

## Human Rights and German Intellectual History in Transnational Perspective

(edited by Claudia Breger, Imke Meyer, Johannes von Moltke, and Carl Niekerk;  
with contributions by Susan Meld Shell, Robert Deam Tobin, Michelle Moyd,  
Paul Michael Lützeler, Hadji Bakara and Jana Schmidt, Samuel Moyn,  
and Andreas Huyssen, and with an “In Lieu of an Afterword” by Claudia Breger)

Human rights, recently, have been a controversial topic. A debate has unfolded that includes concerns about their political instrumentalization, appropriation, and narrowing, as well as fundamental critiques about their viability from leftist and right-wing perspectives. On the one hand human rights today are seen as central to domestic and international politics; on the other hand their legitimacy is questioned more than ever (see Benhabib 8–11). This forum seeks to respond to these controversies with a step back onto scholarly terrain, taking rigorous, historicizing, and focused looks at human rights discourses from a transnationally inflected German Studies angle. Questions of human rights exceed national frameworks by their very nature, and transnational contexts and exchanges have been fundamental to their development historically as well as today. At the same time, human rights discussions have been complexly entangled in nationalist projects, localized intellectual histories, and political struggles. Discussing human rights is therefore by necessity multifaceted; “a close examination of human rights” is not possible, “without a genuine attempt to partake in cultural historical, philosophical, psychological, and sociological deliberations at once” (Kaul/Kim 5). Existing scholarly work on the history of human rights indicates complex, plural genealogies of relevant conceptualizations. These are rich traditions that have been charted in terms of continuity (Hunt) as well as discontinuity (Moyn), and which open onto a host of contemporary and future issues.

The contributions below first trace the emergence of human rights discourses back to the European Enlightenment, where the debate on human rights was part of a shift from a religious to a secular foundation of rights, a shift that moved parallel to a turn away from natural towards positive law. It was the author and philosopher Jean-Jacques Rousseau who was one of the first to use the term “human rights” (“droits de l’homme”) in 1762 (Hunt 23–24), after which the term gained currency quickly, with literature functioning as an important medium of imagining and communicating about such rights (Hunt 35–69). Susan Meld Shell reconstructs the centrality of Kant for the German debate about human rights, retrieving his arguments from beyond their different appropriations in the theories of John Rawls and Robert Nozick. As Shell’s contribution also reminds us, reflections on human rights were always linked to moments of political turmoil and crisis, such as, in the eighteenth century, the American and the French Revolutions. But they also always constituted a positive response to such crises; they were part of a transitional process of moving towards a new sense of justice, which stretched across the long nineteenth century and extended from human to civil and sexual rights, as Robert Tobin’s contribution details.

A second key moment in the history of human rights are the debates during the period immediately after World War Two, the phase of official recognition and institutionalization of human rights beyond the nation states when human rights became a transnational concept. A transnational figure in his own right, Hermann Broch contributed some particularly perspicacious reflections to these debates from the 1930s to the beginnings of the Cold

War, as Paul Michael Lützeler outlines in his piece. While the immediate occasion for these debates may have been the atrocities of World War Two, the Holocaust, and mass deportations, it is also important to see these debates as a culmination point that engaged with the colonial violence and genocide of the nineteenth and early twentieth centuries and the legacy of World War One, and with changed views on the rights of women, minorities, and colonized peoples. Michelle Moyd tackles this colonial context in her contribution to this forum, asking how we can apply the concept of human rights to a historical space in which brutally subjected and murdered African peoples were excluded from it, and in which anti-colonial assertions of sovereignty used a different language. Highlighting discontinuities in the development and utilization of human rights discourses, Samuel Moyn reminds us that after World War Two, human rights in West Germany were just as likely to be instrumentalized for right-wing causes as they were to be critiqued from the political right and the political left. In a contribution that looks across the Atlantic to read Adrienne Rich's powerful poem "North American Time" against the backdrop of transnational histories of modern political violence, Hadji Bakara and Jana Schmidt also make a forceful plea for reading literature as an active contributor to that discourse in its own right.

We live in times of heightened reflection on human rights in German-speaking countries, the United States, and elsewhere. Without a doubt such a need to rethink human rights is rooted in a sense of crisis. This crisis may have something to do with the perception that human rights, as we know them, are no longer doing the work they are supposed to do. Or the need to reflect on human rights may be a symptom that we live in an era of "transitional justice" (Murphy 50–59, 153–56), in which our understanding of what basic human rights are needs to be given new substance. In his contribution, Andreas Huyssen encourages us to look thus at our contemporary moment—after the postwar era and the end of the Cold War—as a point at which a sense of crisis converges with the need to rethink human rights, and to do just that by querying the complex juncture of human rights and memory politics. Some scholars have spoken of the current era as one of a "new humanitarian sensibility" after the end of the cold war (Ganguly 1, 37). Notions of (universal) human rights are challenged and face attacks from the political right and left, and yet we have also learned to think of human rights in new ways: as LGBTQ+ rights; social and economic rights; as inextricably linked to the rights of immigrants and minorities; and as involving environmental and animal rights studies perspectives.

Our goal is for this forum to contribute a number of possible perspectives to this necessary debate on human rights, in the knowledge that human rights are essential for enabling an emancipatory potential for minorities and stateless populations, considering social and economic rights, and articulating critiques from environmental, affect, and animal studies' angles. Directly or indirectly, each of the following contributions to this forum also makes the case for the importance of the humanities, literature and the arts, and modern media in imagining, expanding and, at times, also criticizing human rights, from the epistolary novel to social media today.



### **Kant on Human Rights and the Right of Humanity**

Although the name and authority of Kant are frequently invoked in contemporary human rights discourse, careful attention to his own treatment of rights is rarer. That this is so is

not altogether surprising; for as Luigi Caranti has recently observed (Caranti), Kant's "Doctrine of Right" ("Rechtslehre") in his *Metaphysik der Sitten* is among the most subtle and difficult of his practical philosophic works, posing numerous textual and interpretive questions over which there is much scholarly disagreement. Among the issues raised is the relation between Kant's ethical and juridical theory, and with it, how dependent the latter theory is on "metaphysical" commitments of various kinds, from the "noumenal" character of our "humanity," to the radical autonomy, or independence of our power of choice from pathological incentives, that Kant calls a "fact of pure reason" (Kant, vol. 5, 31).

At the same time, ever since John Rawls and Robert Nozick—each from his own differing perspective—both described their influential approaches to rights as "Kantian," Kant's name has been associated with a broad spectrum of postwar liberal thought, from the social-democratic left to the libertarian right, both in the English-speaking world and beyond. That both Rawls and Nozick can claim a legitimate (if not altogether faithful) share in Kant's philosophic legacy is itself not insignificant. For if it raises a warning flag that Kant's texts may simply be too terse or ambiguous to yield a single, authoritative reading, it also suggests, on a more positive note, that his doctrines might have a happy flexibility as to application that belies their reputation for rigidity and doctrinarism.

Given current challenges to liberalism, broadly conceived—which has done so much to raise the national and international profile of "human rights," and for which there is currently no obvious substitute of equal sway—a closer look, however partial and provisional, at Kant's own doctrine of rights seems warranted. Where then to begin? Kant's fullest extended treatment of rights occurs in a work that appeared in the final years of his productive career, at a time of fraught but easing political tensions in Kant's Prussia, and with a newly installed monarch more liberal in his policies, especially with regard to academic censorship, than his immediate predecessor. Though long in the planning, the *Metaphysik der Sitten*, when it finally appeared, was not only the fruit of long meditation, but also of an atmosphere in which "republican" sentiments could be more openly expressed than previously.

That said, Kant's initial principles and premises are presented with an off-putting "abstractness" that might well deter even the most sympathetic readers. For unlike subscribers to "natural law" in the traditional sense, or earlier thinkers like Hobbes and Locke who rest their "state of nature" in empirical facts about the human condition, Kant begins with a definition of external freedom that applies not just to "human nature," or to human beings as we empirically know them, but to *all* rational beings whose "free arbitrium," or power of choice ("Willkür"), over means and ends can limit or be limited by the "Willkür" of others. And yet the promise of Kant's undertaking—namely, to derive rules of conduct and mutual obligation that are genuinely universal and objective, in part because they are seated in the phenomenology, as it were, of free choice itself—counsels patience.

What, then, does Kant mean by (free) "Willkür"? Unlike God or gods, we (along with other rational beings, if there are any such, whose powers are thus limited) cannot realize our ends without making use of means, beginning with our own vital powers, whose application always entails a cost, be it only lost opportunity. (An hour spent eating cannot be spent sleeping or running.) The means available to us include not only our vital, animal, and rational powers, but also external objects, including, in the first instance, the ground on which we stand, and extending to whatever things one might find useful, from the apple that I pluck, to the partridge I have shot, to the dog (or human being) I might induce to fetch it. What is crucial, from Kant's perspective, is that such means, if they are to count as an object of choice (rather than of idle dreaming) must be perceived as genuinely obtainable. An apple utterly beyond reach is not a true object of choice, though it might be an object of mere wishing.

The fundamental principle of “right” [“Das Recht”] (as distinguished from “rights” [“die Rechte”]) bears meaningful comparison, as Kant sees it, with the principle of action and reaction (Kant, vol. 6, 32). Just as bodies resist penetration by other bodies of their own space in accordance with the formal laws of physics, so persons rightfully exclude others from their own sphere of action (by force, if necessary) in accordance with the formal principles of justice. Three things follow:

First: the fundamental “human right” that all “acquired” rights presuppose cannot be exercised in isolation. A sole occupant, say, of a small planet, incapable of making use of means of which other juridical agents also might make use, would have no “rights” in a meaningful juridical sense (though he/she might still have self-directed ethical duties in accordance with the “rights of one’s humanity”) (Kant, vol. 6, 40).

