

Second Philosophy

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INTRODUCTION

The title of the debate is Human Rights: Rational or Sentimental? What do I mean? Well, my question is this. Are human rights based on rational foundations or sensible opinion? That is, are human rights fundamental and rational truths or are they the product of human sensibility, human political opinion and human socio-political reality?

I am alluding to Richard Rorty's notorious rejection of foundationalism as irrelevant to human rights.

The foundationalist position (Plato-Kantian, that is) is that the idea that human rights to life, liberty and the pursuit of happiness are based on self-evident, a priori and rational truths. Foundationalists say that when we support universal human rights we are actually appealing to our reason and to the reasonable foundations of these truths. In short, according to the foundationalists, it is the philosophical basis of these universal truths that humans appeal to when they support human rights.

Rorty disagrees. Rorty is an anti-foundationalist when it comes to human rights. What does this mean? Well, for Rorty it means that “moral insight is not, like mathematics, a product of rational reflection. It is instead a matter of imagining a better future...”

For Rorty and the anti-foundationalists, two major philosophers were dead wrong when they argued that it was reason, above all else, that served as the basis of the human moral code.

Plato, for one, was wrong to suggest that moral truths were self-evident in the way that mathematical truths are, and Kant, too, was irrelevant with his categorical imperative, because it remains just an “empty abstraction” unless it is “filled up with concrete details” (Rorty) about history, society, race, individual experience and opinion.

For the foundationalists, the “human” in human rights is an ahistorical, apolitical and acultural being, an abstraction. Upon this abstraction then, foundationalists base their objective understanding of human rights. But for the anti-foundationalists the “human” in human rights is a historical and political being. Upon this historical being then, anti-foundationalists base their subjective understanding human rights.

Consider this --->

Yes: Human rights do seem to be based on self-evident truths.

But: What seems self-evident to us today, did not seem self-evident to our ancestors.

So: If human rights do seem self-evident today it is because we have become more sensible, not more rational, that is, within the context of our cultural and historical existence we care more than ever that others should have the rights that we enjoy and we care more than ever before that our fellow humans should not suffer.

What does this mean? For Rorty it means that philosophy is irrelevant to our understanding of and appeal to universal human rights. What is relevant is our feeling and our sentimentality towards others who are worse off than what we are. When it comes to political issues, like human rights, we form a political opinion FIRST, one that is based on our own experiences and feelings of care and love for other human beings and only LATER if at all, might we call upon philosophical reasoning to back this up (Rorty). In fact, Rorty says that we rarely appeal to reason at all, but to sentiment.

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Rorty is not saying that universal human rights are not important, he is only saying that when we support them we are acting sentimentally and not reflecting rationally. We are acting as human beings not abstract thinkers. For Rorty, wider support for universal human rights will depend on our sentimental education above our rational education.

QUESTIONS:

1. What is your knee-jerk response to Rorty's thesis? Prepare an answer of no more than 150 words and I'll call upon each guest to copy-paste that into our discussion in turn.
2. Decide whether you are a foundationalist or anti-foundationalist on the theme of human rights. That is, decide whether you think human rights are based on rational and a priori truths or whether human rights are really based on subjective and sentimental human opinion? Why is your position valid?
3. Say we agree with Rorty, that philosophy and rationalism is irrelevant to human rights, that there is no universal truth at all, but human rights are just appeals to individual and subjective and sentimental opinions. Does this impact negatively on the human rights cause? I mean to say, if human rights activism cannot appeal to universal foundations, is the cause weakened? Or would you say that appealing to human sentimentality is a much more powerful method of activism?

REFERENCES:

1. Richard Rorty, "Human Rights, Rationality, and Sentimentality," <http://usm.maine.edu/~bcj/issues/three/rorty.html>
2. Richard Rorty, Democracy and Philosophy, <http://www.eurozine.com/articles/2007-06-11-rorty-en.html>
(He specifically refers to human rights in the latter part of this paper, but the whole paper is applicable and very easy to read – lovely quirky style).
3. Human Rights entry at Int. Enc. Of Phil. <http://www.iep.utm.edu/h/hum-rts.htm> Section 5b "Epistemological criticisms of human rights."
4. Human rights entry at Stanford Enc. Of Phil. <http://plato.stanford.edu/entries/rights-human/>

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DISCUSSION:

Oswy: Human Rights: I would define a human right as an entitlement to treatment a person has by virtue of being human. They are human constructs, statements about claims we have and privileges and powers and immunities as humans. They are based upon a mixture of intuition, and empirical knowledge that we have about the flourishing of individuals in society. As such they are based on rationality in the sense that we try to identify the conditions that enhance human flourishing. They are neither a priori injunctions nor simply pragmatic since they are necessitated by our inescapable humanity. As such they are a developing and progressive project of delineating an ideal of human moral conduct. As such I reject Rorty and his anti foundationalist stance since the foundation of all human rights as all morality is founded in our human nature and its cultural evolution.

