it is important to emphasize that the Jews' exclusion cannot be understood solely by looking into the symbolic practices, it is just as crucial not to overlook the symbolic dimension contained in the acts

¹³See the testimonies collected in Ryn/Klodziński (1987).

of physical violence (Margalit 1996: 88). It would be wrong to assume that practices of misrecognition only take place in a symbolic domain. In many cases, they are intimately linked to acts of physical violence. For instance, people were forced, under threat of violence, to abase themselves in numerous instances. Let me cite a particularly stirring example from Vienna in the 1930s, where anti-Semites coerced the local Jews to clean a cobbled street with toothbrushes (Stoecker 2003). This scenario plainly shows that the threat of physical violence was often simply a means for a symbolic purpose – the humiliation of those concerned. For, not only the threat, but also the actual execution of physical violence can have humiliation as its goal. For instance, the torture which was often conducted in the concentration camps did not only aim at inflicting pain upon the tortured. This act of violence was also used in order to remind them of their defenselessness and inferiority. Torture was not only a cruel ordeal, but also a *mise-en-scène* of misrecognition (Scarry 1985). It is precisely those traumata of misrecognition which are so difficult to overcome for many survivors. The wounds of the abuse may be scarred over, but the experience of humiliation remains and cannot be coped with: the fact that a human being could have done this to another human being. With torture, it becomes apparent in an exemplary way that symbolic misrecognition is a part of even the most brutal acts of violence. Nevertheless, the often lethal consequences of torture refer us to a decisive characteristic of National Socialism: As of 1939 at the latest, it was no longer about the social exclusion of Jews but their extermination. The goal of the persecution of the Jews was mass murder. However, being aware of this goal must not lead us to try and decipher the entire National Socialist persecution politics solely by considering its physical brutality. It had been prepared and supported to a large extent by a policy of social exclusion which operated through practices of misrecognition. By using the example of the history of the personal name, I attempted to outline a typology of such practices in this paper and will now resume them conclusively. I would like to mention at this point that these practices cannot always be clearly distinguished from one another, but that they appear as a continuum whose intensity gradually increases, and in which transitions are often not easily discernable.

(1) The *insult* is the most basic form of misrecognition, consisting mainly in a *rejection*. It aims to create a dissociation between the individuals involved. A negative social relationship is thereby created which marks the addressee as a social outsider.

(2) The *degradation* is a more powerful form of misrecognition than the insult in that it transforms the rejection into the twofold step of *devalorizing* and *ascribing*. In claiming to reveal certain negative characteristics or types of behavior of the addressee, it not only aims to create a dissociation between the individuals involved, but also to emphasize the social inferiority of the addressed person.

(3) The *debasement* consists of a threefold step of *invalidating*, *imposing*, and *de-individualizing*. The addressed person is treated as an interchangeable member of a declassified group and not perceived anymore in his or her individuality. This aims at codifying the person as belonging to a worthless social class.

(4) The *humiliation* contains the three steps of *invalidating*, *imposing*, and *dehumanizing* in which an individual is treated as if she or he were a thing. Practices of

humiliation do not recognize their addressee anymore as a social being. They represent the utmost margin of social exclusion, in the sense that what is questioned is no longer the social value of a person, but her or his human existence in its entirety.

