

# Living with a Sense of a Right to Hope

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[journals.sagepub.com/home/sls](https://journals.sagepub.com/home/sls)**Sarah Trotter** 

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## Abstract

This is an essay about the idea of a right to hope. It asks: what might it mean, to construct hope as a right in this way, to live with hope in this way? I come to these questions through law, and in particular through the notion of the ‘right to hope’ articulated by the European Court of Human Rights in recent years. Discussions of this have tended to stay within the legal literature, but in this essay I suggest that an analysis of the construction of the right to hope in European human rights law opens up a distinction that takes us beyond law: a distinction between living with an *idea* of a right to hope and living with a sense of a right to hope. How might we think about this distinction? How might we think *with* this distinction? And what might it mean, to live with a sense of a right to hope? The essay examines these questions and reflects on the way of thinking and relating that the very notion of living with a sense of a right to hope implies.

## Keywords

right to hope, right to a life, being, becoming, potentiality, possibility, hope

Some years ago now, the European Court of Human Rights handed down a judgment in which it gestured towards the idea that there exists, in European human rights law, a right to hope. The case in question – *Matiošaitis and Others v. Lithuania* (2017) – concerned life imprisonment, and in particular the question of whether the sentences that had been given to the applicants were compatible with the European Convention on Human Rights (‘ECHR’). In its judgment, the Court reaffirmed an established principle of European human rights law in this respect: that life sentences must carry a prospect of release

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and a possibility of review in order to be compatible with the prohibition on torture and inhuman or degrading treatment or punishment set out in Article 3 of the ECHR. In an earlier case – *Vinter and Others v. UK* (2013) – it had grounded the justification for this in the need for detention to be underpinned by ‘legitimate penological grounds’, in the need for a prisoner to be able to ‘atone for his offence’, in the principle of ‘respect for human dignity’ and in a broader concern with rehabilitation (*Vinter and Others v. UK* 2013: paras.110–118). This time, it went further, taking on an idea that had originally been expressed by Judge Power-Forde in her Concurring Opinion in *Vinter and Others*:

[E]ven those who commit the most abhorrent and egregious of acts nevertheless retain their essential humanity and carry within themselves the capacity to change. Long and deserved though their prison sentences may be, they retain the right to hope that, some day, they may have atoned for the wrongs which they have committed. They ought not to be deprived entirely of such hope. To deny them the experience of hope would be to deny a fundamental aspect of their humanity and to do that would be degrading.’ (*Matišoaitis and Others v. Lithuania* 2017: para.180)

*The right to hope*, the fundamentality of *the experience of hope*... What does it mean, some of us subsequently wondered in the legal literature (Trotter, 2022; Seeds, 2022; Brownlee, 2021; Nußberger, 2019; Vannier, 2016; Dzehtsiarou and Fontanelli, 2015), to speak of hope in this way, to speak of European human rights law in this way?<sup>1</sup> The reference of the Court was to a hope to atone, and a sense of the meaning and implications of atonement itself in this context had already emerged in *Vinter and Others*. There, the Court had emphasised that where the remainder of a life and the remainder of a sentence are synonymous, rehabilitation is undermined. It is undermined, the Court said, because progress towards it on the part of the prisoner has no effect: ‘whatever the prisoner does in prison, however exceptional his progress towards rehabilitation, his punishment remains fixed and unreviewable’ (*Vinter and Others v. UK* 2013: para.112). And if the actions of the prisoner cannot and therefore do not represent anything in relation to the prospect of release or possibility of review in this way – if they cannot make a difference to the course of the prisoner’s sentence (and, therefore, life) – ‘there is the risk that he can never atone for his offence’ (*Vinter and Others v. UK* 2013: para.112). The offender is treated, as Andrew Dyer has elsewhere put it, as ‘being beyond redemption’ (Dyer, 2016: 553).

‘*Being beyond redemption*’; but also, on the Court’s account, unable to access the atonement that would be the ground of that redemption. What it might mean, in European human rights law, to be in such a place and in such a way is hinted at by the conceptualisation of atonement that seems to underpin the Court’s reasoning here. This conceptualisation is one in which atonement is cast as being bound up in a sense of possibility; and I say that because the notion of the risk of the inability to atone seems to imply both the need to be able to do so (and, as Ailbhe O’Loughlin has argued, the *demands* on the individual to so do so [O’Loughlin, 2021: 527-529]), and the possibility that lies beyond it. The possibility of atonement is portrayed as being dependent on the prospect of release and the possibility of a review of the sentence;

but there is a further sense in which *the sense of possibility itself* – both within and beyond the sentence – is conceived of as being dependent on the possibility of atonement. This is paralleled in the thinking about hope in this context: the denial of the possibility of atonement is cast as depriving the person of the hope to atone, and this is linked, on the Court's analysis, to a broader denial of the experience of hope itself. The sense is that an existence without a prospect of release or possibility of review is one that is stripped of the experience of hope, of the possibility of hope. The sense, I think I would add, is that an existence without a prospect of release or possibility of review is one that is stripped of *the sense of possibility that is involved in hope*.