Oswy: As usual with Rorty I find some things he says sensible but he takes things ironically too far.

Sojourna: OK, what I want to say in response to Oswy and something to think about - human rights are an entitlement, and I don't think Rorty disagrees, but what we need to think about is whether when we talk and support human rights are we doing this based on rational reflection or sentiment and emotion?

Dar: I agree that human moral rights are not based in reason. I do not agree that human moral rights are based in sentiment. Human moral rights were born out of thousands and thousands of successfully breeding humans getting along with each other through many difficult circumstances and problems.

Sojourna: Dar - so based on biology?

Eolas: the Daniel Dennett approach

Dar: well, not just biology; our behaviour as well

Eolas: is that not in part reason though Dar?

Dar: the ideas we share; humans have reason

Eolas: i.e. I agree not to kill you, you agree not to kill me, we are both better off

Sojourna: OK - maybe that's closer to Rorty than you think? But let's move on with knee-jerks

Oswy: Dar surely we reflect on our behaviour in a reasoned way?

Kiran: I think that both rationality and sentimentality are important. If look at human rights as related to morality, we could say that human rights are practical application of morality. I see that rationality shows us some abstract or higher principles based on rational bases, but sentimentality show us how to act. So as we go down from abstract to more concrete level - culture etc., we need more sentimentality.. But one cannot exist without another.

Dar: maybe I should have said, reason alone

Dar: not denying that Oswy

Eolas: fair Dar.

Oswy: Kiran I agree with the reasoned part of what you said what do you mean by sentimentality?

Kiran: also in human rights - do we speak about universal human values or values related to a particular culture.

I think we are going towards universal values, but need first to consider particular values.. it is a process

Sojourna: Kiran - that's cool thanks - another thing to think about based on what Kiran says - is that Rorty says we appeal to sentiment first and then to rationality and all the abstracts and foundations, and that we may never appeal to our rational reflection - ie we might never philosophise about human rights and yet support them because of how we feel.

Renald nods

Renald: If the question is, "reason or sentiment?" my answer is both unless the definitions are rigidly opposed in which case, neither... here's my canned knee-jerk

Renald: I find the dichotomy of reason and sentiment to be false, and I'm skeptical of "a priori" in any literal sense. This would restate the question in other terms: that the difference between reason and sentiment, each so called, lies not in differences of kind, but in differences of the scope and scale of one's premises. Reading Kathryn's remarks, I rejected both foundationalism and anti-foundationalism, the one seeming not fully what it claimed and the other not merely what it claimed. After reading the two Rorty pieces provided, I seem to agree with Rorty's basic position while remaining dissatisfied with some of his choices of phrase. He seems to pursue

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the time-honored practice of subverting opposition by transforming insults into badges of pride. To the extent this reinforces flawed conceptual models, he may be doing his cause a disservice.

Patrick Flaks: If we decide that human rights are simply the best contract for societies to reach to live together, don't we make them subject to expediency. If it is expedient to honor the contract I do otherwise I do not

Eolas: I think it may be important to make a distinction and define rights for a second, which are asserted – not granted by others. This I think is the distinction that answers Patrick's issue - which is valid.

Sojourna: Patrick good point and that's question 3 :)

Sojourna: (well I mean do we really need to define rights? Everyone knows the universal declaration of human rights?)

Eolas: however, Patrick doesn't give me rights, I tell him that I own my body and my mind and he can react accordingly - if he attempts to violate my assertion of right to self-ownership then he's in for a very large fight... which as it turns out, isn't particularly expedient

Kiran: if everyone knows why we need such declaration? I ask this as a more general question which we can think about from the time when such declaration did not exist.

Eolas: the universal declaration of human rights - if you're referring to the UN thing... is horrific.

Marya: And if you don't, there are boards on either side of the table - click on one of those to get a copy of the Universal Declaration of Human Rights

Sojourna: And let's continue with knee-jerks - to give everyone a voice - is it Simulat next?

Eolas: but we can get to that later if you wish

Sojourna: Kiran good point :)

Simulat: I agree basically with Dar

Renald: only if we're limited to the table, Soj

Simulat: I agree with Rorty mostly, but also with Kant a bit. I do think that we are born with certain attitudes that enable us to pick up the moral code of the society we live in. But I also think that moral codes evolve differently in each society. Our concept of rights seems based on our moral code, but it cannot be said that either rights or morality is based on rationality - both are artefacts of our histories. So, I also disagree with Rorty about the sentimental bit.

