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**International Human Rights—A Messy Business**

Lora Wildenthal’s newest book offers a model for historicizing the recent past with a specific focus on human rights. While Samuel Moyn’s 2010 manifesto on the history of human rights unleashed excitement and controversy within the field and undoubtedly turned historians’ attention to the need for rigorously researched and historically grounded works on the subject, Wildenthal is one of the first to demonstrate successfully what this looks like in a monograph-length study.[1] Hers is a refreshingly concrete, non-moralistic account of human rights in practice as well as a fascinating retelling of the West German political narrative.

Wildenthal’s analytic framework is discernible from the book’s title. Rather than approach human rights as a set of universal claims or the culmination of a centuries-long civilizing process (of and by Europeans), Wildenthal insists that we acknowledge human rights as no more—but also no less—than they are: a language of political strategy. As such, she argues, human rights, or the set of legal norms they presume, are open to use and, just as crucially, to interpretation by a wide variety of actors. Wildenthal wisely skirts the false, if comforting distinction between a “genuine” use of human rights language and that which is merely cynical. This frees her to pursue a richer cast of characters than would otherwise be possible and in so doing, allows for an inspection of the complexity and moral messiness of human rights advocacy in postwar West Germany—the temporal and geographical focus of Wildenthal’s study. Instead of a tale of like-minded activists, we see the outlines of an entangled political network capable of connecting deeply conservative agendas to those of a more leftist and liberal nature.

If the language of human rights is more fluid than its claims to universalism suggest, Wildenthal also demonstrates that it is not a language available to all; whoever seeks to use human rights norms to oppose a specific, claimed injustice must have credibility. And credibility was, of course, what postwar Germans lacked when it came to human rights. But as Wildenthal deftly shows over the course of six case studies and just as many decades, this did not mean that they were unable to “speak” human rights. Far from it. Beginning with efforts to re-establish the Weimar-era German League for Human Rights in 1945 and ending with various campaigns led by the organization Terre des Femmes: Human Rights for Women in the 1980s and 1990s, Wildenthal identifies exemplary moments when West Germans mobilized the language of human rights—and why they did so. Her account goes beyond the motives (and biographies) of individual advocates, though these are certainly important, to reveal the fundamental significance of the domestic context to explain how this consciously international and historical set of rights claims were deployed, by whom, and with what success.

Wildenthal’s study ultimately traces how West Germans moved from a lack of credibility and a use of human rights language exclusively on behalf of Germans to a position of international importance from which they advocated for the rights of others. The first West German organization, the German League for Human Rights, was all but destroyed by its willing participation in the government’s fight against communism, on the one hand, and infiltration by the Stasi on the other. In 1959 it was re-established as the International League for Human Rights and joined West German Amnesty and the Humanist Union (both founded in 1961) in mobilizing the language of human rights to improve the political situation at home. Whether advocating for the critical discussion of the Nazi past or on behalf of political prisoners, these groups’ founders pursued their work as a means of raising West Germans’ democratic consciousness and, it was hoped, their willingness to fight injustice. Evidence of the groups’ success can be assumed by the growing
numbers of West Germans who joined their ranks by the late 1960s and established new organizations like Terre de Femmes (founded in 1981), dedicated to the suffering of non-Germans. In this, Wildenthal’s final case study, she argues that the language of human rights did more than offer Terre de Femmes founders a way to force attention to violations specific to women (and to link human and women’s rights). It allowed them to counter the cultural relativism found in the New Left and Third World solidarity movements that would explain away, rather than fight, that very suffering; to raise feminism’s credibility among those same social movements and the public at large; and to defend themselves against accusations of ethnocentrism, racism, or neocolonialism. Despite its focus on women in Africa, Asia, Latin America, and the Middle East, in other words, Terre de Femmes was no more immune to domestic motivations or able to stand outside history than the other West German organizations under inspection.

