

Summary

“Demokratie und Menschenrechte, Menschenrechte und Demokratie“

by Georg Lohmann

Democracy and human rights are reciprocal political concepts. Democracy is supposed to protect and secure human rights, but can also violate them. Republicans argue that democracy has priority over human rights, liberal positions argue the other way round. I would like to enter the dispute between a liberal and a republican view from the perspective of the political human rights. I will then discuss different versions of the idea of a self-commitment of democracy to human rights: first on the single state basis by constitutional court jurisdiction (R. Alexy), then J. Habermas's conceptions of a deliberative democracy and his interpretation of human dignity as a moral source of modern, human right based law. But still, the “constitutionalisation of the international law” (J. Habermas) shows the tensions between the universalism of human rights and the particularism of a concrete democracy.