

Richard Rorty's Sentimentalist Approach to Human Rights

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Abstract

Understanding human nature, and the rights and duties resulting from it, has long been a concern for philosophers. After World War II, this led to the foundation of the movement known as the human rights movement with the adoption of the Universal declaration of Human Rights. Richard Rorty opposes all foundationalist schools, to which the human rights movement mainly belonged, referring to them as being inefficient in respecting human rights. Rorty believes that promoting and explaining the sentimentalist approach is the best way to promote and defend human rights. According to sentimentalist approach, the difference between human beings and animals does not just lie in the fact that the former possesses a unique intellectual capacity, but in the fact that human beings enjoy a wide range of emotions and feelings. Rorty believes that we are able to defend human rights by taking advantage of sentimental education, and promoting empathy. This article explores the philosophical foundations of Rorty's approach to human rights. Starting by a review of Rorty's critiques of the competing philosophical readings of human rights, the article sums up other's criticisms of Rorty's own view. And by proposing answers to those critiques, it suggests that Rorty's explanation of human rights in a pragmatic framework is both philosophically viable, and practically efficient.

Keywords: Richard Rorty; Human Rights; Sentimentality; Golden Rule; Sentimental Education.

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1. Introduction

Philosophers have tried to understand human nature since ancient times. These efforts have always been controversial and led to the emergence of various views and theories concerning human nature. According to foundationalists, human rights and human duties are established in accordance with human nature and, therefore, any clarification of human rights based on foundationalism is as controversial and unsuccessful as the clarification of human nature itself. Accordingly, Richard Rorty rejected any foundationalist approach and believed that human rights should be clarified in a pragmatic manner and in line with human beings' sentimental features. The current study examines Richard Rorty's approach to human rights, seeking a coherent reading of his approach and, finally, defending his pragmatic view toward human rights.

In this article, after reviewing Rorty's philosophical background, his pragmatic view toward human rights is explained. Also, his criticisms of classical views of foundationalism concerning human rights are briefly introduced. Then, the way Rorty has used the concept of 'emotions' to clarify human rights and that how his pragmatic approach leads to such a clarification of human rights is examined. If we believe that human rights are a branch of moral philosophy and should be clarified according to moral principles, then we need to show the correspondence between the pragmatic approach toward human rights and the morality of these rights.

To this end, a sentimentalist explanation of the basic principles of ethics, The Golden Rule in particular, is presented and the fact that human rights can be derived from moral principles in line with this explanation is demonstrated. Next, the application of the sentimentalist approach in developing non-legal strategies to promote human rights is examined. Finally, the most important criticisms of Rorty's approach to human rights is categorized and analyzed, and it is shown that most of these criticisms are irrelevant and that Rorty's approach is defensible to a great extent, both in theory and in practice.

2. Rorty's Philosophical Backgrounds

Richard Rorty is one of the pioneers of the school of neo-pragmatism who followed philosophers such as William James, John Dewey, and Charles Sanders Peirce in explaining and promoting pragmatic views. In his book called *Pragmatism*, William James considers pragmatism the same as the

known approach of empiricism, but just stated in more explicit and radical terms. James writes:

A pragmatist turns his back resolutely and once for all upon a lot of inveterate habits dear to professional philosophers. He turns away from abstraction and insufficiency, from verbal solutions, from bad *a priori* reasons, from fixed principles, closed systems, and pretended absolutes and origins. He turns towards concreteness and adequacy, towards facts, towards action and towards power.¹