Sojourna: Ah, ok Sim

Eolas: I do too so far. (agree with Dar)

Wichard: We are not “wholly rational” beings. We are prisoners of our autobiographical stances and need morality because we are social, political, hierarchal thinking entities who validate experiences and ethical systems intersubjectively. Our rights are abstractions negotiated in extended social networks and tend to be rationalized as truths (a problematic concept needing discussion). We cannot be “ahistorical, apolitical and acultural”, but we can think/act rationally, using abstract logic that we co-establish intersubjectively on abstractions whether they are sentimental or not. Sentiments and emotions can be embedded in logical discussion for argumentation, action and validation, using conventions established through intersubjective processes. Both positions (Rorty's and foundationalists') are problematic because they dichotomize where there is no dichotomy, but rather systems where we are individually responsible for actions of thinking entities. I posit that thinking entities should have rights a

Wichard: I posit that thinking entities should have rights and privileges thereunto appertaining, such as “life, liberty and the pursuit of happiness”.

Sojourna: OK, so sentiment informs reflection and visa versa

Sage: So Simulat, your view is a lot closer to mine than I'd expected. :)

Wichard: Emotion and sentiment inform our reason

Simulat: :-) Sage

Sojourna: Can everyone who has a knee-jerk response please paste now into the local chat - I'll give you all a few mins to read and then we should move onto q 2.

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Sage: There are really two separate questions here. First, are there moral principles based only on rationality? Second, is the application of morality independent of cultural context with regards to human rights? For the first, moral principles rely on rationality combined with personal reflection. The two are not the same - reflection requires more than rationality, but still contains a priori principles. You can be completely rational but simply not see things you've never reflected on. For the second, even if you have good moral principles, the application to reality cannot be done free of cultural context; moral principles are about feelings, and feelings simply are not context-independent. Rorty is right to be against the philosophical codification of human rights, but wrong to separate morality from philosophy. Feeling and sentiment contain a critical ingredient to personal reflection, which is vital to philosophy and particular vital to forming any normative stance.

Seneca: What would it be for rights to be based on reason, or on a foundation of some kind? Would it mean that anyone must accept the argument in favor of them? I don't think there is any such argument—at least, I haven't found one. On the other hand, human beings have fundamental capacities and capabilities that are common to the human condition. I'm convinced that it is possible to specify—or at least to argue toward—a set of such capabilities that are fundamental in the sense that they're necessary for a good human life. These can provide a kind of foundation for human rights, though perhaps not the kind of foundation some people would like.

Sojourna: Sage - that's really well said.

Reaser: my response is if someone was judging my human rights I would take the sentimentalist every time and keep the logical person as far away from me as possible

Reflection: I do not believe that it is either rationality or sentimentality which defines cultural moralities, but rather the complex evolution of cultures in conflict over time, with what is most effective determining the current "moral code" that defines, "human rights". So the individualistic ideas of the west are now in ascendancy, and our culture's take on human rights is currently encoded in international documents, but I believe that could change.

Eolas: Why Reaser?

Reaser: logical people are cold and without feeling ... captain :-)

Renald chuckles

Sojourna: I still want to force you all to take - for the purposes of the discussion an either / or position. Yes, we are reflective and sentimental creatures - but when we support human rights, when we rally in marches and protest, do we do this because of Kant's categorical imperative or because we feel for those worse off than us ?

Renald: oh, that's a rather different question

Sojourna: Mine, Renald?

Renald: Yes, Soj.

Dar: I do not believe human rights are based in the absolute, as humans are not absolute.

Renald: "Kant's categorical imperative" is rather narrower than "reason" itself.

Sojourna: OK - yes, it's a hard question to answer and a hard one to pose - I'd like to kick off question 2 with Oswy who is clearly foundationalist

Oswy: I don't think you can take that either or position. You use reason and intuition in these matters that's what humans do.

Sojourna: and then have a Rorty supporter respond

Sojourna: Oswy?

Kiran: I think that we cannot neither without rationality nor without sentimentality, as I said before. I think if we are only personal or sentimental, we cannot find out what is right on wider level, and in society we deal with many different people, not only those who are like we... here we need rationality..

Eolas: my point with respect to Sage's & a few others, is that reason has affected the way people have evolved culturally to an immense degree.... starting with small things but getting along with each other in groups and being social creatures seems to have had the greatest effect on morality - which seems to me to be broadly defined as "that which is in the best interest for human societal peace & inter-relationships", Human Rights, as a concept however, as I said, is asserted.... so while it may not be exactly based on an absolute, it is based on a sort of fundamental philosophy of self-ownership, which I think we all have on a fundamental level

Kiran: wanted to say - we are not only sentimental or rational..

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Dar: I think we are missing the universal aspect. even given reason, are there any absolute premises regarding all of humanity not subject to change?

Sojourna: But foundationalism and self-evident truths are not based on intuition - or does everyone here reject both foundationalist and anti-foundationalist positions?