This account is one that has been criticised in the literature: criticised for its depiction of hope in contexts of life imprisonment; and criticised, too, for tying hope to the prospect of release and possibility of review (e.g., Seeds, 2022; Vannier, 2016). As Christopher Seeds has argued, the '[tethering] of hope to the opportunity to have one's release from prison officially considered' – a move that is represented in 'the claim that a whole life or life without parole sentence precludes hope' – is at odds with the social science research which 'consistently finds that hope persists among lifers' (Seeds, 2022: 3–4). And there is, in that sense, a gap between accounts of the lived experience of hope in this context and its legal construction as impossible and absent.

But there is something interesting about this gap, and something interesting, too, about the account that is offered in European human rights law. Both speak to the conceptualisation of *being* in European human rights law (see further Trotter, 2018). The Court's statement about hope – Judge Power-Forde's idea about hope – implies a need to be able to experience a sense of possibility. The suggestion seems to be that possibility needs to be possible. And going back to the words – of the capacity to change, of hope and atonement, of the idea that '[t]o deny [prisoners sentenced for life] the experience of hope would be to deny a fundamental aspect of their humanity and to do that would be degrading' (*Matiošaitis and Others v. Lithuania* 2017: para.180) – there is something else too: a sense in which the person in question needs to have not been given up on. There is a notion of a need to be seen as capable of change, a notion of a need to be seen as capable of hoping, a notion of *a need to hope*. Or at least that is how I read it; and *recognition* is the term that comes to mind when I do. The Court seems to me to be saying that to fail to see these things, to fail to recognise these things, to *deny recognition* of these things has a constitutive effect. This is both in the sense that denying the seeing of a person in this way (as capable of change, as capable of hoping, as needing to hope and as having a possible future in which all of these things make sense) denies them the experience of being seen in that way, and in the sense that the very experience of recognition seems to be fundamental to hoping itself.

So hoping, I am saying, seems to be conceived of in European human rights law as being dependent on a sense of self as able to hope; and this sense of self as able to hope seems, in turn, to depend on being recognised as such. That there may well be a blurring here between a sense of self as able to hope and a sense of self as deserving of hope is a question I have and one to which I will later return; but I want to stay here for now with the notion of a need for recognition, and its position in relation to the idea that '[t]o deny [prisoners sentenced for life] the experience of hope would be to deny a fundamental aspect of their humanity and to do that would be degrading'

(*Matiošaitis and Others v. Lithuania* 2017: para.180). The denial would be degrading, that is, in that it would reduce the individual; it would erode their dignity and throw their sense of self. It is in these terms that the concept of ‘degrading treatment’ is itself understood more broadly in European human rights law – ‘degrading treatment’ being, as the Court has put it time and again, ‘in essence, albeit not exclusively, characterised by an intention to harm, humiliate or debase an individual, by a display of disrespect for or diminution of his or her human dignity, or by the creation of feelings of fear, anguish or inferiority capable of breaking his or her moral and physical resistance’ (*Nicolae Virgiliu Tănase v. Romania* 2019: para.123). The language here is a language that speaks of diminution and disrespect; it is a language that speaks to a sense of an attack on the individual, on their being, on their capacity to be, on their *being able to be*. Writing of this, Elaine Webster has argued that ‘[w]e should understand degradation in Article 3 as concerned with a form of powerlessness so grave that it may result in symbolic exclusion from the human community. It is about a perceived loss of capacity to maintain one’s status as a human being within a human community’ (Webster, 2018: 76). Degradation is, in this sense, a relational concept. It implies and implicates relations to others, and it implies and implicates relations to self. This is reflected in the construction, as degrading, of the denial of recognition involved in hope. Such a denial would be degrading, the Court seems to be saying, in the effect that it would have on a person’s sense of self. Hope is *that* fundamental; and there is at once in this idea an articulation of a notion of a need to be able to hope and a reflection of a vision of being in which this need is assumed.

It is a need, moreover, that is such that it is cast as being a matter of right; and it is this idea – of hope as a matter of right – that I want to come back to in this essay. And I want to come back to it, in part, because I think we missed, in the legal literature, and I think I missed, in my own contribution to that literature, the invitation offered by the idea to think with and beyond the conceptualisation of hope as a matter of right in the specific context of European human rights law. Looked at more broadly, the idea of a right to hope is one that opens itself up and maybe also opens us up in the challenge that it presents to consider not only what to make of this idea and how to think through this idea but also how to be with this idea. It asks: how are we with this idea? How are we with hope? The questions that I want to pose by way of response are borne of the feeling that there is an opening here. I want to ask: what might it mean, to construct hope as a right in this way, to live with hope in this way? What might it mean, *to live with a sense of a right to hope?*

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When formulated in legal terms, as in the context of European human rights law, the notion of a right to hope implies that there is not only such a right as a matter of law, but also that the legal framework in question is able to secure it. This suggests something about the capacity of law and about the power that is both *of* law and that is ascribed *to* law (see further Smart, 1989: Ch. 1). But it also suggests something about the right itself: that a right to hope is something that law is capable of articulating and securing; that hope itself can be granted as a matter of right. But can it be? Can *hope* – as a state of mind, a kind of feeling, a way of relating – be granted, as distinct from, say, *reasons to hope* or *grounds to hope?*

Can hope be *granted* to a person as distinct from, say, being *inspired in* a person, *nurtured in* a person, *held for* a person or *believed in as a possibility for* a person?

