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SPECIAL ISSUE KRISIS

ON PHILOSOPHY AND HUMAN RIGHTS.

INTRODUCTION

This year, on December 10, it will be exactly 60 years since the United Nations General Assembly unanimously adopted the Universal Declaration of Human Rights. The Declaration's aim was to give all 'members of the human family', regardless of sex, race, nationality, and class, legal protection against oppression, discrimination, and poverty. The need for human rights had been demonstrated in the previous decade by the Nazi atrocities against Jews, Gypsies, Slavs, and others, 'barbarous acts' which had 'outraged the conscience of mankind'. According to the Declaration's Preamble, these acts had made 'recognition of the inherent dignity and of the equal and inalienable rights' of every human being an urgent and universal cause.

The need for human rights has not diminished since. A list of names, which is not exhaustive, suffices to indicate the scope of the problem: Somalia, Congo, Darfur, Iraq, Burma, Afghanistan, China, Georgia, North Korea, Zimbabwe, Guantánamo. Even the Western democracies, though actively promoting human rights around the globe, have in the recent past frequently violated human rights, for example, by curtailing the rights of suspects of terrorism in the wake of 9/11, or by deporting 'illegal' migrants to unsafe countries. In light of the vulnerability of these groups, and of the growing number of refugees, displaced, and stateless around the globe, a strong defense of human rights is perhaps more necessary than ever.

Yet this does not mean that human rights should be endorsed and promoted uncritically. Because the appeal to these rights implies not only legal but also strong moral claims, it always risks silencing other voices, alternative views on how to attain justice. Moreover, recent events, such as the US occupation of Iraq or the Russian invasion in Georgia, justified with an appeal to human rights only after the fact, have enhanced the danger that human rights become an empty but irresistible rhetoric. In this context, it is telling that there is no political regime left that dares to openly deny the importance of human rights, even though some of them unscrupulously violate these rights every day.

The contributions collected here seek to critically engage with this state of affairs. They consider it the task of philosophy to provide conceptual clarity, and to articulate the horizon of understanding in which human rights can make a difference. The task implies a willingness to expose human rights to a criticism that may sometimes seem severe but is never irresponsible. These contributions thus testify to the belief that it is both necessary and urgent to criticize human rights in order to make them more meaningful and effective. Moreover, they seek to give a broad account of the various positions, arguments, and questions that are characteristic of the present philosophical debate on human rights, though without, of course, pretending to be exhaustive.

Thus, in her article, Regina Kreide, discussing the work of Jürgen Habermas and others, analyzes and evaluates the various possibilities of a justification of human rights that may lead to their 'context-sensible foundation'. She argues that, in a plural world society, a universal rational consensus on human rights is possible only on the basis of a procedural justification. Applying a bargaining and a deliberative model of justification to the case of women's rights in Pakistan, she concludes that the latter has some important advantages because it is more inclusive and critical of existing power structures than the former.

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In his contribution, Ernst van den Hemel focuses on the critical interventions of Alain Badiou and Jacques Rancière in the debate on human rights. As he observes, both authors share the belief that human rights can become meaningful only once they are based on an affirmative form of political agency. More particularly, Van den Hemel shows how both believe that the 'universal' of human rights originates from an 'event' that interrupts the prevailing political experiences and perceptions, making possible a radically egalitarian and emancipatory moment. Yet, despite these affinities, Van den Hemel argues, there are also important differences between their views: he thus points out that, for Badiou, the event is something to be built on, to be declared beyond the place where it occurs, whereas Rancière considers it merely a brief and local invention, endowed less with expansionary force, and more with an anarchic, disruptive power.

Discussing the work of Hannah Arendt and others, Marc de Wilde defends the idea that the ineffectiveness of human rights, *i.e.*, their inability to protect those who are most in need of their protection, should be explained not only by their inadequate enforcement, but also by contradictions that are inherent in the concept itself: first, human rights intend to protect those who cannot be protected by legal rights, *i.e.*, the persecuted and stateless, who have lost access to a legal order in which they can enforce their rights. Second, the reference of human rights to human nature or to a shared humanity risks becoming counterproductive in that it incites the violators of these rights to deny the humanity of their victims. Third, the prevailing moral and non-political understanding of human rights is in danger of turning into its opposite, causing a hardening in points of view, by which arguments become immune to criticism and conflicts become unsolvable. De Wilde thus argues that, instead of ignoring these contradictions, it is necessary to engage with them in order to counter the ineffectiveness of human rights.

This special issue concludes with two reviews by Thomas Poell and Sudeep Dasgupta of works that have a special significance to the philosophical debate on human rights. Thus Poell evaluates Lynn Hunt's historical account of the emergence and development of human rights in *Inventing human rights*, arguing that she has expanded importantly on the intellectual history of these rights by relating them to changes in the meaning and experience of the self. Assessing Pheng Cheah's recent book on *Inhuman conditions*, Dasgupta shows how the author tracks the normative deployment of the category of the human in the two related fields of cosmopolitanism and human rights, exposing it to a radical philosophical and materialist critique.

In conclusion, I want to thank the editors of Krisis and the contributors to this special issue; without their enthusiasm, comments, and practical support, this special issue could not have been realized.