Eolas: what we feel as sentimentalism now was born out of 100,000 years of smaller, rational actions

Oswy: Soj I am not foundationalist in the sense that I believe in a priori truths. I believe that humans universally speaking have to approach thing in a certain way and that this approach progresses. I am not a relativist but not a foundationalist in the sense that there are a priori truths either.

Sojourna: Dar - what do you think? That's a good point?

Eolas: which is why it's ingrained into our biology & culture

Sage: Eolas, I disagree about the philosophy of self-ownership, but you know that :)

Renald: Soj, I thought I rejected both, but I suspect I'm an anti-foundationalist without Rorty's terminology.

Eolas: I do.... but for rights to exist at all you have to have that

Wichard: I am neither foundationalist or anti-foundationalist. Of course, you can accuse me of just not being willing to choose, but I see flaws in the dichotomy. It does not capture to complexity of the system. Human (thinking-entity) rights are a system based on rational thought within a particular cultural (Eurocentric?) stance, but not on "truth", and certainly not "absolute truth", and it probably over-values "human" life. Thinking entity are intersubjective, not subjective, and, as thinking entities, we use both rational and emotional thought processes to build our rationalizations. Using "sentimental" seems to carry too many negative connotations, as does "subjective".

Dar: I think there are no absolute statements of humanity not subject to change over time

Sojourna: I think everyone has rejected both positions!

Dar: for a simple reason - humans did not always exist

Eolas: otherwise we're not talking rights, but societally granted "privileges"

Sojourna: Eolas - yes....

Sage: I don't need a 'right' to exist Eolas -- I just do it =)

Shak: Same thing, Eolas?

Eolas: not the same thing at all!

Eolas: yes Sage, you just do it - but that's not the point

Sojourna: OK - so, let me ask you all this then! (Again)

Eolas: your "right" is to be free from other people interfering with your existence

Sage: I have no such right

Wichard: With rights and privileges come responsibilities.

Renald: I'm not sure that's even possible, Eolas

Sojourna: When you march in protest rallies or just support human rights do you sit and reflect on Kant's categorical imperative and know that this is what is right to do, or do you feel? First feel? Or First reflect?

Eolas: then murder & theft & slavery = ok to Sage :P

Sojourna: Rorty does not say that reason will not come into it, he says you might go for philosophical backup

Sage: it's all about context, Eolas.

Sojourna: but that FIRST you will feel. So, what do you think?

Eolas: I think I'd agree with that Soj.... but with the caveat that the way I "feel" is a result of culture & biology

Reflection: if I am marching in a rally, I do so because I have been conditioned to have certain beliefs, no different than religious ones, that I identify with, this part is purely emotional, I think (or sentimental if one prefers)

Sojourna: Eolas - I think Rorty would agree with what you say

Renald: Soj, I doubt there's one answer for all people to that question. I suspect some people do participate in such activities solely motivated by intellectual reflection. I suspect most people do so out of feeling, but I contend feelings are also their own rationality. Just not Kant's necessarily, hehe

Sojourna: Reflection! Is that Rorty's position?

Sage: yes soj I don't think that's too surprising -- Rorty and Kant both have really extremist positions

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Dar: our actions are guided by more than mere sentiment, that sentiment has a lot of truths behind it.

Eolas: yeah - so I guess my point is that culture & biology are the result of rational actions over many many years in a lot of ways

Shak: Why should we agree not to oppress other people, for example? Because we can see reasons why folk shouldn't be oppressed? Or because seeing others suffer makes us feel bad? For me, as with Hume, every 'should' boils down to feeling, though some 'should's' are not obviously entailed by the underlying sentiment. I do not oppress people in my group because I'm programmed biologically to share their suffering. I also calculate, rationally, that I will be better off materially as well as emotionally when members of my group cooperate rather than fight. I further rationalise that I would empathise as well with people from remote groups as with members of my own, and that their cooperation can be valuable to me, materially. And so I reason to a general principle, viz, I will feel better, live longer and profit materially if I join a general undertaking not to oppress people, anywhere.

Sojourna: OK, Renald :)

Sojourna: I like what you say Shak - every should boils down to feeling

Reflection: I don't know Rorty's position, well enough to say Soj

Sojourna: Dar - more than mere sentiment? You mean biology etc?

Eolas: I disagree with you in general Shak...

Wichard: We do oppress other people for a variety of reasons such as antisocial behaviors

Sojourna: Reflection, neither do I :)

Eolas: every *should* is based on a goal

Eolas: survival of the human species might be such a goal

Reflection: Eolas, I don't know that culture and biology are the result of "rational actions" over many years

Dar: historically too Sojourna

Simulat: but saying that everything boils down to feeling begs the question of where those feelings come from

Oswy: All I agree Hume had a lot to say on this that was correct ie we are creatures of passion but that did not rule out reason as well. I don't see that you have to divide these things up.?