There is sometimes a sense in which hope can be granted and given and rejected and taken, sometimes a way of talking about hope and feeling about hope that suggests that all of these things are possible. Think of the idea, expressed by the neurosurgeon Henry Marsh, that '[h]ope is one of the most precious drugs doctors have at their disposal' (Marsh, 2023 [2022]: 7), of Greta Thunberg's address at the World Economic Forum in 2019 in which she said 'I don't *want* your hope. I don't *want* you to be hopeful. I want you to panic. I want you to feel the fear I feel every day. And then I want you to act' (World Economic Forum, 2019). Think of the feeling that someone or something has given you hope, of the feeling that the hope that you had or could have had or would have had or should have had has been taken away. *Shattered*, we sometimes say, alluding to the remains of what was always hope's fragility; *shattered*, we sometimes say, feeling from our own vulnerability.

There is at the same time too, in the literature, a sense in which the feeling that hope can be granted, and therefore appeals for it to be so granted, can be a feature of the structure of hope itself. Supplication is the term that Stan van Hooft uses in this context, referring in particular to 'the stance of supplication that the patient extends towards the clinician' (van Hooft, 2011: 80). It is not so much, he says, that hope itself, as an 'entity', can be granted, but that the structure of hope can involve an appeal for hope (van Hooft, 2011: 67, Ch. 3). He refers us on to Sherwin Nuland's *How We Die* (1994) on this point, that book being one that is borne of a sense of the possibilities and impossibilities of hope in living and dying – and, more specifically, of a feel of the place of hope in relationships between doctors, seriously unwell patients and their families. Writing of the appeals for hope that might arise in these relationships, Nuland describes the responsibility incumbent on those being appealed to, as well as the thoughtfulness that is called for as where, say, the possibility of the realisation of a longed-for hope – for cure, remission, recovery, return in some way – has expired (Nuland, 1994: Ch. 11). Try to avoid, Nuland counsels his reader, 'hope against hope' in such contexts; try to find – or help the other person to find – the other forms of hope that are still possible, the other ways of being with hope that still are (Nuland, 1994: 222–224, Chs. 11 and 12). *The other ways*, he says, because there are still other ways: ways to hope for relief from pain, say, or for a quiet, peaceful death. Or the hope might be more generally for being, Madeleine Vaillot writes in her essay on hope and nursing (Vaillot, 1970: 272); or, adds Elisabeth Kübler-Ross in her book *On Death and Dying* (1970), for the relieving acceptance of family members that death is in sight (Kübler-Ross, 1970: 155–156). Or, of course, it might take a form that has not been anticipated at all. The point implicit in Nuland's account is that hope might be redefined or redirected in such contexts, so that the suffering that might be involved in the pursuit of an impossible or unfulfillable hope might be avoided and so that the possibility of hope itself is not lost sight of. The sense is that not only would the possibility of hope ideally not be lost sight of, but also that part of the challenge is in delineating the field of possibility and being able to be with that which is possible and that which is not. To hope for something impossible would be to hope against hope in this context, Nuland says; it would be a way of hoping, and a form of hope, that would deny a way of being with

impossibility and deny, too, the possibility of hope. And it would do so, paradoxically, while implying a need for both.

It would potentially also imply, Christy Simpson adds in her own analysis, a need to be heard; for it is such a need, she suggests, that might be reflected in appeals for impossible or unfulfillable hopes (Simpson, 2002). ‘What may be most important’, she writes, ‘is for others – including health-care providers – to actually hear what the patient’s hopes and fears are and try to understand what the experience of illness or injury is like’ (Simpson, 2002: 89). There may, she is saying, be something important about having a hope’s impossibility and unfulfillability heard; there may, she is saying, be an expression of hope even for recognition of the possibility of that impossibility, for recognition of the *experience* of that impossibility, for recognition of the experience of the bearing of loss in that way. This recognition and experience of *having recognised* seems to be a part of the process of redefinition and redirection that Nuland speaks to; it seems also to be a part of the process of recalibration that Rachel Clarke describes when she writes of how, when what remains of living is time left, ‘[r]ecalibrating your hopes... can bring great comfort’ (Clarke, 2020: 205). This recalibration involves, Clarke seems to be suggesting, both a mourning and a finding; and there can be comfort in this, comfort in the possibility of the mourning, in the possibility of the finding, in the possibility of the finding of *a way to be with*. At the same time, hope for the impossible that remains unredefined, unredirected and unrecalibrated might be hope that is doing something else too; for example, it might be, as Jerome Groopman puts it, that ‘[t]o hope under the most extreme circumstances is an act of defiance that...permits a person to live his life on his own terms’ (Groopman, 2006 [2004]: 81). This says as much about the possibility of hope as does the idea of redefinition, redirection and recalibration. It says, in particular, something about the sense of possibility that hope speaks to, and about the possibility that hope opens up, even when it is for that which is impossible.