Second: this initial right to exclude others from the use of one’s immediate powers or means (“Vermögen”), and concomitant obligation on their part, entails a reciprocal obligation on our part vis-à-vis the means of others.

Third: This right is accompanied by an authorization to use coercion, e.g., to physically exclude others from the non-consensual use of what is rightfully mine. Such resistance may take the form of merely pushing back (e.g., when a fellow passenger inadvertently falls asleep on my own shoulder) or, in cases of intentionally wrongful use, compensatory action proportional to the degree of freedom that the offender has thereby forfeited (in accordance with the principle that one should be treated by the same rule that one applies to others).

The rightful sphere of action that is more or less coterminous with our own bodily boundaries and the rational powers they harbor represents the minimum “inner property” necessary for meaningful juridical agency. And our right to such a sphere of action is ours “innately,” as Kant puts it, just because we are not only human beings (in a natural sense) but also persons of a special sort: namely invested with the end-setting powers that he identifies with (or as) our “humanity.” Our innate right thus has a double character: entailing both rights that we can forfeit (by violating the rights of others), and a fundamental right to recognition of our dignity as persons that limits what can rightfully be done to us in any case and precluding, for example, degrading punishments (such as stripes and torture) that could offend against humanity itself (Kant, vol. 6, 333).

All further rights to the exclusive use of objects (e.g., those from which one is physically separated), or to the actions of another (who has, say, contracted to perform some service) presuppose both a primary (potentially forfeitable) right to the use of one’s own bodily powers, and a primary (nonforfeitable) right to be treated as a person invested with humanity. Such further, “external property” (e.g., to exclusive possession of a piece of land extending beyond the limits of the ground one stands on) is conditional, however, on assurance that one will in turn refrain from encroaching on the rights of others, assurance one can only provide when all agree, or are otherwise compelled, to enter into what Kant calls a “juridical condition.”

The name for such a juridical condition is “the state”; and its basic purpose (along with that of “public right” more generally) is twofold: first to provide the mutual assurance necessary if (acquired) rights are to have what Kant calls “actuality” [“Wirklichkeit”], i.e., effectual existence. Absent such a public condition, one can make judgments about matters of acquired right (or what is “mine” and “yours” externally) but not rightfully enforce them without doing violence to their own right to do what “seems right and good to them” without depending in this on “the opinion of another” (Kant, vol. 6, 312). And one can defend the rights that one enjoys innately (e.g., over one’s own natural powers), and by the mere fact of being a human being, but not rightfully condemn, let alone punish, those who infringe on them.

This brings us to the second basic function of the state, and the second reason that without it right remains “unactualized”: namely, to legislate in accordance with a “general will” (at least “in the idea”) and thereby make it possible to punish offenders without doing violence, in turn, to our innate independence from being bound in such matters by another’s unilateral opinion.

The complications of Kant’s doctrine are too numerous and deep to occupy a brief essay of this sort. But enough has, I hope, been said to indicate both its potential analytic power, and its potentially fruitful applications to a variety of pressing contemporary concerns, from international relations (e.g., by rendering a “world court” with powers of enforcement doubtful, short of a world government), to domestic politics (e.g., by underlining the interdependence of individual rights and the political community that can realize these rights only by partially transcending them). In short: in contrast to both the economic libertarianism of Nozick and the welfare state egalitarianism of Rawls, a genuinely Kantian politics would acknowledge the requirements and demands of liberal peoplehood: e.g., those affective bonds, moral and otherwise, absent which no liberal state, however worthy or impressive its humanitarian principles, can long endure.

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### The Enlightenment Origins of Sexual Human Rights

Writing about human rights just as the United Nations was about to issue its “Universal Declaration of Human Rights” in 1948, Hannah Arendt observed that, for all the fuss that the inalienable rights of man caused in the eighteenth century, they quickly receded as a political topic in the nineteenth century (*Origins* 291–92). According to Samuel Moyn, just a few politically marginalized groups such as women, Jews, and enslaved peoples continued to draw on the rhetoric of the rights of man (*The Last Utopia* 32). One even more obscure social group also found the discourse of human rights important in its battles: the nineteenth-century homosexual emancipation movement in German-speaking Europe. From at least the 1830s on, these men who erotically loved other men wielded the language of “Menschenrechte” to demand rights for people who sexually desired others of their own sex. Sexual freedom was a significant consequence of the eighteenth-century declarations of the rights of man.

In his two-volume defense of male-male love, *Eros. Die Männerliebe der Griechen* (1836–38), Heinrich Hössli (1784–1864) employs the term “human rights” in the context of an argument denouncing the idea that anyone would choose male-male attraction, given that such a choice would mean losing so much, including “all external and internal human rights” (2: 228). Although Hössli does not provide a definition of “Menschenrechte,” the other social losses mentioned hint at his meaning: equal protection under the law, public recognition and respect, access to religion, and the ability to function “als Mann, als Mensch, als Gatte, als Bürger” (2: 228). It’s interesting that the word “Gatte” stands next to “Mann,” “Mensch,” and “Bürger,” as though spousal rights were in the same category as human and civil rights. Although Hössli is describing the rights that men who love women have, he is hoping for a world in which men who love men would qualify as humans, men, citizens, and spouses.

Several of Hössli’s points connect to his era’s understanding of human rights. The horrific execution by “breaking on the wheel” of François Desgouttes in 1817, for the murder

of his beloved Daniel Hemmeler, inspired him to write the book. While a man who murdered his lover might seem an unlikely poster child for sexual rights, Hösli viewed the murder as a crime of passion that deserved pity, and he considered the punishment shockingly inhumane. Breaking on the wheel was essentially a modern-day crucifixion, causing a slow and painful public death after the executioner tied the convicted man to a wheel and carefully broke the bones of his limbs. As Lynn Hunt notes (72, 74), such violent, government-sanctioned physical mistreatment offended the Enlightened bourgeois public's sense of the integrity and sanctity of the human body, resulting in bans on cruel punishments in many enumerations of rights, including the American Bill of Rights.

Hösli also devotes considerable space to documenting the persecution of witches and Jews. He had a personal connection to the plight of the witches: Anna Göldin, executed for witchcraft in 1782, had lived in the house in Glarus in which he himself was born. He writes with incandescent moral outrage about executions for witchcraft in Europe at the height of the Enlightenment. He fills his descriptions of the pogroms against the Jews with an equally moving pathos. Hösli's comparison of men who love men with witches and Jews is not only a plea for sympathy with oppressed minority groups. It also takes aim at the failure to separate church and state, which results in government entanglement in Christian religious debates on Jews, witches, and men who love men. For Hösli, sexual freedom is a subcategory of religious freedom.

Karl Heinrich Ulrichs (1825–1895), a trained lawyer, writes much more explicitly, clearly, and vividly than Hösli about the rights of what he called "urnings" (in German: "Urning," derived from the Greek Goddess Urania), people who are born with the body of one sex but the soul of another. Although most of his examples would today be called gay men or trans women, he also discusses bisexuals, lesbians, and trans men in his collected writings, *Forschungen über das Räthsel der mann männlichen Liebe*, a set of twelve pamphlets which appeared from the late 1860s to 1880.

In a pamphlet titled *Araxes* (1870), Ulrichs declares forcefully that "the urning is also a human being. He therefore has natural human rights [natürliche Menschenrechte]. His sexual orientation is justified by the power of nature. The legislator has no right to place himself above nature" (see Tobin 16, 89). Ulrichs insists on the "naturalness" of urning desire in part to push back against the charge that homosexual sex is a crime against nature. Positively, this claim also positions urning rights as natural rights, strengthening their claim to that fundamental status that makes human rights superior and anterior to mere laws.

Moreover, Ulrichs enriches his argument by using civil rights as a companion to human rights: "The urning is also a citizen of the state. Therefore he also has citizens' rights [Staatsbürgerrechte]." The distinction goes back to the title of the French Declaration of the "Rights of Man and Citizen," which alludes to one of Arendt's "perplexities" of human rights: the fact that they are supposed to be universal, but actually apply only within national frameworks. Ulrichs has clear prescriptions for how the state should enforce sexual laws, insisting that it can prohibit only the seduction of minors, violations of the rights of others (via force, threats, and the abuse of the unconscious), and public indecency. All other consensual, private sex between adults lies "outside the sphere of law."

Ulrichs's correspondent and comrade in arms, Karl-Maria Kertbeny (1824–1882), was born with the last name "Benkert" in the Habsburg Empire, but he changed his last name to "Kertbeny" to demonstrate his allegiance to the Hungarian national cause. As part of the Austro-Hungarian Compromise of 1867, the Austrian government codified certain rights (actually developed in 1848) in the Basic Law, enshrining the equality of all citizens and enumerating specific rights such as freedom of movement, religion, expression, scholarship, and teaching. After the American Bill of Rights and the French Declaration of the Rights of

Man, the Austrian articles are the third oldest catalog of rights that still has the force of law. Perhaps these Austrian debates on rights influenced Kertbeny's thoughts on sexual rights.

In any case, Kertbeny was the first person in any language to combine the prefix *homo* and the root *sex* in order to describe someone with an innate and immutable sexual desire for a member of their own sex. While the word "homosexual" quickly developed a medical connotation, Kertbeny employs it politically, in open letters to the Prussian Minister of Justice published in 1869, calling for the decriminalization of sexual acts between men. Kertbeny begins his argument with the repeated reminder that in 1789 the French Revolution "publicized human rights [Menschenrechte] as a basic doctrine." He is particularly attuned to the fourth article of the French "Declaration of the Rights of Man and Citizen," which asserts that "liberty consists in the freedom to do everything which injures no one else; hence the exercise of the natural rights of each man has no limits except those which assure to the other members of the society the enjoyment of the same rights." Kertbeny applies this argument specifically to sexuality, concluding that the modern state "has no business concerning itself with sexual questions, as long as through these the rights of others are not violated." Kertbeny situates his call for homosexual rights squarely in the Enlightenment tradition of the rights of man, insisting that the classical language of human rights curtails the power of the state and enhances sexual freedom.