Eolas: I said in part Ref

Patrick Flaks: I guess I see a difference between having rights and experiencing those rights. I have no problem granting those who want to claim that people have inalienable rights, but no one realizes their rights unless they either live in isolation or if society recognizes /grants those rights?

Sojourna: Oswy, did you reply to that question about feeling first or reflecting first?

Oswy: We are multi motivated entities?

Seneca: Since I'm convinced that action on principle is possible, I think it's too simple to say that all 'shoulds' refer, in the end, to passions.

Sage: Eolas, but why do we care about the survival of the species? there is always feeling behind the 'should's, or they carry no weight

Oswy: Soj, that was my answer.

Seneca: I find that I'm a coherentist about the epistemic question (What evidence do we have for universal rights) but a foundationalist about the metaphysical question (is there a basis for human rights). In neither case would I refer to a priori principles though.

Kiran: I would like to say - I think Eolas earlier, but other Eolas several times mentioned culture and biology - I think that rationality and sentiment/intuitions are in interactive relationship. They "feed each other". Once people learn the importance of human rights, it goes back and can change their feeling and thinking. Eolas mentioned biology and culture - it is evolving in the same way. Our brain is changing according to societal changes

Dar: I like that Seneca

Oswy: Kiran that is the right approach

Eolas: Well sage, that's a biological imperative which has a lot more to do with millions of years of evolution than just simply something we take for granted today

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Sojourna: Yes, I don't think we need to divide this up - I need to stress that one position does not rule out the other - but it is a shift of focus from the standard "moral truths are self-evident" to moral truths are sentimental opinion...

Kiran: Also, here is the question who can say what is good or wrong, who can decide what is a human right?

Renald: All, several of us here seem to want to combine "reason" with "sentiment", which is precisely the problem I think the question and Rorty's choices of terms make so difficult.

Oswy: Eolas, you said the UN Declaration was horrific why?

Eolas: every species is designed to self-propagate, or we die off.... the *one* thing all our ancestors have in common.... they propagated the species

Eolas: and I'm writing an essay on the topic right now for my self

Seneca: Why horrific, Eolas?

Sojourna: Renald, yes, and I think our problem is also that we think that one rules out the other, but I don't think it does, it is just a matter of what you appeal to in the first and general instance

Sage: Eolas, you're conflating causality with explanation; the two are completely different

Sojourna: Shall we move into question three?

Renald: Have our knees stopped jerking?

Oswy: I would have though the declaration perfectly represents our sentiment and reason combined in one statement?

Sage: the cause of something and the reason it happens are completely different beasts

Sojourna: 3. paraphrasing - - traditional human rights have a strong foundation because they are said to appeal to universal self-evident and rational truths ----

Eolas: because A. it conflates rights & privileges, B. it's ridiculously self-contradictory, C. it asserts the opposite of self-ownership... and indeed basically sets up a system where government - in this case an international government owns all people

Sojourna: is the case weakened if human rights are, via Rorty, said to appeal to human sentiment?

Sage: lol I don't think so Renald =D

Seneca: I think that if Rorty were right, this would indeed be a problem for human rights activism. If I thought such activism were simply a matter of imposing my own passionate biases, I would not be interested to engage in it.

Oswy: Soj Self evident and universal could be a reference to empirical observation ie if you do these things humans and their societies will flourish its not a priori its a posteriori.

Eolas: and D. it was written by the representatives of murderous thugs for the most part, stemming from communist nations, socialist nations, banana republics & monarchies primarily

Sojourna: Interesting point, Seneca

Eolas: and I'm pretty sure Oswy, that it was a joke to begin with in 1948, as the chairman of the committee and America's "representative" was Eleanor Roosevelt....

Sage: Eolas, I'd be a lot less concerned with the philosophical justifications in the charter than whether or not it would improve human rights

Reflection: so Eolas, you think it is horrific, because it is not rigorous? Can any political document that is going to be even appropriate to give lip-service to, for so many different nation states ever going to be philosophically rigorous?

Sage: in practice, that is

Dar: Well, I think that human rights activists have appeals to many reasonable arguments based in the historical context

Simulat: Eolas - it seems to me that your idea of rights is "might is right"

Sojourna: Oswy - then switch that to self-evident and a priori, which is what foundationalism says about moral truths

Eolas: No, not at all Sim; not even a little; might is right is absolutely not the case

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Renald: Right, question 3. Soj, I think the case is weakened among people committed to a rigid distinction between "reason" and "sentiment". How important that is, I don't know. I agree that appeals to "sentiment" are actually more effective, just that conceding that such appeals are "irrational" is unnecessary and probably not helpful in the long run.