And that is the other feature of appeals for hope that I want to pause over here: the degree to which such appeals involve an expression of hope in *the possibility of hope*. In the *reaching* for hope – in the reaching ‘beyond [self]’ for hope, as Vaillot puts it (Vaillot, 1970: 272) – there is an expression of hope in hope, of hope for hope. This expression of hope is, moreover, an expression of hope in relation: an expression which occurs in a relationship in which hope itself is felt as being – or is conceived of as being – a possibility. I am thinking here in particular of a line from Sarah Tarlow’s book, *The Archaeology of Loss: Life, love and the art of dying* (2023), about the seeking of ‘the comforting clarity of hope or hopelessness’ over the liminal state of not knowing at all (Tarlow, 2023: 215). The line is one about the promise of relief and release, and about what hope expressed through this kind of seeking can do, including when it is for hope that is open to hopelessness. But it is also a line about the way in which the seeking is in relation, about the way in which the hoping is in relation. This expression of hope in relation is, simultaneously, an expression of the relationality of hope: of the degree to which hope is experienced *in relation to* and *in relation with* (others, the world, self) – and is, on some accounts, a capacity that is founded and developed in relation (e.g., Erikson, 1964: 109–157, 231). A space opens up for thinking about the conditions of the possibility of hope in this light: a space for thinking about the generation of hope, about the emergence of hope, about the origins of hope, about the capacity to hope. And it is a space too for thinking about what hope dances with, if it dances

at all – dread, despair and hopelessness being the most commonly proposed partners in the literature (e.g., Mitchell, 1993; Wright, 2016).

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How might we think about this notion of the nourishing of hope, of the dancing of hope? And how might we think of it in relation to the question of the notion of the *granting* of hope? The case of the right to hope in European human rights law is quite an illuminating one in this respect, it being a case where the focus seems to be so emphatically on what is taken to be a securing of hope and a granting of hope and a not-taking-away of something that is taken to signify a particular conception of hope.<sup>2</sup> The possibility of hope is linked, in that context, to the possibility of atonement, with the reducibility of a sentence (in the sense of a prospect of release and a possibility of review) being taken to signify the non-deprivation of hope – and therefore, on the Court’s interpretation, the possibility of hope. The presence of hope, and indeed the possibility of hope, is, in this way, taken to be from a set of circumstances. It is *read* from these circumstances. The circumstances serve as a sign.

This reading of hope, and so also this conceptualisation of hope, makes for a fairly minimal and somewhat reductive standard, and one in which the non-deprivation of (a particular conceptualisation of) hope is both taken to mean the securing of hope more broadly and equated with the possibility of hope more generally. Marion Vannier has raised the question of this, asking ‘whether a “right to hope”... is an apposite concept when attempting to measure the humanity and legitimacy of life sentences’ (Vannier, 2016: 210).<sup>3</sup> Hope, she emphasises, is ‘a subjective human emotion’ and ‘not a static experience’; and so there is an issue here, she argues, of the reconcilability of a right to hope that is ‘tied to or interpreted in terms of de jure and de facto procedural reducibility’ with ‘the humane and subjective nature of hope’ (Vannier, 2016: 210). The question, as Vannier puts it, is: ‘[i]f hope were to be construed in terms of the reducibility of life sentences, would it not distract attention from more subjective, and at times, inhumane experiences of incarceration’ (Vannier, 2016: 210)? Could the notion of the right to hope eclipse, in other words, the very experience of hope that it is seeking to protect? The point here is that the standard in question does not, of itself, tell us much. We know from empirical research, as also from life, that humans can find hope in all kinds of desperate and egregious circumstances, and that this is so says relatively little about those circumstances and more about how we are with hope – more about how we relate to and with hope. The non-deprivation of (a particular conceptualisation of) hope tells us little, in that sense, about the possibility of hope, and less still about the *nourishing* of hope.

It does tell us something about an instance of the objectification of hope, though; and it also tells us something about an instance of the individualisation of hope. In a move that renders the individual dependent on law, hope is conceived of here as being secured for the individual in and through law; and critically, it is then on the individual to exercise. The prospect of release and possibility of review is taken to signify the presence and possibility of hope; but if hope is not then experienced, it is conceived of as being a matter for (and problem of) the individual. The individual has not been left without (a particular conceptualisation of) hope, the narrative runs; and engaging it now is squarely *their* responsibility.

A comparable conceptualisation of hope emerged in UK government rhetoric some months into the COVID-19 pandemic, when Rishi Sunak, then Chancellor of the Exchequer, said, in setting out his summer 2020 statement (and a series of measures aimed at protecting and supporting jobs), that ‘no one will be left without hope’ (UK Parliament, 2020). This phrase was subsequently reiterated on a number of occasions over the following months, the underlying sense apparently being that even in the midst of a crisis that had upended everything – including, as Rebecca Solnit wrote at the time, our prior notions of the ‘possible’ (Solnit, 2020) – there was this one thing that would not be taken away: hope. Hope, it was said, would remain; hope, it was implied, was the remainder – the last thing in Pandora’s box, and the last thing here too. One of the things that was notable about this idea was the claim that it involved: a claim *to be able to say* that no one would be left without hope. And there was, moreover, a subtler claim here too: a claim to an ability to prevent loss of hope – and a claim, by extension, to an ability to take hope away (and to choose who to leave it with – or, rather, who to not leave without it). Hope was constructed as something that was liable to being conferred or withdrawn; and the statement that no one would be left without hope – which seemed to promise an impossible kind of invulnerability – reflected, in that sense, a deep vulnerability: vulnerability to loss of hope, on the one hand, and vulnerability to the idea of invulnerability to loss of hope, on the other.