Thus, although pragmatism needs to be understood theoretically in the traditional framework of empiricism, pragmatists break up with the traditional empiricists by avoiding speculative philosophy altogether. For them, the sole aim of philosophical endeavor must be to achieve tangible results that can be applied directly to real situations. As James also adds, pragmatism “is primarily a method of settling metaphysical disputes that otherwise might be interminable.”² Neo-pragmatism should also be understood as a post-modernistic³ version of pragmatism, developed by Rorty and others. Rorty’s source of inspiration was Martin Heidegger, Wilfred Sellars, Willard V. O. Quine, Jacques Derrida, and most important of all, John Dewey.⁴ In general, neo-pragmatism is a kind of dubious school that casts doubt on common beliefs of humankind. For example, this school rejects the existence of universals or rejects the approach that the human mind acts as a mirror in the processing of sense data, an approach that is known as representationalism. According to this school, natural biological species are not that complex as understood by those who believe in metaphysics and, therefore, there is no need for an in-depth analysis and investigation to understand their nature. Instead, natural biological species are the same as the things we see and interact with in everyday life.

In his article “Banality of Pragmatism and the Poetry of Justice” in *Philosophy and Social Hope*, Rorty presents two major distinctions between

1. William James, *Pragmatism: A New Name for Some Old Ways of Thinking* (Toronto: Longmans, Green and Co., 1922), 51.

2. James, *Pragmatism*, 45.

3. Postmodernism is a philosophical movement that arose at the end of 20th century as a critical response to modernist classic beliefs. Hence, skepticism, anti-constructivism, and modern binary oppositions are the characteristics of this movement. This movement has an impact on different branches of “humanities” including arts, culture, literature, historiography, and literary criticism.

4. Nicholas Bunnin and Jiyuan Yu, eds. *The Blackwell Dictionary of Western Philosophy* (Oxford: Blackwell, 2004), 467.

pragmatism and neo- pragmatism as follows:

The first is that we neo-pragmatists talk about language instead of experience, or mind, or consciousness, as the old Pragmatists did. The second respect is that we have all read Kuhn, Hanson, Toulmin, and Feyerabend, and have thereby become suspicious of the term scientific method.⁵

Therefore, neo-pragmatism departs from traditional Pragmatism by focusing on language instead of experience and denying mere scientism.

Another distinction is that Rorty is an anti-foundationalist in terms of epistemology. Epistemological foundationalism holds that all our beliefs can be justified in terms of fundamental beliefs, which in turn are justified directly by our senses. These fundamental beliefs, which do not need to be justified by other beliefs, are known as self-justifying or self-evident. On the other hand, anti-foundationalism suggests that human beings' epistemology is not structured in a way that several fundamental beliefs can act as the basic ground or foundation for other beliefs to justify them. Anti-foundationalism possesses numerous branches and approaches which are beyond the scope of this article.⁶

The third distinctive feature of Rorty's philosophy is his interest in the tradition of analytic philosophy. Analytic philosophy was mainly developed in the English-speaking countries in the 20th century and gradually turned into the dominant philosophy in Western Europe and North America. Analytic tradition distinguishes itself from philosophical traditions by emphasizing clarity and argument, and its main objective is to eliminate ambiguity in language. First, philosophers of analytic tradition believe that the main task of philosophy is to clarify the content of claims and, second, that such clarification can be carried out through a logical analysis of philosophical propositions.

5. Richard M. Rorty, "The Banality of Pragmatism and the Poetry of Justice," in *Philosophy and Social Hope*, ed. Richard M. Rorty (London: Penguin Books, 1999), 95.

6. The main theories of anti-foundationalism are as follows: (1) **Coherentism**: According to this view, a belief or set of beliefs is justified, or justifiably held, just in case the belief coheres with a set of beliefs, (overall, the set forms a coherent system); (2) **Reformed Epistemology**: This theory is about the rationality of religious belief and the main claim made by this theory is that religious belief can be rational without any appeal to evidence or argument; (3) **Foundherentism**: This theory is a mix of two rival theories, namely foundationalism and coherentism, that was expanded by Susan Haack for the first time in her book, titled *Evidence and Inquiry: Towards Reconstruction in Epistemology*. See: *Stanford Encyclopedia of Philosophy*, s.v. "Coherentist Theories of Epistemic Justification," <http://plato.stanford.edu/entries/justep-coherence>; and *Internet Encyclopedia of Philosophy*, s.v. "Reformed Epistemology," <http://www.iep.utm.edu/ref-epis>.