The path from the eighteenth-century rights of man to modern LGBTQ+ rights is clear. Knowledge and awareness of the tradition passed from sources like Friedrich Radzuweit's *Bund für Menschenrechte (Human Rights League)*, which flourished in 1920s Germany and advocated for homosexual rights in its widely circulated *Blätter für Menschenrecht (Paper for Human Rights)*, to contemporary organizations such as the Human Rights Campaign, which began in the United States in 1980 and is now the largest LGBTQ+ rights organization in the world. While sexual freedom has been a consequence of the eighteenth-century declarations of the rights of man from the beginning, the original interpretations of those rights are not always intuitive today. Hössli emphasizes the integrity of the body and freedom of religion, for witches as well as Jews. Ulrichs focuses on human rights as natural rights, with an accompanying set of civil rights that criminalize only sex with minors and others who cannot grant consent, as well as offenses to public decency. Kertbeny roots his claims for sexual rights in the tradition of the French Revolution, specifically calling for a limited government that only curtails rights if the exercise of those rights restricts the rights of others. These classical rights are important and valuable, but they have a history of primarily benefiting empowered and enfranchised men. While the connection between the eighteenth-century rights of man and modern LGBTQ+ rights is worth celebrating, it can only serve as the beginning of a discussion, which must continue to improve and develop on this legacy, making sure it includes women, people of color, and the poor.

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### Out of Time: Thinking Human Rights before Human Rights

When is, or was, human rights? This question evokes the paradox of writing about human rights as history in a colonized space, before "human rights" was a widely used concept.

Human rights discourses had existed since the late eighteenth century. But in the late nineteenth century, when Germany colonized four territories in Africa, such concepts had little tangible effect on the colonizers' treatment of African peoples living under their governance. For Africans and others in the Global South, when is, or was, human rights? And when colonial domination and military occupation are the foundational governing principles, what are human rights? Who identifies them as such, and who acts to protect them?

Between the 1880s and 1918, German colonial officials and military officers were in fact frequently engaged in genocidal violence and other systematic abuses against African peoples. Half a century before the crimes of the Third Reich created the conditions for a new vocabulary of human rights, Africans living under German colonial rule had already exposed, through word and action, the extensive harm German rule had caused African societies. I focus here on German East Africa (today, Tanzania) as a site where Africans expressed visions of repair and recovery that presaged later post-1948 human rights discourses. Yet African expressions of their desire for sovereignty fell outside of German comprehension. This was because colonial officials denied Africans' coeval existence. Rather, they viewed them as outside of humanity, and thus also outside of time.

In German East Africa, there was no time for human rights. Tanzanians labored in chains, languished in confinement, and experienced brutal corporal punishments, such as floggings. The German colonial army (the so-called *Schutztruppe*) waged war against peoples who resisted, killing indiscriminately, seizing people for involuntary labor, destroying homesteads and villages, and stealing livestock and other goods and supplies. Even accounting for missionaries and others who sometimes intervened to soften some of the worst effects of colonial violence, colonizers did not prioritize the protection of African lives (Götzen 236). Given colonialism's essence, it could hardly have been otherwise (Césaire 42–43).

Centering the perspectives of indigenous African peoples living with, or fighting against, German colonialism in East Africa across its multiple registers of racism, paternalism, expropriation, and violence, provides the temporal grounding that allows us to see how Africans articulated their own visions for a different world. Attuned to these assertions of alternate futures, we can read the available historical evidence as a critique of German governance and labor extraction methods. We can also use it to critique "human rights" as a free-floating, timeless signifier (Mutua and Anghie 33).

The Maji Maji War, fought in German East Africa from 1905 to 1907, is a rich historical example that provides such evidence. A key figure in Maji Maji narratives was Kinjikitile, a man described as a prophet, leader, preacher, or teacher. Claiming to have been possessed by a powerful river spirit, Kinjikitile began attracting crowds who came to witness his ritual practice at a shrine in Ngarambe. His message of hope and resistance against the Germans resonated amongst disaffected peasants, who were fed up with the Germans' labor demands, widely viewed as illegitimate and harsh. Rumors spread that Kinjikitile possessed efficacious medicine that would do wondrous things for those who partook. It promised to

[...] confer prosperity and health, [...] protect them from famine and sickness, and would especially protect the fields against devastation by wild pigs. It guaranteed a good harvest, so that in the future people would no more need to perform wage labour for foreigners in order to obtain accustomed luxuries (cloth, beads, etc.). Finally, [...] the medicine would also give invulnerability, acting in such a way that enemy bullets would fall from their targets like raindrops from a greased body. It would strengthen women and children for the flight customary in wartime, with the associated hardships and privations, and protect them from being seized by the victorious attackers, who were accustomed to take women and children with them as booty. (Gwassa and Iliffe 10)



Kinjikitile distributed the *maji* (Kiswahili: water) to large crowds at Ngarambe, drawing attention from nervous colonial authorities who ultimately decided to arrest him, along with several other “magicians” in the area. Nonetheless, reports of Kinjikitile’s vision and medicine spread through the region by word of mouth, and through the work of messengers he appointed. These messengers, called *hongo*, transported the medicine and Kinjikitile’s teachings to new recipients far and wide. As the medicine and the message spread from its origins, it took on local relevance in each new space where people encountered the *maji*. The future-oriented, even millenarian time embodied in the *maji* as healing and protective medicine conveyed revolutionary potential to right the wrongs of colonialism.

Historians have argued for decentering Kinjikitile in Maji Maji’s history, pointing to the widespread presence of *maji* rituals that predated Kinjikitile’s medicine, often administered by women (Wright 138). Within regional idioms of health and healing, *maji* also conveyed narrative content, functioning “as a set of ideas that came to be mobilized within and among societies in southern Tanzania” (Monson 48). Kinjikitile was just one of many purveyors of a wider set of ritual practices and narrative strategies that expressed compelling political and religious possibilities. Outrage against colonial affronts and expressions of sovereignty in the face of unstoppable German encroachment were among them (Wright 138–39).

Shortly after Kinjikitile’s arrest in July 1905, anti-colonial military attacks by Maji Maji fighters ignited the war, forcing German officials to reckon with the medicine’s millenarian message. Surprised by what appeared to be coordinated strikes against colonial facilities and representatives, colonial governor Graf von Götzen brought in military reinforcements from Germany. Once they arrived, the *Schutztruppe* launched a ruthless counterinsurgency. By 1907, the *Schutztruppe* had defeated most armed contingents. A scorched earth campaign denied succor or sustenance to combatants, laying waste to vast swaths of southern Tanzania (Götzen 247–48). This way of war also ensured terrible suffering for non-combatants, when famine took hold. Some 300,000 Tanzanians died in the war and its aftermath.

Detailed descriptions of counterinsurgency operations against Maji Maji combatants and noncombatants attest to the extreme violence of the war, and to the *Schutztruppe*’s fixation on placing their opponents outside of coeval time. International law, rules of war, or any other norms that might have brought consideration of human dignity, if not rights, did not enter into their frame. Neither the Geneva Convention of 1864 nor Hague Convention of 1899 featured in their war diaries or reports. Rules of war, such as they were, did not apply in colonized spaces (Hull 131–32). Missionaries and colonial administrators who might have preferred less violence nonetheless rarely exerted enough influence to meaningfully challenge “military necessity” in ways that might have better protected Black lives (Hull 123–24). Instead, colonial sources demonstrate that officers acted in precisely the opposite direction. They described their African opponents as “barbarians.” They stalked unsuspecting Africans to their villages and ambushed them. They embraced the scorched tactics that destroyed African communities and prevented their recovery after fighting ended. After the war, *Schutztruppe* officers, missionaries, colonial administrators, and scholars documented the devastation. They imagined ways to transform the colony into a space where “scientific colonialism” would prevent similar rebellions in the future.

Ordinary Tanzanians who lived through Maji Maji recalled it as a period of unthinkable suffering. Oral histories collected in the 1960s note with chilling unanimity the *Schutztruppe*’s depredations against them between 1905 and 1907. These testimonies also reached into a deeper past of German abuses by the *Schutztruppe*’s African soldiers (*askari*). Mzee Mikaeli Mguye, a young family man during Maji Maji, recalled, “when the Germans came, slavery had gone, but the black man was treated in the same way as the slave had

been treated.” The Germans arbitrarily “caught” people to work in cotton and coconut fields, for “little pay, while our children starved for hunger.” For this reason, he explained, “It was no wonder [...] that the blackmen rose against the Germans, though they knew that the Europeans were strong in arms.” He concluded his short interview by contrasting his life in independent, decolonized Tanzania with his life under German rule: “But we are very happy now that all these hardships are gone. We now live like men with dignity. Some people say that these are difficult days. These difficulties cannot be compared with those we saw during our youth” (MMRP 2/68/2/3/15).