The idea that no one would be left without hope seemed also – and still seems – to speak to an individualisation of hope; and this is where the parallel with the right to hope in European human rights law comes back in. The depiction of hope as something that no one will be left without implies that if hope is not found, if it is not experienced, then the problem is at the level of the individual and not at the level of the collective. The latter indeed vanishes within this vision, even in the same moment that the rhetoric used in relation to hope appears to be one of collectivity and solidarity. Ironically, then, to the extent that hope is in fact connected to these notions at all (and this is a point on which arguments differ), the articulation of it here simultaneously undermines them. The resulting conceptualisation of hope – as an individual responsibility – carries a reductive quality, with the idea that ‘no one will be left without hope’ appearing as a form of consolation but operating also as a means of isolation. For in the moment that hope is *conferred* on the individual – in the moment that hope is constructed as an individual responsibility – the individual is isolated with it. And she is isolated, too, from a part of her self-in-relation in a way, or at least from her experience of it.<sup>4</sup>

Where might such a construction of hope as an individual responsibility – and of hopelessness as a failure on the part of the individual – leave those who feel as if they have been left without hope, and those who feel hopeless? With feelings of shame, Jean Knox has elsewhere suggested, and responsible for their hopelessness and helplessness (Knox, 2014; Knox, 2023). What is going on when this construction of hope is going on, Knox argues, is a projection of feared vulnerability that then, when it is perceived, comes under attack (Knox, 2023: 370). ‘It is a terrifying experience for those who are on the receiving end of such projections’, she writes, ‘to know that the more helplessness and fear they show, the more viciously they will be targeted’ (Knox, 2023: 370). Deeper questions of vulnerability are sidestepped in the face of such constructions of individual responsibility, she argues; deeper questions of vulnerability are sidestepped in the making of a conceptualisation of hope that has as its opposite shame.



And that we are talking here about the *making* of a conceptualisation of hope is central; we are talking about the making of a conceptualisation of hope that is both borne of a specific context – and carries its form, meaning and intelligibility within that context – and is *conveyed* to the individual. The individual is *told* that she has a right to hope; she is *told* that she will not be left without hope. The focus here is on the *having of* (a particular conceptualisation of hope); and this having of is one that Erich Fromm has elsewhere distinguished from the *experiencing of* (Fromm, 1994). Talk of *having* a feeling or state of mind renders it a property and potentially obscures its experience, he suggests; ‘if you say “I have an unhappy marriage,” “I have a happy marriage” – what you do really is to protect yourself from experiencing something. This is because then it becomes many of the properties you have’ (Fromm, 1994: 130). In the case of the notion of a right to hope that is granted – or even of the notion that no one will be left without hope – a certain conceptualisation of hope is already rendered a property (as also, in the case of the right, is the right to it). But the very idea itself – of a right to hope that is granted or of hope that no one will be left without – and so also the reiteration of it, reinforces the sense of hope as a property, as a thing that can be granted. And it reinforces, too, the property relationship that is established, both between the individual and the one who is doing the conferring and within the individual in terms of how she then relates to her own experience of hope.

The idea of a right to hope that is granted (in and through law, say) or of hope that no one will be left without (as under an economic plan), demands, in this sense, a particular way of thinking about and relating to hope: a way of thinking that involves a particular conceptualisation of hope and a particular objectification of hope, and a way of relating that is focused upon the having of hope and the bestowing of hope. Certain differences are obscured: between being told that you have a right to hope or that you won’t be left without hope and feeling that you have a right to hope or that you won’t be left without hope, between being told that you have been granted hope and feeling that you have been granted hope, between having hope and experiencing hope. And perhaps that is part of the point. But talk of a right to hope that is granted or of hope that no one will be left without can, in that sense, detract from and distract from broader questions of experiences of and with hope, including questions of the conditions that might nourish experiences of hope, questions of the distribution of opportunities for hope and questions of reasons to hope. And it can, in that same sense, expose the feeling of the difference between living with an *idea* of a right to hope and living with a *sense* of a right to hope.

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The difference is one between an idea of hope that is borne and an experience of hope that is lived; it is a difference that is implied, in another way, by Stephen Mitchell’s account of ‘[m]eaningful hope’ in *Hope and Dread in Psychoanalysis* (Mitchell, 1993: 116). This, he writes there, ‘is often generated in analysis precisely when a sense of continuity begins to emerge from within disconnected fragments of experience or when a compulsive, rigid character armor melts into a new freedom to discover the self in different forms’ (Mitchell, 1993: 116). Meaningful hope is *reached*, I read him as saying; it comes into being in and through meaningful experiencing and in the experiencing of self that goes on in that sense. ‘Analytically useful forms of meaning and hope do not lie preformed

in the patient', Mitchell continues; 'they are generated when the analyst has found a way to inspire personally meaningful forms of growth and expansion from the inside out' (Mitchell, 1993: 225). Meaningful hope emerges in this way, is generated in this way; and there is a reaching of self – a way of relating with and to self – that critically prefigures these both.