Woven into this organizational narrative are two chapters dedicated to West German legal scholars Rudolf Laun and Otto Kimminich, both of whom sought to curtail abusive state power with the expansion of international law. Laun, a proud democrat with a strong antifascist record, used the language of human rights immediately after the war to oppose Germans’ treatment by the Allies; its decontextualized, universalist logic rendered German suffering indistinguishable from that of their former victims, however, and drove Laun to argue that German expellees’ claims to their “homeland” in central-eastern Europe was a human rights issue. While Europe and Germany’s Cold War division quickly sapped Laun of credibility before all but radical Right audiences, the much younger Kimminich was at the forefront of the human rights “boom” of the 1970s and 1980s, active in international humanitarian law and intervention, peace studies, environmental law, and the field of human rights proper. Wildenthal argues that it was his work on refugee and asylum rights, however, that was particularly important for West Germans’ articulation of a human rights language on behalf of non-Germans—and made Kimminich a welcome and sought-after participant in Left-liberal human rights campaigns for foreign populations at home and abroad. This last is worth noting because Kimminich was a political conservative with close personal and intellectual ties to revanchist, Sudeten German circles. And it was through his elaboration of asylum rights that he successfully connected the expellee cause with mainstream human rights discussions, including a “right to one’s homeland” and cultural group rights (Volksgruppenrecht). An oft-cited authority on international and human rights law still today, Kimminich serves as a general warning against the easy equation of advocacy on behalf of foreign populations with a more progressive form of human rights work.

Not addressed in Wildenthal’s analysis of human rights advocacy but nonetheless visible in her narrative of West German politics, is a cross-ideological postwar consensus that the state posed the greatest threat to human freedom. Particularly clear in her discussion of international law and present in the organizational shift she argues for at the beginning of the 1960s, this common loss of faith in the state—fiercely tangible by the late 1970s—is worth further consideration. It suggests, in this instance, a more satisfying answer to why human rights rose to dominance when they did than the argument that human rights filled the ideological vacuum left by socialism’s loss of legitimacy. Though mostly a difference of emphasis, it is an important one. Placing the explanatory emphasis on West Germans’ (or Europeans’ and Americans’) changed relationship to the state relieves human rights of having to offer a holistic vision (like that previously provided by nationalism or socialism) or answer humans’ (implied) need for utopia. In keeping with Wildenthal’s core assertion that human rights is a political language, human rights can instead be seen to have offered individuals as well as groups a new strategy for opposing—and even policing—state intervention, intervention grown unwelcome because too effective (in the face of an expanding surveillance state) or too inept (as critics of the welfare state would have it).

Those looking for a comprehensive history of West German human rights advocacy will not find it here. Some will surely quibble over the inclusion of several liberal West Germans, known for their own vehement anticommunism, in the anti-anticommunist coalition of the 1960s. But at the end of the day, Wildenthal offers convincing proof that when it comes to international human rights—at home and abroad—we should not ignore the domestic motivations for advocacy any more than we should ignore that the rights claims themselves are rooted in a specific time and place. Her book is to be recommended for scholars and activists alike.

Note

tions,” leading Germans simultaneously sidestepped “widespread remorse and repentance” at home and advanced “their goals of self-determination without altering their world-view” (p. 17). Above all, this act of “performance” was coerced by outside, Allied actors (p. 164). For example, mainstream German religious organizations won public support by ignoring Nazi crimes, framing Christian opponents of Nazism like Dietrich Bonhoeffer as traitors, and indulging German victim narratives. In both East and West Germany, Catholic and Protestant relief organizations whitewashed the problematic past and “served to reinforce in Germans the notion that they were victims of Allied injustice” (p. 43). At the same time, however, politicians and church leaders normalized German international relations by accepting Allied insistence that Germans shared some guilt and responsibility (p. 65). Although mere words need not imply a change of heart, Schroeder contends that they can exert significant geopolitical effects and sometimes bring people together.

Against this “pragmatist” approach, a small minority pursued “more altruistic and idealistic” reconciliation by openly acknowledging German crimes and showing remorse (p. 5). Usually, such genuine reconciliation was achieved by private individuals working in international circles, such as the late 1940s Moral Re-Armament (MRA). Even though some German participants in the MRA retained aspects of a Nazi worldview, they developed personal ties with French counterparts and used the language of reconciliation to restore French-German relations. Most NGOs ignored Jewish suffering under Nazism, but Franz Böhm and Otto Küster used (even sacrificed) their political positions to win serious compensation for Holocaust victims in the 1952 Luxembourg Agreement (p. 128). Any idealist victories in the West German (to a lesser extent East German) struggle for German-Jewish reconciliation were only achieved against state and popular opposition to any serious compensation for non-German victims of Nazism.