It must be noted that early Rorty was considered as one of the analytic philosophers. However, he turned his back on this tradition in 1979 by writing his famous *Philosophy and the Mirror of Nature*,⁷ rejecting several of the assumptions of analytic philosophers. Yet, analytic tradition had a permanent impact on his thinking.

3. Philosophical Pragmatism and Human Rights

Before Rorty, theoretical foundations of human rights chiefly explained based on foundationalism in the sense that it was believed that there are “universals” according to which the nature of human beings and his rights and duties can be defined. “Universals” are briefly defined as Logos [the intellect] for Plato, as God for Thomas Aquinas, as Natural Right for John Locke, and as Categorical Imperative for Immanuel Kant. As an anti-foundationalist, Rorty criticizes all these philosophers and rejects these types of principles and their meta-historical dominance over humans.

To understand Rorty's pragmatic approach toward human rights, it is necessary to note that, in his eyes, we are living in a post-philosophical political culture in the sense that we have passed the philosophical modern era the golden age of which has been the Age of Enlightenment, and the time when intellect and rationality have had the absolute dominance. The post-philosophical era has caused the emergence of a multi-cultural era the main distinctions of which are the followings: historicism,⁸ contextualism,⁹

7. Richard M. Rorty, *Philosophy and the Mirror of Nature* (Princeton: Princeton University Press, 1979).

8. Historicism is a view showing that the nature of affairs can be only understood by tracking their positions and roles in the context of historical expansion. This theory is highly significant in Continental philosophy in terms of metaphysics and methodology. Historical expansion is considered necessary in an objective manner and has its own specific rules. According to Hegel, this self-expanding objective procedure is the “World Soul” or “categorical imperative”. According to Marx, the procedure is merely objective and does not depend on human agents. This notion taken from Historicism has created this claim that the historical approach differs from the naturalistic approach. See: Bunnin and Yu, *The Blackwell Dictionary of Western Philosophy*, 307.

9. Contextualism is one of the notions in the moral philosophy and modern philosophy of language, representing an approach that emphasizes the context in which an action, utterance, or expression occurs. See: Bunnin and Yu, *The Blackwell Dictionary of Western Philosophy*, 138.

temporariness and partiality,¹⁰ as well as being liberal and ironic.¹¹

As a result of adherence to the features of post-philosophical culture, Rorty, himself being one of the philosophers consolidating this position, rejects the existence of any meta-historical element in human nature. According to Rorty, as long as we believe that there is a meta-historical power in the nature of human beings that will make them do good or help them make their moral choices, we will not be able to pass through foundationalism. By turning our back to foundationalism and relying on pragmatism, we can focus on managing emotions and emotional teachings to promote human rights.¹²

Rorty believes that foundationalist philosophers have undertaken the responsibility to provide independent support for our moral intuitions. In other words, according to Rorty, they form generalizations to summarize and compact our moral intuitions. In the next step, these generalizations are transformed into their presumptions. For example, the "Difference Principle" proposed by John Rawls¹³ is an example of summarizing moral intuitions.

The function of these summarizing generalizations is to improve the predictability, potential, and performance of our moral intuitions to form the concept of shared moral identity. Given these points, Rorty believes that what the foundationalist philosophers did and hoped for was to provide independent support for our summarizing generalizations. In fact, foundationalist philosophers believe that there are fixed and certain cognitive rules and principles that we should discover and identify, through which we can find independent support for our moral intuitions. Rorty summarizes the claim of

10. This means that we cannot issue a general maxim in the modern post-philosophical culture from the view of a subject that is free of any personal or religious interests or partialities. Nevertheless, today we have found out that our cognition is a result of a complex web of educations, personal and collective interests, and alike. This causes our views and theories to be temporary and partial and specific to a certain place and time.