It is this question of relating, this question of experiencing, that is sometimes missing, I think, from accounts that focus on *justifications* for hope – on notions that hope should be 'realistic', for example (e.g., van Hooft, 2011: 40), or that it must 'make sense' in some way (e.g., Havel, 1990: 181), or that there may be 'good reasons' to hope, or circumstances in which it is 'right' to hope (e.g., Tillich, 1965<sup>5</sup>). What might it mean, it might be asked of these accounts, to be 'right' to hope, to have 'good reasons' to hope, to be *obliged* – as I have sometimes seen it put (e.g., Renz et al., 2009: 148) – to hope? What might it mean, to talk of hope as realistic or as making sense or as unrealistic or as senseless? Realistic and making sense according to whom and what standard? And in thinking in such terms, do we not lose sight of questions of what hope might mean, and of what hoping might mean, not in the abstract but to *the person in question*? Do we not lose sight of the meaning that hope might carry and the work that it might be doing precisely where there are no 'good reasons' to hope, and where hope is not realistic or does not make sense according to the standard in question? These are questions that call for thinking about the experience of hope and about the experience of the relationship with and to hope. They call for thinking about the *meaning* of hope, for thinking about *being with hope*.

That latter idea, of *being with hope*, implies a hope that is not necessarily particularised in terms of an object or reason. It is hope that, as Adam Potkay puts it, is indeterminate and, if it has objects, 'tends to exceed them' (Potkay, 2022: 17); it is hope that Monika Renz and colleagues describe as '[f]undamental hope' – a kind of hope that is 'aimless', they say, and a 'vital force in itself' (Renz et al., 2009: 148). Karin Dufault and Benita Martocchio meanwhile refer to a 'generalised' form of hope that is characterised by 'a sense of some future beneficial but indeterminate developments' and is 'broad in scope and not linked to any particular concrete or abstract object of hope' (Dufault and Martocchio, 1985: 380). 'It imparts', they say, 'an overall motivation to carry on with life's responsibilities and gives a broad perspective for life and thought that includes flexibility and openness to changing events' (Dufault and Martocchio, 1985: 380). The sense is of hope as an orientation to life, as animating life – of hope as a way of being, a way of relating, a way of seeing.

This line of thinking culminates strikingly, I think, in Jonathan Lear's book *Radical Hope: Ethics in the Face of Cultural Devastation* (2006), which sets out an account of the possibility of the emergence and flourishing of hope in contexts of such profound breakdown in intelligibility that it would be impossible to ever understand in advance what hope could and would be for. These are contexts of breakdown in a way of life, of breakdown in the concepts that structured the understanding of that life, of breakdown in the modes of being and forms of subjectivity that make sense in that way of life and of breakdown, fundamentally, in 'a culture's sense of possibility itself' (Lear, 2006: 83, Ch.1). This is a possibility that we all live with, Lear says; '[i]t is a possibility that marks us as human' (Lear, 2006: 9). Hope, in such circumstances, is, Lear argues,

hope that is ‘directed towards a future goodness that transcends the current ability to understand what it is’ (Lear, 2006: 103); and it is both radical in its commitment to an unknowable, unimaginable and inarticulable future and remarkable in the avoidance of despair that it thereby ensures (Lear, 2006: 100, 103). It ‘manifests a commitment to the idea that the goodness of the world transcends one’s limited and vulnerable attempts to understand it’ (Lear, 2006: 95); and the manifestation of this commitment involves a way of going forward. This is a way of going forward even as it is impossible to understand what the going is towards; it is a way of being in and relating to the world even as the world itself and the meaning of being in the world ceases to make sense (Lear, 2006: Chs. 2, 3). This hope, this ‘stance of radical hope’, is hope that carries through, Lear is saying; it is hope that is not only a mode of being, but hope that offers a *return* to being, and with it too a return to meaning (Lear, 2006: 115).

A *return*, Lear’s account suggests; and hope is often spoken about in this way (see, e.g., Shabad, 2005 [2001]), such that when life ruptures – as it sometimes does – or when, rather, the framework for comprehending a life ruptures and leaves it hanging in the void, it is hope that is conceived of as offering a way through. We ‘step back into hope’, Anne Lamott puts it (2019 [2018]: 34); we return to and with hope, come through to and with hope, Lear suggests elsewhere (2022: 39–40). There is an implication in this of a new beginning, a sense in which hope offers a *return* to beginning, an expression of hope that hope might come through in this way, a feeling that it might offer a *coming back to* in this way.

The form that this return seems to take in *Radical Hope* is one in which hope contains the beginning and *is* the return. The breakdown in intelligibility that Lear describes is one that can only be understood retrospectively; and so, he says, ‘a peculiar form of hopefulness’ is embraced in this context: ‘the hope for *revival*: for coming back to life in a form that is not yet intelligible’ (Lear, 2006: 95). But ‘hope... for coming back to life in a form that is not yet intelligible’ (Lear, 2006: 95) is also hope that acts to contain a lack of intelligibility; and, as part of this, it is hope that acts to contain the experiences of a self that cannot make sense of itself. There is a relating to self in an ‘as if’ way – *as if* there will be a coming back, *as if* there will be goodness, *as if* there will be being that goes beyond and outlasts ‘this’. And it is this sense of the ‘as if’ itself that seems to do the carrying through, which means that the carrying through is irrespective of whether ‘it’ happens.

This way of relating to self, which is also a way of living that offers a sense of self as a *hoping* self,<sup>6</sup> is reached in a context of a loss of self-understanding. More than that, it is reached through an experience of a self that is in a profound state of loss. Its reaching is, on Lear’s account, a means of surviving this loss, a means of surviving the loss of a framework of understanding in which selfhood made sense, in which being made sense. It is a reaching that offers a sense of self as living with a sense of hope – a sense of hope that *contains* a sense of self. Hope comes, in this way, to be conceived of as having a holding quality, a containing quality – which is to otherwise say that there seems to be something containing about thinking about self in this way.

