

How is 'human' dignity empty?

Portraying the 'human' component of the law of human dignity: an affirmative stance towards 'something missing'

Abstract

A long established philosophical, literary and legal tradition lies upon and revolves around the conception of the human. This paper attempts to revitalize transdisciplinary discourses by reconceptualizing the human and designating the ambiguity and elusiveness of what it means to be human as 'something missing'.

In this critical approach to the 'human' component of the law of human dignity, I look into the *Menschenbild* (human image) through a multilayered – ontological, linguistic-analytical and phenomenological – lens. The ontological lens brings together the Presocratic philosopher Heraclitus, the feminist legal scholar Catherine MacKinnon, Jacques Rancière and Ernesto Laclau; the linguistic-analytical viewpoint draws on Ludwig Wittgenstein's *Tractatus Logico-Philosophicus* (1922), while the phenomenological approach resorts to some key concepts of Emmanuel Levinas, as explored mainly in *Totality and Infinity – An Essay on Exteriority* (1961).

Against the prevailing lexicon of 'emptiness', 'redundancy' and 'black box' within legal discourse, the present critical approach develops an affirmative stance towards 'something missing' as inherent to the 'human' component of the law of human dignity. In this regard, 'something missing', the 'concealed' human nature, renders human dignity the Trojan Horse within the walls of law as an institution; a Trojan horse which breaches totalities and thereby enables the transcendence of limits, exposing human beings to (their) infinity, so that they be human. In this respect, human dignity is reconfigured as a surplus term within the realm of law, which both respects and transcends its boundaries. 'Something missing' guarantees an empty and open space within the boundaries of law that allows for a new language, originating in the practice of the law of human dignity, to infinitely confer new meaning on the 'human' component of (human) dignity.

Graph