Translated by Jess Ring and Katharina Voss

References

- Agamben, Giorgio. 1999. *Remnants of Auschwitz: The witness and the archive*. New York, NY: Zone.
- Allen, Jonathan. 1998. Decency and the struggle for recognition. *Social Theory and Practice* 24: 449–469.
- Améry, Jean. 1980. *At the mind's limits: Contemplations by a survivor of Auschwitz and its realities*. Bloomington, IN: Indiana University Press.
- Bauman, Zygmunt. 2004. *Wasted lives: Modernity and its outcasts*. Cambridge: Polity.
- Benveniste, Emile. 1971. The nature of the linguistic sign. In *Problems in general linguistics*, ed. Emile Benveniste, 217–222. Miami, FL: Miami University Press.
- Bering, Dietz. 1983. Der Kampf um den Namen Isidor. Polizeivizepräsident Bernhard Weiß gegen Gauleiter Joseph Goebbels. *Beiträge zur Namensforschung* 18: 121–153.
- Bering, Dietz. 1989. Gewalt gegen Namen. Ein sprachwissenschaftlicher Beitrag zur Geschichte und Wirkung des Alltagsantisemitismus. *Muttersprache. Zeitschrift zur Pflege und Erforschung der deutschen Sprache* 99: 193–212.
- Bering, Dietz. 1992. *The stigma of names: Antisemitism in German daily life, 1812–1933*. Michigan: Michigan University Press.
- Butler, Judith. 1997. *Excitable speech*. New York, NY: Routledge.
- Carpi, Aldo. 1993. *Diario di Gusen*. Turin: Einaudi.
- Castel, Robert. 2002. *From manual workers to wage laborers: Transformation of the social question*. London: Transaction.
- Goffman, Erving. 1961. *Asylums: Essays on the social situation of mental patients and other inmates*. New York, NY: Anchor.
- Chamberlain, Houston S. 1912 [1899]. *The foundations of the nineteenth century*. London: The Bodley Head.
- Dahrendorf, Ralf. 1988. *The modern social conflict: An essay on the politics of liberty*. New York, NY: Weidenfeld & Nicolson.
- Derrida, Jacques. 1982. Signature event context. In *Margins of philosophy*, ed. Jacques Derrida, 307–330. Chicago, IL: Chicago University Press.
- Foucault, Michel. 2003. *Abnormal: Lectures at the college de France, 1974–1975*. New York, NY: Picador.
- Gobineau, Arthur. 1983 [1853–55]. *An essay on the inequality of the human races*. Los Angeles, CA: Noontide.
- Graumann, Carl, and Margret Wintermantel. 1989. Discriminatory speech acts: A functional approach. In *Stereotyping and prejudice. Changing conceptions*, eds. Daniel Bar-Tal et al., 184–204. New York, NY: Springer.
- Henneberg, Ilse. 1996. *Vom Namen zur Nummer. Einlieferungsritual in Konzentrationslager*. Bremen: Donat.
- Honneth, Axel. 1995. *The struggle for recognition: The grammar of social conflicts*. Cambridge: MIT Press.
- Honneth, Axel. 1997. A society without humiliation? On Avishai Margalit's draft of a 'decent society'. *European Journal of Philosophy* 5(3): 306–324.
- Klüger, Ruth. 1994. *Wetter leben. Eine Jugend*. München: DTV.

- Klüger, Ruth. 2001. *Still alive: A Holocaust girlhood remembered*. New York, NY: The Feminist Press.
- Kripke, Saul A. 1980. *Naming and necessity*. Cambridge, MA: Harvard University Press.
- Lang, Hans-Joachim. 2004. *Die Namen der Nummern. Wie es gelang, die 86 Opfer eines NS-Verbrechens zu identifizieren*. Hamburg: Hoffmann und Campe.
- Levi, Primo. 2008. *Survival in Auschwitz*. New York, NY: Classic House.
- Margalit, Avishai. 1996. *The decent society*. London: Harvard University Press.
- Margalit, Avishai, and Gabriel Motzkin. 1996. The uniqueness of the Holocaust. *Philosophy and Public Affairs* 25(1): 65–83.
- Mill, John Stuart. 1843. *A system of logic*. London: Elibron.
- Ricœur, Paul. 1992. *Oneself as another*. Chicago, IL: Chicago University Press.
- Ryn, Zdzislaw, and Stanislaw Klodziński. 1987. An der Grenze zwischen Leben und Tod. Eine Studie über die Erscheinung des Muselmanns im Konzentrationslager. *Auschwitz-Hefte* 1: 89–154.
- Scarry, Elaine. 1985. *The body in pain: The making and unmaking of the world*. Oxford: Oxford University Press.
- Sofsky, Wolfgang. 1997. *The order of terror: Concentration camp*. Princeton, NJ: Princeton University Press.
- Stoecker, Ralf. 2003. Menschenwürde und das Paradox der Entwürdigung. In *Menschenwürde – Annäherung an einen Begriff*, ed. Ralf Stoecker, 133–151. Wien: Öbv & Hpt.
- Taylor, Charles. 1994. *Multiculturalism: Examining the politics of recognition*. Princeton, NJ: Princeton University Press.
- Wittgenstein, Ludwig. 2001 [1953]. *Philosophical investigations*. Oxford: Blackwell.