Spiritual atonement, mental geographies—these are seldom possible to quantify with any precision. And while Schroeder’s evidence reveals that the divide between pragmatism and idealism can be grayer than one might first appreciate, it is hard to imagine how ordinary Germans approached the question of reconciliation (beyond the prominent individuals who dominate the analysis). This confusion enters the author’s argument at times. Whereas on the one hand he emphasizes that idealists represented a small minority, he asserts that “the German people changed in their actions and, in many cases, in their thoughts and beliefs” (p. 7). It is also unclear where Schroeder fits into the sizable scholarship on German atonement (or failure to atone) after the crimes of Nazism. An exceptionally vague summary of the field is supplemented by titles listed in endnotes (and sometimes the bibliography) but rarely addressed in the main body of the text. Likewise, whereas the book claims that it “incorporates the ongoing discussion of theories of reconciliation” in post-war Germany (p. 9), these theories are never identified, much less integrated. Finally, given that NGO work (stated as the book’s most distinctive source) represents only an important fraction of the author’s impressive source base, one wonders whether this book is seeking to do too much. If the author’s thesis about pragmatic and idealistic reconciliation demands this broad scope, the larger historiography had to be engaged to identify where this book contributes something new.

Ultimately, Schroeder digests a sizable and diverse archival source base and offers a convincing narrative about the place of state, church, and NGO actors in reconciliation. Both researchers and students will find this book useful as a means of looking beyond the Cold War dynamic and state leaders to understand how prominent individuals, not always for the most altruistic reasons, sought to make Germans respectable again on the world stage after the horrors of Nazism.

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The history of human rights is one of the most innovative fields in twentieth-century history. More recent work has highlighted the ambiguity and ambivalence of ideas, discourses, and languages of human rights. Interestingly, however, only few scholars (among them most notably Jan Eckel) have examined this problematic with respect to Germany. Its conjoined histories of genocidal violence and peace, dictatorship and democracy, barbarism and civilization lend themselves especially well to teasing out the multiple meanings, paradoxes, and transformations of the politics of human rights.

In this excellent, precise, and sovereign book, Lora Wildenthal brings new and welcome nuances to the existing historiography and also breaks new ground. She identifies four ideal–typical uses of the language of human rights in (West) Germany from 1945 into the 1990s: its function in the politics of the past, particularly during the early Federal Republic; its role in casting Germans as victims in the context of debates about expellees; the debate about human rights violations in Cold War Eastern Europe; and, not least, its place in the discussion of the rights of “foreigners” in the Federal Republic since the 1960s. She traces the historical complexity of these uses, their overlaps, and their transformation in five chapters that unfold chronologically.

Each chapter looks at organizations or people who propagated specific languages of human rights and, for each case, teases out their multiple meanings. The first chapter discusses the German League for Human Rights during the period of occupation in its attempts to assert a universalist language of human rights in the face of reconstruction, mainly harking back to concepts from the Weimar Republic. As a counterpoint, the sec-
ond chapter discusses the interventions of the social-democratic constitutional lawyer Rudolf Laun, who played a key role in deploying such universal concepts to cast Germans as victims and to establish a “right to a homeland” (“Recht auf Heimat”). The fourth chapter traces a different form of this framing of the human rights discourse in a highly stimulating examination of Otto Kimminich, a constitutional lawyer with significant involvement in the Süddeutschen German interest groups. Chapters three and five, by contrast, consider the more explicitly oppositional discourses of human rights: the activities of the networks around the Humanistische Union, Amnesty International in the early 1960s (where Wildenthal is at her best in tracing the networks of activism), and the activities of the group Terres de Femmes, which became important especially in connection with the activism of immigrant women from African and Arab countries with regard to female genital mutilation. Kimminich reappears here as an important intellectual interlocutor of that group.

Wildenthal illuminates precisely the transformations in the languages of human rights in West Germany, without losing focus on the precise sociopolitical locations in which the languages of human rights unfolded. This is not, though, and does not want to be, a book about human rights activism. Wildenthal is concerned with the networks and discussions that undergird this activism. It is a book about the (political) power of human rights. Some material from a couple of chapters has previously appeared in print. But the book as a whole is much more than the sum of its individual parts.