11. In Rorty's philosophy, Irony has an extensive meaning, as defined by Rorty in his *Contingency, Irony, and Solidarity*.

12. Richard M. Rorty, "Human Rights, Rationality, and Sentimentality," in *Truth and Progress: Philosophical Papers*, vol. 3, ed. Richard M. Rorty (Cambridge: Cambridge University Press, 1998), 176.

13. John Rawls (1921-2002) introduced the following two principles of distributive justice in his *A Theory of Justice*: (1) Each person has an equal right to the most extensive pattern of equal fundamental rights and freedoms, which should be similar to those of the others; (2) Social and economic inequalities are to be arranged so that (a) they would be connected to the organizations and positions open to all under conditions of equal opportunity and (b) they provide the greatest benefit for the least privileged.

Part (b) of the second principle of distributive or social justice is known as the "Difference Principle." According to Rorty, Social and economic inequalities in the principles of distributive justice proposed by Rawls can only be justified if the "least privileged members of the society received the greatest benefit" which is a generalization for our summarizing intuitions.

providing and identifying such independent support in the title "claims to knowledge about the nature of human beings".¹⁴ According to Rorty, "[t]o claim such knowledge is to claim to know something that, though not itself a moral intuition, can *correct* moral intuitions."¹⁵

However, there are major criticisms raised against foundationalism in ethics because of its claim that there are fundamental and innate beliefs hidden in human nature, by inference to which ethical principles can be explained. General and vague claims for uncovering the innate moral principles through "referring to pure nature [*Fitrah*]" or "removing rust from the heart" are simply dead ended. There is no certain systematic mechanism through which we can discover the innateness of a claim and, also, there are no objective and non-personal standards that can help to judge among the competing claims for innateness through referring to human nature.¹⁶ Therefore, Rorty argues against foundationalism in human rights and believes that our ethical choices are only affected by possible historical realities. Opponents of Rorty sum up his approach under the title 'Cultural Relativism'. Rorty is not happy with such an accusation and prefers to refer to his approach as 'Anti-Foundationalism'. Cultural relativism is an approach that has been associated with the accusation of irrationalism since old times. Rorty says that if irrationalism is defined as denial of moral transcultural facts, or moral facts that are fixed in all times and places, then he is irrationalist. Also, according to Rorty, his approach does not entail that we humans cannot create a coherent and structured network of beliefs. In fact, for Rorty, rationalism is merely seeking to create such coherence.¹⁷

To go beyond foundationalism, Rorty takes advantage of the historical approach and historicism as well as appeal to pragmatism. In his endeavor to transform philosophy into a field of thinking that can be influenced by time and place, he admires Hegel's definition of philosophy and develops a belief in historicism. Rorty often refers to the Hegelian definition of philosophy as "holding your time in thought," which means finding a description of all the things and concepts that represent and develop our time.¹⁸

Drawing on this neo-pragmatic re-definition of philosophical investigation

14. Rorty, "Human Rights," 171.

15. Rorty, "Human Rights," 172.

16. Seyed Masoud Mousavi Karimi, "First Step in Understanding Human Rights," *The Journal of Human Rights* 13, no. 1 (2018): 11.

17. Rorty, "Human Rights," 170-171.

18. Richard M. Rorty, *Contingency, Irony, and Solidarity* (Cambridge: Cambridge University Press, 1989), 55.

and rejecting the trans-historical conception, in Rorty's opinion, philosophy does not gain its significance through the claim of availing oneself of the world of extrasensory ideas anymore. Philosophy is an effort for "holding your time in thought" which is influenced by history and culture, and is also part of our literary culture. This literary culture is produced by our redefinition of different areas of knowledge, such as science, religion, and philosophy in the meta-process of historical development, and varies from one culture to another. In this approach, the human rights movement is also formulated as a cultural and modern redefinition of human nature as well as its rights and duties.