Wichard: For activists and general audiences, use appeals to sentiment, sex, fulfilment, security, love, and other traditional sentiments.

Sage: (Sim, Eolas is an objectivist, he believes our rights come from property rights over ourselves.)

Simulat: Sure it is - if rights are just what we assert for ourselves, then the only way to defend them is to be mighty

Sojourna: Hey, Renald, good statement

Seneca: Doesn't the question whether the rights in question are 'horrific' have something to do with the content of the rights specified, not just the political issues involved in their articulation and support?

Eolas: self-ownership is the issue.... *EVERYONE* - owns his/her own body, and from that stems a series of conclusions, and I'm not an objectivist

Simulat: Also Eolas - if rights are self asserted then a person can easily assert a right to control others

Eolas: no Sim.... in fact there's the best video on this topic I've ever seen if you'll let me pull it up

Oswy: Soj, it seems to me Rorty is confusing rationalist with reasoned. If you are a rationalist you believe in the a priori. If you believe in the use of reason then observation and the a posteriori is the way forward. The declaration of rights is a distillation of the a posteriori; it's a sort of moral sociology.

Dar: well, we are mightier in numbers sim. the slave morality defeats the master morality every time because the master overestimates its worth.

Kiran: is self-ownership the same as freedom.. especially personal freedom?

Eolas: and it was my statement - it leads to personal freedom

Renald: hmm

Sojourna: Oswy - even so, that is still different to sentimentality? No?

Renald: No

Oswy: Eolas surely rights are a mixture of things some re claims some are privileges some power assertions and others immunities?

Sojourna: Renald?

Renald: The only conflict between "sentiment" and "reason" as far as I can tell, is one of scope. "Sentiment" tends to be narrower... it might be called a special case of "reason".

Oswy: Soj I think emotion has some part to play as Kiran said before. Because we are human we can't escape our emotions but some emotions are better than others ie a feeling for justice is a better emotion than a feeling for revenge?

Renald: Otherwise, we assert that those who act out of sentiment are somehow behaving randomly.

Eolas: OK.... for those interested, this explains, what I very firmly believe is the foundation of rights

Eolas: <http://www.isil.org/resources/philosophy-of-liberty-english.swf>

Sojourna: Oswy - well I think Rorty would say that it is your feeling for justice to which you appeal to in support of human rights and not your reasoning about justice.

Kiran: When we speak about human rights, we want to find out what are fundamental or universal rights for all -different cultures, religion etc. - . If we speak about self-ownership, can we apply that to children? Children's rights as part of human rights, have many limitation with the aim of helping children. Here we are more rational than sentimental - we need to know what will harm them, what is good for them

Seneca: (Oswy, I would argue that only claims and immunities are truly *rights*, because only they are normative constraints on others. But this discussion might take us far afield.)

Eolas: and the assertions I was referring to - to whoever asked this - *have* to be defended, sometimes violently - but this is why it's important to make a VERY clear distinction between force being used in defense of yourself and force initiated against others

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Reflection: it might be that sentiment and reason are both used, a posteriori to provide a rational structure for things which have merely demonstrated themselves to be pragmatically powerful, so for example it is only a hundred years since human rights was defined as the dictatorship of the proletariat, in response to the absolute powers of the czarist regimes

Reaser: I think emotions are far from random the process may not be understood but it is probably using the brain in a more integrate manner than logic , far from primitive

Eolas: yes..... Children are humans.... they have sovereign rights just like anyone else.... self-ownership means that murder, slavery, theft is all wrong - you can't do those things to kids either

Seneca: Children have a different set of rights, however. They are not full self-owners in the standard sense.

Oswy: Soj The problem is that Rorty constantly had to put everything in a pragmatist mould. He did it to irritate and stimulate discussion. On most things he was over the top and did not see the subtleties of things.

Sage: Seneca -- I agree -- and it's exactly those "rights" that I'm opposed to codifying => Though I'm all for the enforcement of general moral principles

Kiran: Seneca, what then about unemployed people, mentally ill people, old people... they depends on others too

Sage: but as far as politics goes, I'm all for anything that improves things in practice

Seneca: Which rights are those, Sage?

Eolas: they are full-owners in a basic sense, but because of their limited ability to understand consequences and the rights of others they have to be limited to a degree and have guardians

Renald: Oswy, I think he went far beyond pragmatism... or not far enough.

Sojourna: It's nearing end of official time (we are running late) but can we have some statements as to why Rorty is wrong - but statements that take into account that Rorty is not denying reasoning per se but when it comes to humans supporting human rights, he just thinks we are acting as sentimental people rather than philosophers. But I may be wrong - so give me some good concluding arguments.

Sage: Seneca - unbreakable claims and limitations on others -- there are always exceptions imo

Sojourna: Oswy - yes about Rorty, what a wild guy he was

Renald: It's a seriously intended question, believe it or not :-)

Sojourna: Oh!