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The ‘fidelity to hope’ that Lear describes as being involved here (Lear, 2006: 145), the commitment to hope, also involves a commitment to self. It involves, more specifically,

a seeing of self as deserving of hope, an *experiencing* of self as deserving of hope. Jerome Groopman writes about this in *The Anatomy of Hope: How you can find strength in the face of illness* (2006 [2004]), where he describes, in particular, the effects of feeling ‘undeserving of hope’ (Groopman, 2006 [2004]: 97). ‘To have hope’, he says, ‘is to acquire a belief in your ability to have some control over your circumstances. You are no longer entirely at the mercy of forces outside yourself’ (Groopman, 2006 [2004]: 26). There is, he argues, a *right* to hope<sup>7</sup> (Groopman, 2006 [2004]: 84, Ch. 3); there is, he argues, a *power* to hope: it can ‘[permit] a person to live his life on his own terms’ (Groopman, 2006 [2004]: 81). The notions of a seeing of self as *deserving* of hope and a seeing of self as holding a *right* to hope weave into each other in this way, the language of right here inviting a kind of thinking of possibility, *permitting* a kind of thinking of possibility.

This way of relating implies a living that is unremoved from the possibility of hope: unremoved because of the continuing and containing sense of a right; unremoved, more specifically, because the sense of a right acts to contain any rupture. It is a way of relating that is, moreover, *justified* by the sense of a right, in a manner that echoes, in some ways, what goes on in psychoanalytic notions of a ‘right to a life’ (e.g., Modell, 1965; Sharpe, 1931; Beritzhoff, 2018).<sup>8</sup> Arnold Modell in particular turns to this in his account of work with patients who were, on his analysis, ‘possessed of a basic belief that they had no right to a better life’ (Modell, 1965: 324). He draws on Ella Freeman Sharpe’s conceptualisation of the ‘right to live’ here, Sharpe’s argument being that ‘[t]he people who enjoy the greatest ease, and to whom work and conditions in life bring the greatest internal satisfaction, are those who have justified their existence to themselves. They have won through to a right to live, and a right to live means a life in which physical and mental powers can be used to the ego’s advantage and well-being, which means to the advance and well-being of the community’ (Sharpe, 1950 [1931]: 81). The state that is reached in this way is, on Sharpe’s account, one of a ‘feeling of rightness to live’ (Sharpe, 1950 [1931]: 81); it is a state in which ‘the right of the ego to live’ has been attained (Sharpe, 1950 [1931]: 81). Modell’s suggestion, building on this, is that a ‘belief that one does not have a right to a life is a derivative of... separation guilt’, with separation being unconsciously perceived in these instances as entailing the deprivation of another (Modell, 1965: 328).<sup>9</sup> ‘Life’ and ‘separate existence’ mean each other, in this way: ‘the right to a life really means the right to a separate existence’, Modell writes (Modell, 1965: 328); ‘certain forms of the negative therapeutic reaction can be understood as a manifestation of a more basic feeling of not having a right to a life, *that is*, not having a right to a separate existence’ (Modell, 1965: 330, emphasis added).

A life that is lived in the absence of a sense of a ‘right to a separate existence’ – or, more specifically, a life that is lived with a ‘feeling of not having a right to a life, that is, not having a right to a separate existence’ (Modell, 1965: 330) – is a life that is, on Modell’s account, foreclosed in that way, *once removed* in that way. It is a life that involves a lack in the ability to claim existence, as Lisa Beritzhoff puts it (Beritzhoff, 2018: 701); it is a life that involves a sense of a lack in the capacity to be separate, a sense of a lack in the possibility for being separate, a sense of a lack of available room in which to *be* separate (Modell, 1965: 326, 328; see also Peskin, 2019; Rosbrow, 2019: 502). There is, to my mind, underpinning these accounts, a pervasive sense of

the space and time that being separate would by contrast involve. A ‘feeling of not having a right to a life’ (Modell, 1965: 330) seemingly entails, in turn, a sense of not having a right to that space and time, a sense of not being worthy of that space and time – space and time which might otherwise be put as space and time of one’s own, as space and time in which to develop an identity of one’s own (Modell, 1965: 326, 331).<sup>10</sup> Analyses of this feeling, of this mode of relating, point, in this way, towards the shape of a life that is lived but in which one is not able to *be*, to a life in which there is a lack in the *being able to be*.

Hope is present in this idea in different ways – ways that are rendered most apparently in Beritzhoff’s account. It is there, for a start, in the sense of its lack – in the sense of the closed down-ness implied by the notion of not having a sense of a right to a life (Beritzhoff, 2018: 696, 701). It is there too in the idea that where there is the ability ‘to claim a “right to a life”’ there is also ‘hope in human relatedness’ (Beritzhoff, 2018: 696) – the ‘reclaiming’ of life itself also offering hope in this context (Beritzhoff, 2018: 705). And it is there, finally, in the imagination that is involved in the awakening or reawakening of a sense of a right to a life and in the being and becoming – and *bringing into being and becoming* – that this imagination implies (Beritzhoff, 2018: 705–708). This being and becoming seems to speak to what Thomas Ogden elsewhere describes in terms of ‘coming to life’ (Ogden, 2022),<sup>11</sup> and Beritzhoff too writes of a ‘coming alive’ (Beritzhoff, 2018: 708). But what her account also points to is a *claim* to this, a claim to be and become. It is this that is held in – and by – the language of right.

