

Law's Autonomy and Concepts of Human Dignity

CONVENORS: Manuel Atienza (University of Alicante)
José Manuel A Linhares (University of Coimbra)

This workshop aims discussing the *claim to Law's autonomy* (with the plurality of significations and possibilities involved) whilst simultaneously considering the role which, in the defense or refutation of this claim, plays (or has been playing) the specification and institutionalization of *humanitas* through different concepts of *human dignity*.

One of the plausible challenges is for instance considering the well-known distinction proposed by Jeremy Waldron between *dignity as rank and status* and *dignity as value*. Is it possible to say that it is precisely the first one (inseparable from the principle of *audiatur et altera pars* and the demands of due process, as well as intrinsically related to the perspective of the problem-*case*) the specification of *human dignity* which Law invented *as its own* (even though in its initial consecration this meant exploring an implacably *closed* circle of inter-subjectivity)? Could we defend that it is this specification of *humanitas* the one which has been continuously pursued and permanently reinvented (not merely *expanded* within its own circle) as an indispensable identifying claim (*dignity as rank and status as an «intrinsic», non-contingent, «legal idea*)? And what happens (i.e. which implications are acknowledgeable concerning the problem of Law's autonomy) when the political-philosophical and moral idea of *dignity as value*, autonomously introduced in the modern cycle (the culminating canonic expression of which is certainly Kantian *Menschenwürde*) is assimilated into Law's practical world?

Another plausible reflexive challenge is certainly the one which Habermas explores concerning the «conceptual bond» that connects the categories *Menschenrechte* and *Menschenwürde*. How should we understand the «temporal asymmetry» drawn between the «history of human rights» (dating from 17th and 18th centuries) and the recent legal *juridification* of the concept of «dignity» (systematically imposed in the second half of the 20th century)? Is it possible claiming that the latter concept, instead of being treated as an «*a posteriori* classifying expression» (*nachträglich klassifizierende Ausdruck*), should be understood as the «moral "source" from which all basic rights derive their substance» (*die moralische "Quelle", aus der sich die Gehalte aller Grundrechte speisen*)? Has this diagnosis of asymmetry—or has the possibility of reflexively overcoming it—significant implications whilst considering the problem of Law's autonomy?

All the presentations should be in English. Interested speakers are welcome to send an abstract of their presentation (max. 500 words) by the 1st of March 2019 to manuelatienzarodriguez@gmail.com and jmarolinh@gmail.com. Selected speakers should send a paper by the 1st of June. Papers will be made available to all participants.