The chapters highlight the “political indeterminacy” of human rights and emphasize “the language of human rights as a language of politics” (p. 16). Wildenthal demonstrates especially well how the indeterminacy of the language of human rights opened up avenues for crossing political and ideological boundaries.

Transnational links and the global dimensions of the language of human rights are, with the exception of the chapter on Terres de Femmes, conspicuously absent from Wildenthal’s study. Given the fashionable popularity of transnational and global approaches to historical scholarship, one would have liked to see a more explicit discussion in the book of the reason for this absence. Was it a matter of the author’s methodological choice, or does Wildenthal propose that German human rights discourse was couched in explicitly national terms? If the latter were the case, this argument could pose an important corrective to attempts to transnationalize contemporary German history; it might suggest that the seeming transnational orientation of political languages in Germany has fundamentally been about Germans.

Even readers who are not interested in the history of human rights will take some interesting insights away from this book. Wildenthal’s excellent analysis of the precise societal and institutional locations of the language of human rights demonstrates how the analysis of cultural assumptions can be innovatively combined with the history of social networks. In short, Lora Wildenthal has produced an important study that is likely to remain a central reference point for future work not only on the politics of human rights in post-1945 Germany, but also on histories of pluralism and civility.

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Only some contemporary historians of Europe since 1945 will have heard of two landmark decisions by the European Court of Justice (ECJ): *Van Gend & Loos* (1963) and *Costa vs. ENEL* (1964). In these decisions the ECJ established the linked doctrines of direct effect and of the precedence of European Economic Community law over national law. In fact, it is hard to imagine how the highly integrated present-day European Union (EU) could operate without widespread acceptance of these principles.

While Europe has not fought a civil war over the quasi-federalist nature of its modern-day polity beyond the nation-state, the ECJ’s decisions were heavily contested. In *Resisting the European Court of Justice*, Bill Davies studies West Germany, one of two founding member states of the present-day EU (the other being France) Which experienced vociferous debates over the legal nature of Community law in relation to national law. Based on research in German and European Commission archives and media analysis, Davies’s book concentrates on the ten years between the two decisions and the German Constitutional Court’s *Solange* decision of 1974. In it, in essence, the German court narrowly circumscribed the Community’s constitutional nature “as long as” (so lange) it could not properly guarantee the individual liberties of its citizens, which, for the time being, had to remain the prerogative of the member states, their constitutions, and courts.

Much of law as a discipline in Continent Europe remains steeped in positivist and descriptive public law traditions focused on legal opinion often considered without proper reference to its institutional and social context and underlying normative assumptions. In contrast, Davies seeks to explain the larger German political and public debate over the Community’s constitutional nature. The structure of the book is set out in chapter one, and chapter two then analyzes the legal academic debate in West Germany. Chapter three discusses the media debate and public opinion, while chapter four focuses on the debates about the implications of European constitutionalization in the government. Finally, chapter five is devoted to the fallout from the German Constitutional Court’s *Solange* decision.

Davies succeeds admirably in setting out the legal and governmental debates. In the chapter devoted to the government’s position toward the ECJ’s two decisions of 1963–1964, for example, he outlines clearly how the Foreign and Economics ministries were keen to re-
Lora Wildenthal, *The Language of Human Rights in West Germany*

The Language of Human Rights in West Germany by Lora Wildenthal

Review by: Devin O. Pendas


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absence of land capital (193), which seems an extension of impoverished gentry experiences in the late nineteenth and early twentieth centuries. But these are small problems in an otherwise fascinating and valuable book, one that shows Poland’s gentry did not so much reappear at the end of the twentieth century as persevere throughout it.

Laurie Koloski


The burgeoning historiography of human rights has emerged as one of the paradigmatic sites for the new transnational history. This makes perfect sense, given that human rights are framed as universal in character, and since they have been institutionalized primarily in international or regional agreements, like the Universal Declaration of Human Rights or the European Human Rights Convention. In this important new study, Lora Wildenthal bucks this trend in ways that are both methodologically provocative and intellectually very stimulating. In doing so, Wildenthal contributes meaningfully to two rather distinct literatures: the history of human rights and the history of West Germany.