Seneca: Rights may not be 'unbreakable claims,' as you put it, Sage. So this might not be a good reason against codification. The right of free expression may have many limitations, yet still be a right.

Reaser: we do not know the impact of with holding these rights , we may put the person who will save the human race out of existence by logic

Oswy: Soj I think we all agree that rights are not a matter of the a priori they are matters of practical judgement.

Reaser: chaos theory

Sojourna: Interesting point, Reaser - but I would say that reason is a conscious process, and even if emotions are occurring in the brain, there is no reasoning going on? Er....

Renald chuckles

Sage: Seneca, I see it as a difference between philosophical rights and legal rights. I'm all for legal rights. =>

Seneca: Some rights are trivial-- I may own a plastic grocery bag when I come from the store, but my claim to it has little moral significance.

Eolas: haha..... well.... I think if Rorty doesn't deny rationality as a component I think he's mostly right - but I would have the two flipped..... I don't believe that peoples feelings for the most part lead them to a broad understanding of rights for themselves & others.... rather they lead to petty selfishness a lot of the time.... so it's applying some long-term, rational thought to selfishness that gets us a society where we generally agree on rights and limitations on what we can force others to do

Oswy: We reach practical judgements by using intuition emotion sentiment whatever you want to call it because we can do no other.

Sojourna: Oswy, ok - but you won't go so far as to say that based on sentiment, as Rorty does

Eolas: legal rights don't exist without philosophical ones Sage.

Reaser: are data is limited, we cannot postulate on the possible outcome

Second Philosophy

Simulat: Sojourna - Rorty seems to me to be partly right, but I think he diminishes the idea of rights by linking them to sentiment - does that make him wrong?

Seneca: Sage, is it your view that philosophical rights (if there are any) would be absolute moral constraints?

Seneca: most contemporary philosophical accounts don't have that view.

Sage: right Seneca; actions that are wrong in any context.

Oswy: That does not preclude your use of reason; we are also inescapably rational entities. We can see universally what makes us flourish and we choose those avenues of action.

Sojourna: I think - Sim - that is probably the problem

Renald: Sim, that's precisely the problem I have with Rorty... I don't think he means to diminish rights so much as exalt sentiment... and I'm sympathetic to that. But still.

Eolas: Sage, sometimes I think you narrow your definition of context in such a way that limits your thinking on this....

Sage: how so, Eolas?

Eolas: I think there are universals, but you have to start with understanding which things apply in which situations.

Eolas: well... like this: Murder is wrong ... in any context

Seneca: In practice, the rights that we would generate from a foundational right of self-ownership are not all that different from other proposed lists of basic rights. I don't think we need to get hung up on the question which rights are foundational if we can find many arguments leading to (about) the same basic list.

Sojourna: Sorry - Sim do you want to add to that?

Eolas: but something's you are including in the term "murder" that I wouldn't

Oswy: We are multi dimensional thinkers it's just what we do.

Eolas: killing someone in self-defense isn't murder

Renald finds the idea that Sage narrows definitions difficult to grasp.

Sojourna: And you, Renald

Eolas: nor is killing someone accidentally

Renald: and me?

Eolas: I said broadens didn't I? I meant to anyway Renald

Simulat: no Soj

Dar: I think killing someone deliberately may be right in some circumstances.

Sojourna: Ok Sim -

Sojourna: Ren - just the bit about diminishing rights

Eolas: what circumstance though Dar?

Oswy: Soj I have given my summing up.

Renald: Oh... no, I think that was it.

Seneca: Eolas, since 'Murder' is the wrongful taking of human life, it is tautological to say that murder is wrong. But we need to specify which takings are 'wrongful' and why.

Eolas: the "wrongful" part... right - but it's not just "wrongful"

Sage: Well Eolas, if you include intent in the definition, then that's fine -- but I don't think 'rights' are normally used in regard to people's intentions.

Eolas: cause wrongful can be accidental - intent is what legally defines murder

Kiran: speaking about killing tells me how those rights are close to religions, and religions are in great measure sentimental

Seneca: I agree, Eolas.

Dar: Self Defense, defense of another, to protect society at large from a violent and unreformable criminal.

Eolas: Right, but Dar - that's self-defense and I knew you were going there; which is my point

Sojourna: Oswy, I don't think Rorty denies our use of reason, he says we might go ahead and philosophise all we like, but many of us do not and yet still have strong understanding of human rights - do you think we are agreeing with Rorty, but find him a little controversial?

Sojourna: ok thanks Ren

Second Philosophy

Eolas: self-defense doesn't equal murder.

Dar: My point is that humans are not absolute, that human morality, based on the life of humans, is not absolute.