As an elderly man in 1968, Mzee Mguye likely knew the language of post-1948 human rights. As a citizen of newly independent Tanzania, perhaps he had heard or read the words of President Julius Nyerere, whose aspirations to create conditions of human dignity for all Tanzanians infused his speeches. His 1967 Arusha Declaration echoed many of the ideals expressed in the Universal Declaration of Human Rights. Along with projects for improving Tanzanian lives, the Arusha Declaration also announced plans for the disastrous villagization project known as *Ujamaa*. Mzee Mguye noted in his interview that during German rule, “only the Christian missionaries showed signs of good treatment to the Africans.” Situated in the new decolonial human rights discourse of 1968 Tanzania, Mzee Mguye’s reference back to missionaries as the agents of “good treatment” during Maji Maji again raises questions of the temporality of human rights.

“Human rights,” then, is at best a lens that magnifies conditions of life under colonialism. In Germany, parliamentarians from across the political spectrum debated the rectitude of the genocidal violence unfolding in German Southwest Africa (Namibia) as it was happening (1904–1907). It was clear that Ovaherero and Namaqua in Southwest Africa were being violated in innumerable ways. But the parliamentary debates ignored the moral question of German soldiers committing genocidal violence. Rather, they revealed the extent to which German men from across the political spectrum denied that Ovaherero and Namaqua peoples even belonged to humanity (Smith 111–16; Azoulay 449, 460). Within this paradigm, African peoples were outside of time, outside of “civilization.” Violence perpetrated against them by European armies and agents was, by their logic, a tool to nudge survivors towards civilization (Azoulay 364).

When was human rights? Each time colonized people asserted or defended sovereignty in the face of repetitive, sustained assault from German colonial agents and soldiers, they also articulated a version of human rights that Ariella Aïsha Azoulay describes as “worldly sovereignty.” She locates worldly sovereignty in “knowledge of the land, assiduously transmitted across generations,” which has the powerful effect of limiting “imperial sovereignty—the commanding power of growth for growth’s sake” (Azoulay 388–89). These assertions and defenses included everyday small refusals, mass armed resistance to colonial demands and encroachments, and many actions in between (Simpson 11, 33). And perhaps most importantly when considering the temporality of human rights, assertions of sovereignty were also about naming inhuman German colonial practices that violated them, their families, their communities, their lands, their beliefs and cosmologies, their potential. They sought repair, return, and recovery against German colonizers’ efforts “to make their dispossession a matter of fact and its origins obscure” (Azoulay 449).

To resist this dispossession, Tanzanians asserted their humanity on their own terms, and on their own time. Their assertions of sovereignty, as expressed through the *maji*, threatened the core of Germany’s colonial ambitions. Refusing exclusionary German notions of humanity, and referring back to widespread and longstanding ritual complexes that prioritized the health of the land and community, they responded to the political ex-

igencies of 1905 with future-oriented urgency and creativity (Samudzi 30, 32). They did not require an outside discourse of human rights to move towards recovery of land-based sovereignty that defied German colonial imperatives and the cruelties infusing them. In German East Africa, European human rights discourses fixed Africans in the past, out of time. African dreams of sovereignty drew on the dynamic past and ties to the land, and at the same time fully expressed the potential for human rights in the present and future.

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### Hermann Broch und die Menschenrechte

Wie viele Schriftsteller seiner Generation hat Broch sich als zeitkritischer Essayist zu Wort gemeldet und wie wenige seiner Kollegen hat er das Thema der „Human Rights“ ins Zentrum seiner politischen Überlegungen gerückt. Die menschenrechtlichen Reflexionen durchziehen von Mitte der 1930er Jahre bis zu seinem Tod im Jahr 1951 seine Stellungnahmen zu einschneidenden historischen Ereignissen wie der Verfolgung von Minoritäten und politischen Gegnern in den Diktaturen, besonders durch das nationalsozialistische Deutschland; wie dem Ende des Krieges mit der Gründung der *Vereinten Nationen* (UNO) 1945 und dem bald darauf folgenden Kalten Krieg.

Hier seien drei Haupttexte aus diesem Diskussionszusammenhang vorgestellt: Erstens Hermann Brochs „Völkerbund-Resolution“ von 1936/37 als reflektierte Abrechnung mit den Menschenrechtsverstößen in den totalitären Staaten. Zweitens der Aufsatz über eine „International Bill of Rights“ von 1945/46, der inspiriert wurde durch die zu diesem Zeitpunkt zu erwartende Formulierung der „Universal Declaration of Human Rights“. Drittens der Essay „Trotzdem: Humane Politik“ von 1949: eine Antwort auf die Frage, welche Rolle die Menschenrechte im Kalten Krieg spielen sollten. Dieser letzte Aufsatz erschien 1950 in der *Neuen Rundschau*, die beiden anderen Studien zirkulierten zu ihrer Zeit unter einer Reihe von gleichgesinnten oder sympathisierenden Autor\*innen und Wissenschaftler\*innen, wurden aber erst zwanzig Jahre nach dem Tod des Autors allgemein zugänglich.

Erstens: Im Mittelpunkt der „Völkerbund-Resolution“ stehen die Themen der verletzten „Menschenwürde“ und der außer Kraft gesetzten „Menschenrechte“. Broch versteht die Verteidigung des „Menschenrechts“ auf individueller wie kollektiver Ebene als „Menschenpflicht“ (219). Er nennt in der Resolution keine einzelne Nation beim Namen, doch unterscheidet er klar zwischen demokratischen und totalitären Staaten. Als unabhängiger Kritiker greift er die tyrannische politische Praxis linker und rechter Provenienz an. In der Sowjetunion hatten 1936 die Stalinschen Schauprozesse begonnen, und wenige Monate zuvor waren in Deutschland Hitlers Nürnberger Rassengesetze kodifiziert worden. Nach den Statuten des Völkerbundes wollte dieser eine den Frieden der Welt bewahrende Institution sein. Broch macht klar, dass dieser Friede nur zu sichern sei, wenn der Völkerbund sich zu einem „gemeinsamen Ethos der Welt“ (202) bekenne. Das Zentrum dieses Ethos müsse die Verhinderung „jeder Majorisierung und Verknechtung von Menschen“ (202) ausmachen. Toleriere der Völkerbund weiterhin die in den Diktaturen innen- wie außenpolitisch dominierende Praxis der „Verknechtung“, so werde er seiner Friedensfunktion nicht gerecht. Ein Staat, dessen Politik auf Unterwerfung von Bürgern im eigenen Land oder von Nachbarvölkern abziele, verliere jene „Paktfähigkeit“ (199), die die Voraussetzung

der Mitgliedschaft im Bund sei. Die Aufgabe der Kriegsverhinderung verlange, dass der Völkerbund nach Wegen suche, die Entrechtung von Menschen, die sich keines Deliktes schuldig gemacht haben, zu verhindern. Die Präambel der Satzung des Völkerbundes von 1920 spricht davon, den „internationalen Frieden“ auf der Basis von „Gerechtigkeit und Ehre“ zu schützen. Broch verdeutlicht, dass das „gemeinsame Ethos der Welt“ eine spezifischere Fundierung benötigt. Statt von „Gerechtigkeit“ spricht er von „Menschenrecht“, statt von „Ehre“ von „Menschenwürde“. „Menschenwürde“ verweist nach Broch auf eine dem „Menschen eingeborene ethische Absolutheit“ (199), wohingegen der Begriff der „Ehre“ national, kulturell, juristisch, sozial, geschlechtlich wie generationsmäßig relativ ist. Nur von einem allgemeingültigen „Menschenrecht“ aus, das auf der Anerkennung der als absolut verstandenen Menschenwürde basiere, könne man gegen die rassistisch und ideologisch motivierte Entrechtung, Verfolgung, Versklavung und Vernichtung von Minoritäten und politischen Gegnern vorgehen. In diesem Sinne umschrieb Broch die Absicht seiner Resolution damit, dass der Völkerbund „eine Deklaration zum Schutze der allenthalben vergewaltigten Menschenwürde“ erlassen solle (159). Es war in den 1930er Jahren noch nicht üblich, den unerlässlichen Konnex zwischen Menschenrecht und Menschenwürde zu betonen. Heute argumentieren Hans Jörg Sandkühler und Jürgen Habermas ähnlich.

Zweitens: Zehn Jahre später ging es erneut um die Deklaration bei einer Friedensorganisation. Broch lebte bereits seit sieben Jahren im amerikanischen Exil, als 1945 die UNO in San Francisco gegründet wurde. Damals wurde Anna Eleanor Roosevelt gebeten, ein Komitee zur Formulierung der „Universal Declaration of Human Rights“ zu leiten. Das war im Sinne Brochs, hatte er es doch als fatales Manko des Völkerbundes beklagt, dass die menschenrechtliche Verankerung fehle. Aber Broch war selbstkritisch-skeptisch gegenüber der eigenen Resolution von 1936/37 gewesen, weil er vom Völkerbund nicht mehr als eine „Deklaration“ erwarten konnte: Dem Bund fehlte wegen der nationalen Souveränität der einzelnen Mitgliedstaaten die strafrechtliche Handhabe gegen „legalisiertes Unrecht“ (200). Sollte sich das in der UNO wiederholen? Das ist das Hauptthema in Brochs Studie über die „International Bill of Rights“ von 1945/46. Broch lobt die Anerkennung von „Menschenfreiheit und Menschenwürde“ als „oberstes Gut“ der neuen „Weltorganisation“ (243). Er erkennt hier einen Einfluss der 1940 von Roosevelt verkündeten „Four Freedoms“, den „freedoms of speech and worship“ sowie den „freedoms from want and fear“. Er kommt gleich auf das Problem des „Nichteinmischungsprinzips“ zu sprechen, das in der UNO gelte: Auch hier sei kein „Enforcement“ erlaubt, wenn ein Mitgliedsstaat die „Bestimmungen der ‚Bill of Rights‘ nicht einhalten“ wolle (243). Broch hält die „Souveränitätsbedenken“ der Einzelstaaten durchaus für „legitim“ und möchte nur „seltene Ausnahmefälle“ (245) anerkennen, in denen der UNO das Recht zum Eingriff in innere Belange der Mitgliedsländer zustehe. Nur wenn – wie in den 1930er und 1940er Jahren – Staaten gegen Menschenrecht und Menschenwürde von einzelnen, von Gruppen oder Nationen verstoßen, müsste es die Möglichkeit geben, bei einem internationalen Gerichtshof, der der UNO anzugliedern sei, Klage gegen die verantwortlichen Politiker zu erheben. Damit diese Möglichkeit nicht dem Missbrauch ausgesetzt werde, sollte man bei der Arbeit an der „Universal Declaration of Human Rights“ ein „Gesetz zum Schutz der Menschenwürde“ vorsehen, das präzisiert, wann der begründete Fall zur Klage vorliege. Broch hatte seit 1939 wiederholt selbst an diesem Gesetz gearbeitet, und in der hier behandelten Studie wird es in allen Einzelheiten diskutiert. Den Mitgliedsländern sei klar zu machen, dass es nicht nur Rechte, sondern auch Pflichten, nicht nur eine vorhandene „Bill of Rights“ gebe, sondern auch eine noch zu schaffende „Bill of Duties“ geben sollte. So schlägt er vor, das „Gesetz zum Schutz der Menschenwürde“ zum Kernstück einer künftigen „Bill of Re-