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*A claim to be and become* – is this, too, what the idea of living with a sense of a right to hope speaks to? I think it does imply a way of relating, does imply a way of conceiving of self, does imply, in that sense, a sense of being and becoming, does imply, in that sense, a claim to be and become. But it also goes beyond that, in that the hope itself does not necessarily relate to the being and becoming. The *sense of a right to hope* does, but the hope itself does not. The idea of living with a sense of a right to hope speaks instead more expansively to a sense of a right to the space and time of hope, to the sense of potentiality and possibility involved in hope. It speaks to the imaginability of a future and, by extension, to the liveability of that future; and in its relation of these both to living itself – to the sense with which life is lived, to the *key* through which life is lived – it is distinct from the more detached notion of living with an idea of a right to hope. Living with an idea of something – and this echoes Fromm’s point about having and experiencing – implies the possibility of a gap, a space between; living with a sense of something implies an inseparability of living and sense, a life that is inseparable from the sense.

Thinking through this distinction – a distinction so clearly exposed by the case of the construction of the right to hope in European human rights law – takes us beyond law in this way. But in the question that it opens up – of what it might mean to live with a sense of a right to hope – law also reappears. For while to speak of living with a sense of a right to hope is to speak both of a way of relating and a conception of hope, it is also to speak of the question of the conditions and circumstances and environments in which this way of relating – this *living with a sense of a right to hope* – might be possible, and so too the question of the conditions and circumstances and structures that might threaten this possibility or render the question mute. The question of what it might mean to live with a

sense of a right to hope emerges, in this way, as inseparable from the questions of what it might mean and say, individually, collectively, for a life to be lived in this way – and of what it might mean and say for it to be not.

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## Notes

1. Over the next few pages I set out my earlier argument in this respect. See Trotter, 2022.
2. The next few pages draw on and develop my earlier analysis of the right to hope in European human rights law. See Trotter, 2022.
3. In more recent work – and as part of a wider project examining the meaning and value of hope for older life-sentenced prisoners – Vannier develops this further, building on my analysis of the right to hope in European human rights law to examine, in a really interesting way, how this right '[translates], in practice, to those who are old and serving life sentences' (Vannier, 2023: 1).
4. I would like to thank Susie Orbach, who helped me see and think about this point.
5. Tillich argues that there is a right to hope where hope is justified – where it is a 'genuine hope', as he puts it (Tillich, 1965: 373). Such a hope is one where 'there that for which we hope, has

- already some presence'; it is one where there is 'a beginning of what is hoped for' – where there is a sense of beginning, a feel of beginning (Tillich, 1965: 373). 'The hope itself', Tillich writes, 'if it is rooted in the reality of something already given, becomes a driving power and makes fulfillment not certain, but possible. Where such a beginning of what is hoped for is lacking, hope is foolishness' (Tillich, 1965: 373). A sense of presence grounds Tillich's idea of the right to hope in this way; and his account emerges as one in which there are certain circumstances in which you are right to hope – certain circumstances in which the reasons you have to hope are, Tillich says, good ones.
6. This is to adapt Erich Fromm's notion of 'the hoping man' (Fromm, 2010 [1968]: 67).
  7. Groopman writes of his patients: 'every patient has the right to hope, despite long odds, and it was my role to help nurture that hope' (Groopman, 2006 [2004]: 84).
  8. See also the appearance of the idea at the end of Sarah Bernstein's book *Study for Obedience* (2023: 189); the final line is: 'Nevertheless, I say to myself, softly, I am living, I claim my right to live'.
  9. Modell writes: 'In those individuals who are burdened with intense ambivalence, from whatever source, separation is unconsciously perceived as resulting in the death of the object' (Modell, 1965: 328).
  10. See also Thomas Ogden's description of a patient who 'began to experience separation (becoming a person in her own right) not as an act of murder, but as an act of creating a place in herself (and between herself and me) – a place in which she was able to experience a previously inconceivable sense of who she was and who she was becoming' (Ogden, 2022: 42). And see, too, Beritzhoff's account of a patient for whom '[l]ife, inside and out, and within the fertile edges of the in-between, is becoming a place where *she* can live' (Beritzhoff, 2018: 708). On space and time of one's own see also Virginia Woolf's *A Room of One's Own* (Woolf, 2018 [1929]) and Marion Milner's *A Life of One's Own* (Milner, 2011 [1934]).
  11. For Ogden, this is what 'ontological psychoanalysis' is to do with, its goal being 'that of facilitating the patient's *experience of creatively discovering for himself, of being and becoming more fully alive, more fully himself*' (Ogden, 2022: xiv). He writes of the return of and to self in this way: 'the effort to help a patient restore himself to himself is the therapeutic goal of psychoanalysis... the therapeutic aim of psychoanalysis is the "safe return" to the patient of aspects of himself that have been buried alive and are not yet dead' (Ogden, 2022: 122). Ogden is not, to be clear, writing of the right to a life in this context, or at least he is not using that language, but he is writing of the being and becoming that accounts of the awakening or reawakening of a right to a life imply; he is writing, specifically of a 'coming to life', of the being and becoming involved in 'coming to life' (Ogden, 2022).

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