However, it should be taken into consideration that Rorty knows that pragmatist arguments are not free from shortcomings, just like foundationalist arguments. In *Philosophy and Social Hope*, he mentions his failure to propose a flawless argument for his anti-foundationalism position, and acknowledges that simply appealing to Darwin's theory of evolution and advising to abandon the efforts to attain metaphysical understanding of the issues may not be convincing for his opponents.¹⁹

3.1. Rorty's Sentimentalist Approach to Human Rights

Rorty has primarily presented and expanded his view of human rights in his article entitled "Human Rights, Rationality, and Sentimentality."²⁰ In this article, Rorty explains a theory concerning human rights, which is based on rejecting foundationalism and defending sentimentality in this field, to promote and support human rights. Rorty considers sentimental manipulation of people for respecting others' rights to be more effective than emphasizing the moral understanding, and believes that the difference between humans and animals lies not in the fact that the former possesses a unique intellectual capacity, but rather in the fact that humans are capable of expressing feelings and sympathy toward one another to a greater extent.²¹ Rorty's sentimentalist approach toward human rights is the logical outcome of his philosophical

19. Richard M. Rorty, "Introduction: Relativism: Finding and Making," in *Philosophy and Social Hope*, ed. Richard M. Rorty (London: Penguin Books, 1999), xvi.

20. This article was written for "The Oxford Amnesty Lectures" in 1993 with the following specifications:

Richard Rorty, "Human Rights, Rationality and Sentimentality," in *On Human Rights: The Oxford Amnesty Lectures 1993*, ed. S. Shute and S. Hurely (New York: Basic Books, 1993);

And was also published in 1998, in Rorty's *Philosophical Papers* (vol. 3) with the following specifications:

Richard M. Rorty, *Truth and Progress: Philosophical Papers*, vol. 3 (Cambridge: Cambridge University Press, 1998).

21. Rorty, "Human Rights," 169-170.

pragmatism on the grounds of rejecting foundationalist approaches toward human nature and accepting the view that the difference between humans and animals is a sentimental difference. Based on this approach, the most reliable way to respect and promote human rights is to develop the culture of sympathy.

Since Rorty objects to foundationalism and universalism and considers philosophy as a cultural action that is influenced by ethnocentrism, he essentially sees himself as philosophizing from the viewpoint of an anti-foundationalist liberal ironist, who lives in a safe and rich country and shows compassion for people who live in less developed countries and who are under torture or suffering. Therefore, in reading and interpreting Rorty's approach, these presuppositions should be considered.²²

Rorty's main purpose in "Human Rights, Rationality, and Sentimentality" is to argue for the claims of Eduardo Rabossi, an Argentinian human rights activist and philosopher. According to Eduardo Rabossi, "human rights foundationalism" is "outdated and irrelevant."²³ Following him, Rorty defends the claim that contingent historical and cultural realities from all over the world have shaped our moral choices and considers the role of foundationalism to be trivial in this regard. According to Jose-Manuel Barreto, Rorty's reading of human rights through criticizing philosophical schema of modernity allows us to observe a significant transformation in both theory and practice. Rorty defends the epistemological assumptions of the contingency of human rights²⁴ from a pragmatic point of view and understands rights and morality in terms of human suffering and, to establish the culture of human rights, supports and elaborates on the idea of increasing people's sympathy toward others. Barreto mentions that Rorty's call for putting aside metaphysical foundations for human rights was grounded in two reasons: (1) to bolster his pragmatist formulation of these rights, and (2) to take into account the ethnic traditions in the realization of such rights that allow human rights activists and those with

22. It should be noted that the term "perspective" used by Rorty here does not mean that this approach cannot be applied to safe and rich societies efficiently. In contrast, due to pragmatic and sentimentalist presuppositions in this approach, it can be utilized as an effective and efficient tool to satisfy the public and necessitate those in power, both in developed and under-developed societies in order to promote and expand human rights.