sponsibilities“ (264) zu machen. Die Idee einer Verbindung von „human rights and human obligations“ wurde zur gleichen Zeit vertreten von einem prominenten Menschenrechtstheoretiker der 1940er Jahre: Jacques Maritain, mit dem Broch bereits 1937 über seine „Völkerbund-Resolution“ korrespondiert hatte. Um einen Eindruck von Brochs „Gesetz zum Schutz der Menschenwürde“ zu vermitteln, sei daraus zitiert:

Wer in Wort oder Schrift oder tätlich oder sonstwie die moralische Gleichheit der Menschen (Bürger und Nicht-Bürger) angreift, also den Versuch unternimmt, eine nicht durch strafgesetzliche, sondern bloß durch biologische oder religiöse oder sonstwie gesinnungsmäßige Kriterien definierte Gruppe von Personen, sei es kollektiv, sei es individuell verächtlich zu machen [...] oder sonstwie dem Haß der Mitbürger auszusetzen, oder diese zu solchem Haß aufzufordern, der macht sich [...] des Verbrechens gegen die Menschenwürde schuldig und soll [...] bestraft werden. (262)

Mit diesem „Gesetz zum Schutz der Menschenwürde“ wollte sich Broch gegen das wenden, was heute unter „hate speech“ zusammengefasst wird. Seine Forderung gerät aber in Konflikt mit der Garantie der freien Meinungsäußerung im „First Amendment“ der U.S.-Verfassung, ein Amendment, das ja wenige Jahre zuvor durch Roosevelts „Four Freedoms“ (siehe „Freedom of Speech“) bekräftigt worden war. Nach wie vor gilt „hate speech“ in den USA nicht zu den anerkannten Ausnahmen des „First Amendment“. Allerdings kann seit der zweiten Hälfte des 20. Jahrhunderts der Schutz durch das „First Amendment“ fortfallen, wenn es um Verleumdung („libel and slander“) geht. Dazu haben solche „Anti-defamation“-Vorschläge wie die von Broch beigetragen. Brochs Forderung nach einem internationalen Gericht, das sich mit Vergehen gegen die Menschenrechte beschäftigt, erwies sich als realitätstüchtig: es existiert seit 2002 in Den Haag. Weitsichtigkeit kann man den Vorschlägen von Broch aus den Jahren 1945/46, die er damals an Eleanor Roosevelt schickte, nicht absprechen. Die „Universal Declaration of Human Rights“ vom Dezember 1948 blieb eine Erklärung ohne Möglichkeiten eines „enforcements“. Samantha Power und Graham Allison haben zum 50. Geburtstag dieser Deklaration festgestellt, dass die dreißig Grundrechtsartikel eine Meisterleistung waren und dass die Ergänzung durch Strafgerichtsverfahren in ihrer Logik und Zielsetzung lag.

Drittens: Broch diskutierte in seinem Beitrag „Trotzdem: Humane Politik“ von 1949 Aspekte des Kalten Krieges. Der „Anti-Totalitarismus der Demokratie“ gebe den Westmächten die Chance, die Menschenrechte der Sowjetideologie entgegenzusetzen. Broch wiederholte, dass das Verbot der „Versklavung“ gleichsam das „irdisch Absolute“ ausmache, an dem „die Menschenrechte sich fundieren“ (376). Die amerikanische Unabhängigkeitserklärung von Jefferson, die Abschaffung der Sklaverei durch Lincoln und das Bekenntnis zu den „Four Freedoms“ von Roosevelt könnten die demokratische Traditionslinie abgeben für eine „an den Menschenrechten orientierte Politik“ (377) des Westens. Eine solche Politik sei nicht nur angemessen in der Auseinandersetzung mit den Diktaturen, sondern könne auch innenpolitisch die Demokratien bewahren vor dem „Wirtschaftstotalitarismus, der im Kapitalismus versteckt“ sei und gleichsam „stets fascistisch ausbruchsbereit unter der Oberfläche“ schwele (380). Zudem schlug er vor, eine internationale Humanitätspartei (386) zu gründen, die sich die Aufdeckung von Vergehen gegen die Menschenrechte zum Ziel setze. Die wurde zwar nicht als Partei, aber doch als auf Mitgliedschaft beruhende Organisation ein Jahrzehnt später mit *Amnesty International* begründet.

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### Adrienne Rich's Time: Poetry as Human Rights History

Who writes human rights history? The question might seem too obvious to elicit an interesting answer. Over the last two decades or so the task has fallen, predictably, to professional historians. Before that, insofar as human rights were seen as a historically variable concept, it was written by institutional insiders, often as a form of commemorating, rather than historicizing, the term.

In developing the boundaries of human rights history, scholars have turned to institutional and national archives, legal scholarship, individual activists and non-state actors, visual media and, in some cases, literary texts. The most influential use of literature to do human rights history is perhaps Lynn Hunt's argument that eighteenth-century epistolary novels induced new forms of emotional response making possible and self-evident claims for universal rights (39–41, 48). In turn, the vast library of works on literature and human rights that exists today has generally been content with situating literature as part of a history written by professional historians, or, in the most important cases, as a generative force in developing the condition of intelligibility for what human rights are, as in Joseph Slaughter's work on the *bildungsroman* and international law.

Yet what remains absent from the field of human rights history, literary or otherwise, is an interest in the ways in which writers of literature are not only subjects of this history but also develop forms of human rights history in their work. Could it be that literary texts, and the particular means by which they narrate, condense, distend, and otherwise transmit the past, represent their own tradition of human rights history? If these histories go unrecognized, it is most likely for reasons of professional or disciplinary gatekeeping.

Over the last decade, such gatekeeping has intensified, as an emergent orthodoxy in the field has moved the timeframe for writing legitimate human rights history ever closer to the present. Indeed, shifting the line forward, Samuel Moyn argues, might be the "last interesting move available in the game of human rights history, at least until the rules are changed in ways no one currently anticipates" ("The End of Human Rights History" 308). Writers of literature tend to ride roughshod over the rules of professional historiography, revel in anachronism, and use form and language to make events a hundred or five hundred years ago appear in startling proximity. Consequently, they will probably appear as marauders in the neatly kept house of hard chronology and tightly synchronic argumentation built by historians of human rights. Yet, given the chance, they might also help "change the rules" of human rights history by widening the ambit of legitimate historical work, and by focusing attention more closely on the way history is experienced on a phenomenological and subjective level, engendering a belief in and understanding of the variable concept that is human rights.

To this end, we want here to offer a quick and pointed assessment of the American poet Adrienne Rich (1929–2012). Rich's personal and intellectual relationship to twentieth-century German history is well-known. Beginning in the late 1970s the poet began revising her vision of the Holocaust and her own Jewishness and connecting them to contemporary political violence across the postcolonial world and especially in the United States. Departing from the identity politics of her earlier work, Rich's poetry of the 1980s became increasingly multidirectional, moving fluidly between Holocaust memory and what she called

“the recognition of simultaneous oppressions” in South Africa, El Salvador, Guatemala, and Chile (“Notes towards a Politics of Location” 227). Through her critical engagement with Western feminism, Rich proposed that ignorance of the activism of women of color was itself the result of a desire to “stop [...] time in its tracks” (“Notes towards a Politics of Location” 227), which immobilized certain cultural references into universals. Rich, in other words, is inarguably *part* of the history of human rights and, already, of its questioning. But does her poetry mark a form of human rights history? It’s Rich’s particular way of writing about and situating herself in relation to the Holocaust and early twentieth-century politics, and of situating these histories in the context of what, over the last decade or so, has come to be identified as human rights history, that we will briefly consider here.

In her well-known poem “North American Time” (1983) Rich provides an abbreviated history of twentieth-century political violence that compels here to accept a newfound feeling of global responsibility:

Poet, sister: words –  
 whether we like it or not –  
 stand in a time of their own.  
 no use protesting I wrote that  
 before Kollontai was exiled  
 Rosa Luxembourg, Malcolm,  
 Anna Mae Aquash, murdered,  
 before Treblinka, Birkenau,  
 Hiroshima, before Sharpeville,  
 Biafra, Bangla Desh, Boston,  
 Atlanta, Soweto, Beirut, Assam  
 – those faces, names of places  
 sheared from the almanac  
 of North American time (*Your Native Land* 33)

If this list of places and names seems unremarkable today, it’s because we now have the ready-to-hand term of human rights, which permits us to follow Rich across the chain of associations. At the time of writing, though, this stanza was exploratory—it was tying together events that had heretofore lacked a shared substrate and temporality. Rich was both scripting her own continuum of history and giving this history an organizing logic.

