



The Nonidentical of Human Rights: The Individual and the Concept of Dignity in post-1945 Human Rights Debates

Anne Rethmann

The project focuses on post-1945 human rights debates, with special attention to dignity as a legal concept and the political implications of individual and collective rights interpretations.

In the last 15–20 years, the academic field of human rights has undergone a remarkable expansion giving rise to a veritable flood of empirically grounded and theoretical studies. The bulk of this academic work has focused on either the history of human rights (politics) or the theoretical discussions of the main concepts of human rights (self-determination, individual freedom and dignity) and on questions of their universalizability. Nevertheless, the field is still short of works that combine historical and sociological approaches with philosophical reflections on individual freedom and personal responsibility under current social conditions on the one hand and on the political implications of individual and collective rights interpretations on the other hand.

The aim of my doctoral project is to contribute to fill this gap. To meet this aim, I will bring less considered theories and actors into the human rights discussion – in particular, Theodor W. Adorno's concept of the Nonidentical and his reflections on personal responsibility (Mündigkeit) and Franz R. Bienenfeld's theoretical writings and political activities for the World Jewish Congress (WJC) in the 1940s/50s. As the representative of the British section of the WJC, he commented on the draft Universal Declaration of Human Rights and combined a demand for a minimum standard of human rights with a universal idea of humanity.

Drawing from their insights, I argue that human rights cannot be understood if they are reduced to factual constraints or moral prescriptions. And yet they are not free from both. Hannah Arendt's and Franz Neumann's understanding of political freedom and Judith Shklar's view on liberalism as a structure of norms by means of which to humanize public life can further sharpen the view on the limits, the possibilities, the role and meaning of human rights nowadays.

In light of an increasing acceptance of authoritarian regimes, even in established democracies, the question of what kind of democratic awareness we need is more urgent than ever. This includes a reflection on the meaning of rule of law and human rights in today's globalized world. Not only can the aforementioned authors help concretize the concept of dignity for legal and political theory, but also remind us of the normative promise that used to be associated more closely to human rights.