Wildenthal approaches the history of human rights from a very distinctive perspective, one that could usefully serve as a model for historians of human rights working in other contexts. She starts with the assertion that, while the logic of human rights may be universal, the actual deployment of the language of rights is political and strategic: “People apply the language of human rights strategically to force others to confront a specific claim of injustice” (3). Such strategic rhetoric, she contends, necessarily implies two things. First, there must be an audience for human rights talk, and, second, the activists deploying such talk must have “some minimal level of credibility” if their language is to be in the least bit persuasive (3). The most relevant audience for human rights language may well not be international, even if the abuses or injustices being criticized are. In many cases—certainly in the German case Wildenthal studies—the most relevant audience may in fact be domestic. In other words, she stresses “the importance of domestic context in inciting people to use the language of human rights, regardless of the geographical location of the intended beneficiaries of that advocacy” (15–16). Human rights, as a strategic language, demand an audience, and audiences in the real world can only ever be specific; there is no universal audience. For Germans after the Second World War, especially prior to the 1970s, the audience most amenable to human rights talk, certainly the one to take German articulations of human rights credibly, was other Germans.

In this German context, there were four typical categories of human rights talk. The first centered on a critical engagement with Germany’s own Nazi past. Crucial activist groups, like the reformed German League for Human Rights and the Humanist Union made “German responsibility for the Nazi past and the implications of that responsibility for politics in the present into the centerpiece of (their) human rights advocacy” (18). That Germans were deeply concerned about the ongoing political significance of the Nazi past is hardly surprising, but that this constituted a major form of human rights activism is a major new finding on Wildenthal’s part.

The second form of German human rights discourse focused on Germans as victims of Allied policies, ranging from the strategic bombing campaign to the prolonged retention
of POWs, but focusing increasingly on the plight of German expellees from East-Central Europe. In this context, German international lawyers—Wildenthal focuses on Rudolf Laun and Otto Kimminich—helped develop refugee law, in particular articulating the doctrines concerning nationality rights and the “right to a homeland” (52). Though she does not explore in detail their impact on the broader trajectory of international human rights law and its ambivalent relationship to group rights, she lays a firm foundation for reconsidering the political impulses behind many developments in international law.

The third category of German human rights talk was anticommunist in nature, focusing particularly on human rights abuses in the Soviet bloc, the German Democratic Republic especially. This was the manner in which the West German government deployed human rights language. This in turn provoked a sometimes intense backlash among West German human rights groups, who were concerned that anticommunism threatened to shut down critical political discussion within West Germany. These groups came increasingly to focus on the human rights of West Germans to a critical public sphere and a more democratic political culture. “We see that members of each of these groups were deeply opposed to the East German regime, and that they bore that concern very much in mind as they created these organizations. Nevertheless, their political project of intervening against Adenauer’s West Germany practically required them to set aside the question of human rights violations in East Germany. . . . The unintended effect was to leave the human rights field of East Germany to the militant anti-communist organizations” (100).

The final form of West German human rights talk was one more typically thought of as human rights activism, namely work “on behalf of foreigners” (11). Here Wildenthal concentrates on the women’s rights organization, Terre des Femmes: Menschenrechte für die Frau, founded in 1981. This group had a broad remit to advocate on behalf of women but came in particular to focus on genital cutting and honor killings, both abroad and among immigrant communities living within Germany. For this group, the universalizing language of human rights helped to counter both cultural relativism, which precluded critiques of gendered violence among non-Western communities, and charges of racism on the part of German women who engaged in activism around such issues. “For them, human rights was a valuable language of anti-racism” (135).

Wildenthal has written an elegant and thoughtful book that makes several major contributions to the history of both human rights and West Germany. By emphasizing the strategic use of human rights language, Wildenthal helps move us away from a focus on abstract norms, and she not only returns questions of agency to the history of human rights but also puts the question of audience at the center of the analysis. This allows her to see the centrality of domestic politics to human rights activism. In the German context, this meant that for much of the postwar period, it was the human rights of Germans—whether as expellees from East-Central Europe or as victims of German communism in East Germany or the purportedly suffocating conservatism of Adenauer’s West Germany—that was most at issue. This is a new and productive way of thinking about the political culture of postwar Germany.

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