Yet the logic that threads these events together in the stanza rests on a willful and strange anachronism. How can the poet, born only in 1929, have issued a warning “*before*” Alexandra Kollontai “was exiled” from Russia (in 1908) and *before* the violations associated with the names of places she lists? Here, the Holocaust becomes especially important. For Rich might simply be admitting her lack of knowledge of these places just as she confesses to having been an American girl in 1943, “ignorantly Jewish” while telegrams announced the so-called “Final Solution” to the State Department.

Girl between home and school      what is that girl  
 swinging her plaid linen bookbag      what’s an American girl  
 in wartime      her permed friz of hair  
 her glasses for school and movies  
 between school and home      ignorantly Jewish (*Atlas* 44)

Here, we witness Rich discovering the memories that obscured what “Eastern War Time” (1989–90) implies she should have known: “this is what our parents were trying to spare

us" (*Atlas* 46). Now, from the retrospective vantage of the 1980s, her own failure to protest human rights violations in the past fuels a reexamination of the Holocaust in light of contemporary violence, and of contemporary violence in light of the Holocaust. The failure to witness the catastrophe of the 1940s obliges her to "become responsible" for everything that happened before and after, and especially the actions by postwar American governments that were justified in the name of the catastrophe. "You have to know these things," announces "North American Time," meaning Treblinka and Birkenau at just a line break's remove from Hiroshima, Atlanta, and Beirut. However, "to know these things" might mean knowing them *together*, in a burst of mutual inflection, or a moment of "weak messianic power," in Walter Benjamin's terms, which itself constitutes one way that *history appears* and is made available to a single historical actor in the formation of their consciousness of human rights, past and present.

From the perspective of the regnant school of human rights history, Rich's poem might incur criticism for its infraction of historiography—an infraction that needs to be taken seriously if we are to give Rich the benefit of the doubt as doing some form of human rights history herself. At first glance, Rich seems here to be developing a history of continuity: as if Dachau, Hiroshima, Biafra, and Soweto, were all of a piece and deserving of the same kind of action and sense of responsibility, regardless of their deep structural differences. This has the effect of disambiguating distinct events in the past in the service of a unified moral and political project in the present.

Yet, a reading of Rich as constructing a coherent and seamless historical "continuity" would be unfaithful to the poem. The catalogue of historical violence cited above is paratactically and loosely conjoined in a way that suggests that it will continue to grow, with no single event marking a beginning or end point, foreclosing the possibility of either flawless continuity or total rupture with the past. Moreover, if there is a version of historiography in the poem, it takes the form of a series of déjà-vu moments, a palimpsestic overlaying of the Holocaust with snapshots of migrants, Algerians, "the landless," and women in Mississippi, Tel Aviv, and Ramallah. Rich knows that memory alone cannot be counted on for moral decisions:

[...] Memory speaks:  
 You cannot live on me alone  
 you cannot live without me  
 I'm nothing if I'm just a roll of film  
 stills from a vanished world  
 fixed lightstreaked mute  
 left for another generation's  
 restoration and framing            I can't be restored or framed  
 I can't be still                            I'm here  
 in your mirror                            pressed leg to leg beside you  
 intrusive inappropriate bitter flashing (*Atlas* 43).

Nevertheless, the way that history appears to the individual in moments of political awakening and durable shifts of preceptive can be precisely "intrusive inappropriate bitter flashing."

In Rich's poem, disparate historical events are made equally available in the formation of human rights consciousness in the present of a speaking "I," an individual positioned in space and time. Yet this comes at the loss of a certain kind of differentiation that historians see as necessary to understanding what human rights are in the present. Rather than seeing the two ways of using history as opposed, it's equally valid to understand them as two parallel forms of historical labor, one no more valid than the other, and both equally illuminating.



The time of Rich's poetry is anachronistic. This is why the speaker of "North American Time" claims her writing to come "before" Alexandra Kollontai's exile and the killings of Rosa Luxemburg, Malcolm X, and Anna Mae Aquash: not only because a young Rich was unaware of history but because the pastness of the past is an effect of words that may either animate its potential or "pretend [...] time does not exist" ("North American Time"). The cost of American innocence is clear to the poetic I: "those faces, names of places / sheared from the almanac / of North American time" are not simply missing; their absence is "the context [...] never given" and the reason why change is slow to come. The difference between Rich's "undifferentiated" historicizing of violences past and present and current human rights history may thus lie in the poet's refusal to position the speaker at the receiving end of history.

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### Flaming Letters in the Sky of Europe

At the International Military Tribunal at Nuremberg in 1945–46, many invocations of "human rights" were made by defense attorneys for National Socialist defendants rather than by Allied prosecutors. Many insisted that indictment for acts that were not crimes at the time of their commission was a violation of some of the most basic human rights. But surely the most remarkable invocation of the concept came from Dr. Kurt Kauffmann, the defense attorney for Ernst Kaltenbrunner, Schutzstaffel leader and Holocaust perpetrator, who stood accused of crimes against humanity.

Kauffmann intervened after French prosecutor François de Menthon, the main spokesman about the nature of those novel crimes, had expatiated a bit about metaphysics and religion. Kauffmann replied that it made little sense to try one man for the death of God in Europe—and the rise of human rights was part of that story, not an alternative to it: "The question should impose itself upon every thinking person," he reflected, "why from the turn of the nineteenth century until the present such catastrophes of humanity have occurred [...]. Two world wars, with revolutions in their wake, are never an accidental development but rather a predetermined evolution of the human race founded on some intellectual-religious error." This error, in Kauffmann's opinion, was secularism, from which human rights are inseparable: "Coming from England, rationalism found its way to France and on arrival there changed its physiognomy. [...] No sooner had rationalism become the state religion of France, when the French Revolution burst into flames and wrote the idea of the emancipated human rights with flaming letters into the sky of Europe." Kauffmann concluded: "There will be no more hope for a society which has exchanged the stern cult of Christian quest of truth for the idolatry of reason. After the sophisms come the revolutions, and behind the sophist walk the executioners" (*Trial of the Major War Criminals*, vol. 18, 47–48).

Kauffmann was repeatedly cautioned by the court president that he might want to abbreviate his world historical speculation in order to do his job of defending his client—who had already confessed. But it is an astounding soliloquy to find in the usually dry transcript. And it was more than the somewhat irrelevant tangent on behalf of a perpetrator of genocide, for this sort of narrative was commonplace in postwar West Germany—much more so than consciousness of or concern about Jewish victimhood during World War Two were.

For years, as Lora Wildenthal has shown, human rights were as apt to be deployed by right-wingers as anyone else, including the lobby for *Heimatvertriebene* or expellees from the east. (Their 1950 charter started out from “the right to our native land” as “one of the basic rights of man, granted him by God.”) Human rights, canonized by the United Nations, were treated by right-wing and even center-right West Germans as uncomfortably bound up with the root causes of Germany’s catastrophe—and also the root causes of the communist scourge in the east that World War Two had allowed to penetrate far into the old heartlands of “the West” (*Abendland*).

Human rights were dangerous, the leading West German historian Gerhard Ritter—a conservative who during the Nazi years had eventually become a member of the Freiburg resistance—insisted in a 1947 essay on the subject. If they protected the religious sources of Western civilization in its new struggle against the Eastern barbarity of communism, human rights were defensible. But no one should ever forget that, with their close associations to the French Revolution in modern history, they were also secularist poison, and a stepping stone to terror. Of course, West Germans canonized “human dignity” in the Bavarian constitution of 1946 and the federal Basic Law of 1949. But as much conservative discourse in the era proves, it was for the sake of emphasizing that there were constraints on rights, given their riskiness, and not only on states. Insofar as the purpose of rights was to place limitations on states, many insisted that it was for the sake of moral community, rather than personal emancipation. After all, the consequences of the French Revolution had proved horrifying, and the Soviet Union claimed its legacy more than Western states opposed to communism.

Ideas like these remind us that there was little public connection yet, for years or even decades after World War Two, between human rights on the one hand and genocide and the Holocaust on the other. Those in Germany and elsewhere who made appeals to the first did not orient themselves towards or much talk about the second; those few who oriented themselves towards and talked about the second only rarely committed themselves to the promotion of the first.

We could look back and congratulate ourselves for abandoning such a situation, as part of the moral education and “recivilization” with which Holocaust memory in later decades is said to have been bound up. And to some extent we should. We could look back and congratulate ourselves for understanding that the main reason to be concerned about human rights, and to promote them, is the threat of genocide, with the Holocaust as its exemplary instance. But doing so might obscure how much we have inherited from the very ancestors after World War Two who failed to make these equations—and how much more we have to learn.

Consider two shortcomings that we might worry about, in spite of moral education. The first goes to continuity with our ancestors, and the second involves a mistake all our own.

Those who didn’t consistently center human rights after World War Two in West Germany and western democracies in general but did give the Holocaust and ethnic and racial victimhood greatest credence for a long time tended to be Socialist. They avoided the language for numerous reasons, chief among them an inherited skepticism for it dating all the way back to Karl Marx’s youthful writings, and the emerging lesson that a language for anticommunism abroad could easily mean antisocialism at home.

Socialists did not set the political terms for our own time; instead, it has been the Center Right that won in so many countries, and in a global setting. Indeed, the fusion between economic liberalism and social conservatism that West Germans may have pioneered most clearly after World War Two has profoundly defined the politics of many countries since, and the United States not least. Even when it sometimes came to power, the Center Left in the Cold War and even after frequently took lessons from the Center Right.