Kiran: intent and actions brings us to much into abstract level and can bring confusion when speaking about human rights

Sage: sure Eolas, if you use open-ended definitions -- as law does -- then that's fine. Law is not fully codified, as it leaves the definitions forever open to be refined by future precedents. I'm all for this.

Dar: That doesn't deny the applicability of such systems of thought on it Eolas

Eolas: they can bring confusion Kiran, but that's why there are courts to assess violations of rights

Kiran: then it belongs into legal system, not into human rights

Reaser: my understanding of human rights is not logical ,it is sentimental ,I cannot think in any other way about life

Oswy: Soj, Rorty was notorious of his negative attitude towards philosophy he totally underestimated its cultural impact.

Eolas: no, the legal system is *derived* from a nation's conception of human rights

Sage: but law is about the morality of the enforcers, has nothing to do with the morality of the perpetrators.

Seneca: Kiran, are you using 'human rights' as 'moral rights?'\

Renald: Reaser, and if sentiment as logical? Don't let anyone frame you out of your rightful standing.

Renald: sentiment is logical, that should be

Reaser: thanks Renald

Kiran: but I agree what Sejourne said before that sentimental sometimes can lead into wrong way - it's my free interpretation. People can be very sentimental when it is about their nation, family, people.

Sage: no Eolas, I don't think law is derived from basic principles; It's mostly trial and error, and finding laws that don't piss people off :)

Oswy: In families in schools in groups in society in general we generate rules and rights and responsibilities its what we are as humans Rorty wanted to say philosophy had nothing to say about this he was just plain wrong.

Reaser: my sentimentality is to the entire race

Kiran: Law is based on cultural principles.

Renald: Kiran, that's true. But they seem to me to be rational even so. Just limited in scope. And we can't always be broad, and never infinite.

Eolas: the idea that people are (in most developed countries) protected from theft and their right to property ownership

Sage: sure Kiran :)

Kiran: Then, we can say that human rights must be based on some sentiments towards goodness of entire race

Renald: Oswy, yes, exactly.

Eolas: is a human rights base for law....

Dar: Eolas, I certainly agree with self ownership. I do not trust in greed to do what is best for the self or for society as a whole though.

Sage: sure Eolas, because societies that do that are more stable and successful -- it's "practical" -- you don't need any "basic principles" to do "what works better"

Eolas: Well Dar, greed a lot of times leads people to violate other people's rights

Oswy: No one denies that as humans we have concepts of rights the real issue is whether these rights are universal or culture bound. Rorty opened the way for dangerous relativism that is the real debate.

Eolas: which is why we need to guard against that and thus why I'm not an anarchist ;)

Seneca: I don't think that the concept of 'self-ownership' can be used as if we all agreed about what it means.

Dar: agreed on greed

Sojourna: OK, well that's just the strong response I wanted and I got it from the blue dragon. Thanks Oswy. I hope we can continue this discussion on Facebook! I officially end our discussion of Human Rights - Rational or Sentimental here, invite you all to Facebook, and invite Sim, Dar and Reflection to further elaborate on their view which I'd like to hear more of.

Second Philosophy

Renald: Kiran, Rorty's point seems to be that we need to concentrate on widening the general sense people of who is "human", rather than on the abstract arguments for universality. And I think he's right there.

Reflection: Oswy, I don't think Rorty opened the way for dangerous relativism, I think it is nature that does that

Sage: Yes Kiran, though it is interesting how we draw the line at 'human' -- some apes are more intelligent than some people I know... it's surely a sliding scale =>

Dar: relativism doesn't have to be as extreme as some make it out to be

Sage: yes Dar, very true

Eolas: oh... again - please everyone watch this:

Eolas: <http://www.isil.org/resources/philosophy-of-liberty-english.swf>

Kiran: It was a little difficult to follow, but this discussion opened many interesting questions I think

Dar: Well, it depends on what is taken as relative and what isn't

Kiran: Dar I agree with this - relative etc

Dar: I find that truth itself is not relative.

Renald: Dar, it seems to be that it's all relative... but we are still here and now, and have to always account for that.

Dar: But, I find that many truths differ when looked at from different perspectives

Dar: science always happens from our perspective, and i think a large part of science developing is in developing tools to see things from more perspectives.

Kiran: but science was wrong very often

Dar: rounding out our view of truth, both relative and absolute.

Reflection: science morphs constantly

Kiran: I think the problem of science today is its limit on too much institutes etc.. its very difficult to develop new hypothesis because somehow you must be based on old ones..

Dar: Well, science as an institution has its rules, and many of them are good

Reaser: but old hypotheses can be modified or even discarded

Dar: get something published and verified and who knows where it might go

Reaser: we have to start somewhere

Reflection: it is proper for science to morph, along with its rules, as we learn more, the questions and answers must always change