As a result, the human rights that frequently began as part of an anticommunist language, as Westerners used it after 1945, survived through the decades after World War Two as socialist possibilities were slowly blunted and contained. The victory of the language of human rights in a newly articulated cosmopolitanism after the 1970s, and especially 1989, which allowed identification with foreign victims and even intervention abroad, coincided with the institutionalization of economic neoliberalism. There are no simple answers for why these correlations obtained. But if we bracket them in order to celebrate moral learning we do not even try to develop more sophisticated explanations for why things turned out as they did. And congratulating ourselves for transcending the moral blindness of our right-wing ancestors obscures how successful they were in making our world.

And the new relationship that, over the decades, we established between human rights and genocide consciousness was not costless either. Arguably, what made the link possible was not the catastrophic German past stigmatized after 1945 but the present of decolonization that so many Westerners experienced in the 1960s and 1970s. Obscuring that it was Westerners themselves—including Germans in their abortive attempts to mime the global imperialism of Western powers—who set up a hierarchical world, it has been easy to think in our time that the global south is the location of intolerable violence.

As, of course, it is. But beyond forgetfulness of colonial rule, concern for postcolonial genocide that the implication of human rights and genocide consciousness allowed also justified new violence. The “problem from hell” of genocide abroad led many—including German moralists and politicians from Jürgen Habermas to Joschka Fischer—to justify military intervention on the borders of Europe and beyond. That it was a “solution from hell” mostly making the world worse, and one moreover premised on a continuing hierarchy of power and wealth, is a lesson that has dawned more slowly.

Human rights provide a language that remains there for the taking. It can be used—and is increasingly being used—to denounce colonial-era violence like the German slaughter of the Herero in southwest Africa in the first decade of the twentieth century, even if it occurred to few in the 1940s to conceptualize the Holocaust as a human rights violation. The language can be used, too, to challenge economic neoliberalism and social conservatism alike. But German history teaches that there is no guarantee that human rights will serve good causes.

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### New Challenges for Memory Politics and Human Rights

At the time of this writing, mass protests against police brutality and the violation of basic civil rights have poured into the streets world-wide. In the U.S., the rallying cry “Get your knee off our neck” has been heard and understood on both sides of the color line. Yet as Trump advocated deploying the military against U.S. citizens, the greatest danger came not from the city streets, but from the White House. In the midst of the pandemic and the collapse of the economy, this crisis laid bare the deeper, enduring state of emergency of the republic: the hostility of neoliberal ideology to a welfare state adequate to secure the life and well-being of the populace at large. It is a state of emergency manifest in the federal government’s failure to organize a national response to the pandemic; the total

corruption of one of the two American political parties; institutional racism combined with an ever growing income gap; and the undiminished greed of Wall Street, still thriving while the country is in economic and medical lockdown. Breitbart and Bannon's "deconstruction of the administrative state," selectively focused on institutions serving the common weal, has become a reality under Trump. American democracy, its constitution, and the rule of law are on a breathing machine.

This extended slide into a permanent state of emergency, which resonates globally, requires major shifts in human rights discourse and memory politics. Unlike the immigration debate in which human rights are front and center, Black Lives Matter has not resorted to the vocabulary of human rights. It is hard to say if this reflects deep-seated American exceptionalism, or the long-standing gap between promises and reality in human rights discourse, its weaknesses and, as some would emphasize, its frequent hypocrisy. Both human rights and memory politics have indeed faced attacks in recent years from many angles, right and left of the political spectrum: from David Rieff's *In Praise of Forgetting*, an overwrought manifesto against collective memory, to Naomi Klein's equation of the human rights movement with neoliberalism and dictatorship, all the way to Mike Pompeo's Commission on Unalienable Rights, which is the "Make America Great Again" version of human rights (see Pompeo and Huckerby / Knuckey). With its hostility to international human rights, it puts religious, not civil freedoms at their core, attempting to reverse seventy years of rights advances since the 1948 Universal Declaration of Human Rights.

In Germany, there is no such governmental attempt to roll back rights protection, because the *Alternative für Deutschland* (AfD) does not govern; but the country's memory politics and its presumed role as a champion of *Vergangenheitsaufarbeitung* are radically challenged by the rise of the AfD, arguably a now predominantly proto-fascist movement. Its leader's description of the Nazi period as a *Vogelschiss* in history by comparison with Germany's glorious past is only the tip of the iceberg of historical revisionism. But then revisionism is never only concerned with the past. It was especially the immigration crisis of 2015 that led to the electoral successes of the AfD. Historical revisionism is thus umbilically linked to a radical rejection of Chancellor Merkel's decision to open the border to about a million refugees whose arrival was viewed as a threat to the alleged homogeneity of the Volk. *Umvolkung* became a term in the fearmongering propaganda of the right. The success of the AfD shows that memory politics in Germany has dealt better with the past than it deals with the political pressures of the present.

The emergence of nationalist and anti-immigration right-wing movements in Europe and of the white nationalist alt right in the U.S. requires a shift in memory studies from victims to perpetrators, a shift which had announced itself earlier in literature (Schlink, *Der Vorleser*; Littell, *The Kindly Ones*) and in film (Oppenheimer, *The Act of Killing*). Political scientists have focused on whether liberal democracy confronts authoritarianism, populism, or fascism. More important than such labels, however, is an analysis of how memories of interwar fascisms circulate today not just in specific national situations, but through global connections and on the internet. Frankfurt School theories of fascism (Horkheimer, Adorno, Löwenthal, Guterman, and Neumann) have proven surprisingly pertinent for such an analysis. It is not just authoritarianism, but categories such as projection and condensation, mimesis, racialized conspiracy theories, racketeering, and the centrality of technical media (radio then, social media today) that point to continuities transformed in a different historical context. Modifying what Adorno once said about nationalism, we can now say about Trump et al. that fascism is both obsolete and up to date.

The analysis, however, must go further. Memory studies will explore in detail how fascism is remembered by the alt right and the AfD and how these memories shape our pres-

ent. Two elements of this right-wing memory culture on both sides of the Atlantic are noteworthy. First, it is white nationalist at its core, but simultaneously transnational in its references and memes, inspirations and rhetoric. Second, while embracing the perpetrators of the past, it also adopts the position of the victims by claiming victimhood for itself—a victimhood of censorship and political correctness, if not of an assumed deep state and an invasion of brown and black people across borders.

If racism is the common denominator of those right-wing movements in Europe and the U.S., then the current protest movement and what it says about shifting public opinion on race offers some hope. Coming as it does in the midst of an economic meltdown, it promises to shift the focus of human rights toward economic and distributive justice. Sam Moyn has cogently argued that the exclusive focus on political rights is not enough. His argument is even more pertinent now than it was two years ago when his book *Not Enough: Human Rights in an Unequal World* was published. I have argued elsewhere that memory politics and human rights discourses, which have developed on separate but parallel tracks since the 1980s and 1990s, must be joined more robustly in order to supplement and correct each others' blind spots. Memories of traumatic pasts often remain firmly embedded in national constellations, ignoring the increasing transnational connectivities, while universal human rights activism often ignores the deep histories of local conditions. Even if reciprocal acknowledgment were to correct these flaws, however, it would still not be enough. Moyn shows that human rights discourse, after first pushing for distributive social rights in the post-1945 construction of the welfare state, has increasingly sidelined or ignored the issue of economic rights ever since neoliberalism took hold in the 1980s and 1990s.

Today, however, neoliberal rule and its long-standing opposition to the use of state power for redistributive purposes is radically threatened by the virus and the economic crisis that came in its wake, both of which require global responses. The current upheaval in the United States shows how distributive rights must be seen in relation to both deep histories of white supremacy (memory politics) and the ever-widening income and health gap, which affects Blacks disproportionately (rights politics). Founded as a social movement in 2013, Black Lives Matter has morphed into something much larger than protest against police brutality. It has helped deepen the national debate over the legacies of slavery, reflected likewise in the creation of a museum of slavery, the Legacy Museum in Montgomery, Alabama; the current dismantling of monuments to the racist history of the country; and the *New York Times's* 1619 project, which described the arrival of the first slave ship in Virginia in 1619 as a constitutive and foundational moment for U.S. history at large. The visceral legacies of violence toward black bodies are more than a question of memory, however. They point to the continuity of the past in the present. Such historical self-consciousness, long blocked out of American memory culture, inevitably raises the question of reparations.

Restitution claims are at the core of Germany's equally hesitant *Aufarbeitung* of its colonial past, long blocked by the preponderance of Holocaust memory and sheer historical amnesia during the Cold War. The constitutive linkage between these two legacies was noted decades ago by W.E.B. Du Bois, Hannah Arendt, and Aimé Césaire, but has only penetrated the broader public sphere in recent years. What slavery is to the U.S., colonialism is to Europe—a past that is not even past. In Germany, restitution claims from Namibia concerning human remains and looted cultural artifacts took years to be acted upon. The controversy over Berlin's Humboldt Forum and the struggle over colonial street names indicate the extent to which colonial legacies have come to the foreground in public debate. The German government, however, has steadfastly refused to consider issuing monetary reparations.

Restitution and distributive justice take on continental dimensions as one considers European colonial rule at large. Their flashpoint is not just the return of looted African art. It is rather the current wave of migration from Africa and other former colonies, caused by wars, famines, and increasingly by climate change for which the Northern hemisphere is largely responsible. How does Europe gauge its own responsibility for these after-effects of colonialism and decolonization?

Europe repeats injustices of the past, so the argument goes, in the ways it treats migrants from former colonies in the present. Ultimately, we need to recognize how memories of fascism and memories of colonialism and slavery are interlinked everywhere and how they both haunt present-day politics in fundamental ways. There is no historically adequate German or European identity without recognition of colonialism's legacies, just as any American identity that refuses to face the legacies of settler colonialism and slavery is an exercise in amnesia. There are no facile solutions. As both the U.S. and Europe are inching toward recognizing the need for distributive justice, the struggle to achieve it will be a long one both nationally and globally. We may be witnessing an emerging paradigm shift in thinking through social responsibility for past and present injustice at the national, global, and planetary levels.

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### In Lieu of an Afterword

"Human rights," Samuel Moyn concludes his contribution to this forum with a mixture of skepticism and call to progressive action, "provide a language that remains there for the taking." The evidence for his constructivist emphasis is not lacking. In Germany, the *Alternative für Deutschland* "does," as Andreas Huyssen sighs in relief, "not govern" today, but the website of the party's federal parliamentary group spells out their own version of contemporary right-wing human rights deployment, quite similar to the Pompeo commission in the U.S. Under the heading "Sich um die wirklich Verfolgten kümmern," the AfD human rights working group announce their commitment to "die universell gültigen Menschenrechte" under the guidance of a "christlichen Menschenbild und der in Europa historisch gewachsenen politischen Toleranz," before claiming that "Christen gehören zu den weltweit am stärksten entrechteten religiösen Gruppen" and therefore constitute the working group's particular focus. The following paragraph insinuates that recent immigration into the country has made it necessary to fully restore the "Achtung der Religionsfreiheit, der Meinungs- und Pressefreiheit, der Gleichberechtigung von Mann und Frau, das Verbot von Kinderehen sowie den Respekt gegenüber den Institutionen und Repräsentanten des Staates" ([www.afdbundestag.de/arbeitskreise/menschenrechte/](http://www.afdbundestag.de/arbeitskreise/menschenrechte/)). While particularly unabashed in this case, the privileging of religious rights within an asymmetrical culturalist framework, in which Christians are to be protected while Muslim immigration threatens human rights, is not limited to the AfD or the current moment of outrageous right-wing postfactualism. Rather, this particular configuration of human rights' deployment has pervaded mainstream German and European discourse and legislation throughout the past couple of decades, prominently so in the controversies over the *hijab* and the Bavarian crucifix in public schools, in which blatantly asymmetrical bans of Muslim—but not Christian ("heritage")—symbols

have been repeatedly upheld in a perplexing legal dance of situational invocations of the freedom to and from religion, cultural tradition and protection from any perceived threat to the (“Western”) constitutional values of human dignity and equality (see Breger; Weber).

Given these realities of political malleability and instrumentalization, do we need to resign ourselves to the postmodern conclusion that human rights are just another game of words? Or else, would we have to counter, as Seyla Benhabib has done, with a context-transcending normative claim? Against the backdrop of the colonial histories of human rights (upon which Benhabib herself reflects) as well as their brutal absence in the colonies (see Michelle Moyd in this forum), Benhabib’s philosophical assertion that “any political justification for human rights” requires a (non-essentialist) universalism (36, see 55) may make many of us uncomfortable. But perhaps, there is a path in between, which allows us to forcefully articulate egalitarian commitments without positing them as an *a priori* truth, or for that matter the exclusive property of particular Western cultures. As Bruno Latour has argued in the context of the science studies debates, the constructed nature of our scholarly and political objects and their lack of any original “givenness” do not equal mere fictionality or the impossibility of distinguishing solid from unsound constructions. Emphasizing process, he argues that “matters of concern” (as opposed to simple “fact”) can be solidified—and endowed with authority—precisely in the processes of collective articulation, controversy, and revision (114). This forum has presented close scholarly readings of individual historical configurations. Its few snapshots may not coalesce into a full diachronic and synchronic picture of transnational German human rights histories; more work remains to be done for those of us interested in unearthing the complex genealogies of today’s discursive confrontations. But perhaps the forum’s spirit can provide some methodological guidance towards continued work in the field. For Latour, the path towards collective authorization is in a careful, multiperspectival and “objectful” (more than objective) tracing of controversies (133). Adapted to the context at hand, the charge might be to spell out nuanced histories: heterogeneous intersecting traditions, the role of different media and genres, discontinuities along with continuities, tensions, contradictions, and the interplay of gestures of exclusion with claims to inclusion.

Lynn Hunt has detailed the eighteenth-century emergence of human rights frameworks by way of small shifts in language—for example between different versions of Thomas Jefferson’s *Declaration of Independence* (15)—and the transatlantic flows that informed the French revolutionary government’s granting of equal rights to Jews and men without property—but not women—and their official abolition of slavery (28). However, Hunt’s most important contribution to human rights genealogies is arguably not about political speech proper, but—as highlighted by Hadji Bakara and Jana Schmidt’s contribution to this forum—about the role of literature, in particular the epistolary novel, the emergence of which coincided with that of human rights. “[T]hanks to the working of narrative form itself”—namely the direct presentation of feelings facilitated by the genre—readers were enabled to empathize across the lines of class, sex, and nation (Hunt 38, see 40). Perhaps, Theodor Gottlieb von Hippel indulged in novel reading before writing *Über die bürgerliche Verbesserung der Weiber* (1792), published the same year as Mary Wollstonecraft’s *A Vindication of the Rights of Woman*. Hippel’s treatise presents a crucial contribution to political human rights discourse in the late eighteenth-century German context. Similar to Karl Heinrich Ulrichs’s nineteenth-century advocacy for queer human rights detailed by Robert Deam Tobin in this forum, Hippel deploys “Menschenrechte” as closely entangled with but conceptually distinct from “Bürgerrechte” (194, see 183) as he launches a forceful critique of the new French constitution for its failure to emancipate

women: “Alle Menschen haben gleiche Rechte – Alle Franzosen, Männer und Weiber, sollten frei und Bürger sein” (194).

Although both Hippel and Hunt remain oriented towards Enlightenment values of reason and (ideal) autonomy, their interest in women's rights under conditions of social non-autonomy and their arguments for the importance of “private” feelings to the public sphere (see Hippel 195; Hunt 34, 59) might also point us in a conceptual direction that, I would argue, is of particular interest to the ongoing rearticulation of human rights today. Namely, can we question Kant's insistence on rationality and a concept of agency understood as the power of choice (see Susan Meld Shell in this forum) by rethinking human rights through the combined challenges of affect studies, actor-network-theory, and animal rights activism? Debjani Ganguly tackles some of these challenges in her recent *This Thing called the World* by asking how contemporary world literature reconfigures the eighteenth century's “twin ideas of Sovereignty and Sympathy” towards a different “politics of witnessing in our era” with its orientation at the “distant suffering” transmitted through global media networks (2–3, 37). Left-wing critiques of humanitarianism have insistently called out the asymmetrical contours of today's culture of global sympathy: “the dominant neoliberal”—and neocolonial—narrative that contrasts “powerful international do-gooders” with “victims” deprived of all agency (26, see 33). But contemporary world novels, Ganguly argues, disturb such configurations of asymmetrical sympathy. Rather than investing in sovereignty as a promise of “autonomy,” their intermedial aesthetics entwines “the semiotic and the phenomenological” to unfold complex “affective scripts” with a focus on the singularity of bodies (32, 34). Here, an emphasis on “the radical vulnerability of being human in our times” (27) joins the more traditional human rights focus on dignity (see Paul Michael Lützeler on Hermann Broch in this forum).

In the contemporary German context, I am intrigued, for example, by the *Bühne für Menschenrechte's* activist concept of documentary theater. Their productions on migration as well as the families affected by the NSU (National Socialist Underground) murders aim to tell of “Menschen” rather than “eigenschaftslose Betroffene” ([buehne-fuer-menschenrechte.de/konzept/](http://buehne-fuer-menschenrechte.de/konzept/)). In the tradition of 1960s documentary theater (with its own prominent human rights concerns), although with less Brechtian emphasis, the *Bühne für Menschenrechte* actors present exclusively the words of their interviewees in a frontal format. In this way, they deploy the powers of aesthetic immediacy to engage the audience affectively. At the same time, they complicate authenticity presumptions and facilitate imaginative role reversals through the mediation of professional acting. There is a strong insistence here that we do not give up on the potential of empathy (perhaps more in the sense of “feeling *with*,” vs. sympathy's “feeling *for*”) to forge egalitarian imaginaries, despite all concerns about empathy's entanglement in dominant power structures, the limits of its reach, and its political efficacy. At least virtually, the *Bühne's* addition of a NSU production to their longer-standing refugee repertoire also takes up Huyssen's call to join memory politics and human rights discourse “more robustly,” intertwining emphases on “transnational connectivities” with “the deep histories of local conditions.”

In re-activating and reconfiguring the complex genealogies of humanistic imaginaries and human rights, scholars and artists will need to keep asking questions about the limits of inclusion across specific articulations and the scope of rights required to overcome rather than perpetuate existing inequalities. Perhaps it is fitting to close this forum with a gesture of homage to another contemporary German author, Ilija Trojanow, who has forcefully defended the importance of human rights against now fashionable denunciations of “Gutmenschentum” (see “Verbale Umerzierung”). The emphasis on rights, including social and



economic rights—to food, shelter, and health—, Trojanow insists, is crucial not least vis-à-vis mere liberal humanitarianism, or neoliberal privatizations of charity. Otherwise, we are reintroducing feudal structures, on which he pointedly quotes the eighteenth-century Swiss educational reformer Johann Heinrich Pestalozzi: “Wohltätigkeit ist die Ersäufung des Rechts im Mistloch der Gnade” (Trojanow, “Wohltätigkeit”).

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