23. Rorty, "Human Rights," 170.

24. In philosophy and logic, contingency is the status of propositions that are neither necessary nor impossible (a contingent proposition of coin tossing probability is neither necessarily true nor necessarily false). Contingency is based on facts and not the given necessity or impossibility. According to Rorty, human rights culture also depends on this contingent cultural and historical event, which possess characteristics including flexibility and facts-based changes.

a third world view to expand their commonalities.²⁵

According to Barreto, the virtue of Rorty's work rests, first of all, upon showing how to fight for human rights in a cultural sphere, without relying on transcendental or metaphysical arguments to justify and realize the rights.²⁶ Accordingly, within the framework of a theory of human rights, truth is not a representation of Kantian transcendental ideas and the accordance of our knowledge to it; rather, truth is something that enables us to solve the problems we confront (problems such as cruelty, humiliation, injustice, oppression, neocolonialism, and genocide). In this view, truth is a concept that gets its meaningful only in the light of its function; a function that must have the capacity to fulfill our dreams about a utopian society of human rights or global justice.²⁷

Rorty objects to giving the label of "irrationals" to the violators of human rights and believes that they just have not been as lucky as we liberals—who are enjoying a safe country, in their environment and conditions. Therefore, Rorty does not consider violators of human rights deprived of moral truth and moral understating, like foundationalists do; rather, he suggests that they should be considered deprived of two more practical matters: security and sympathy. He explains that what he means by security is a life condition free of danger to the extent that individual differences do not affect how people respect each other's rights; just like the conditions provided in North America and Europe. And what Rorty means by sympathy is a set of human reactions to others' suffering and unpleasant situations. Sympathy can include a wide range of reactions, from feeling pity to pure humanitarian sacrifices. In fact, sympathy allows us to put ourselves in the shoes of those who are suffering and, hence, try to help them in accordance with our power and capacities.²⁸

3.2. Sentimental Morality

Among the theories of human rights, there is a strong view that regards morality as the foundation of human rights and, in fact, considers human rights as a part of moral philosophy. Hence, a detailed investigation of moral principles and the way that they are formed will help us to better understand human rights.

25. Jose-Manuel Barreto, "Rorty and Human Rights: Contingency, Emotions and How to Defend Human Rights Telling Stories," *Utrecht Law Review* 7, no. 2 (2011): 95-96.

26. Barreto, "Rorty and Human Rights," 95-96.

27. Barreto, "Rorty and Human Rights," 98.

28. Rorty, "Human Rights," 180.

If Rabossi and Rorty are right in considering the foundationalist human rights as outmoded, then we should take David Hume and Annette Baier as better mentors than Plato and Kant. Hume was the first person to state that “Reformed Sympathy” is the basis of moral action, rather than the intellect’s awareness of the moral law. In this regard, Baier suggests to put aside both the Platonic idea of *a true self* and the Kantian idea of *morality based upon intellect*. He leaves the Kantian notion of obligation and replace it with the notion of trust, as the fundamental notion of morality. As a result of this substitution, our ability to understand other’s emotions will furnish the needed basis to developing a human rights culture; to promote human rights we basically need to develop public emotions, rather than increasing public awareness of moral laws. Rorty explains that developing a human rights culture according to sentimentality is the same thing that he introduces as “sentimental education”.²⁹

By drawing on the Annette Baier’s interpretation of Hume’s ethics, Rorty tried to re-construct the major role of sentiments in the early age of enlightenment—the role which Hume emphasized. In this regard, Baier explains that:

While in Kant morality is a question of obedience to universal rules of pure practical reason, for Hume the grounds and ultimate ends of morality should not rest on intellectual faculties but on sentiments. In Hume’s moral philosophy, emotions are not under the control of reason but within a web of sentiments that allow feelings to control themselves.³⁰

In other words, instead of seeking a metaphysical rule based on which morality can be established, we can base the moral philosophy on a network of developed sentiments (such as helping others, avoiding inflicting pain on other humans, having sympathy for their suffering, and the like), which can govern humans’ undeveloped and raw emotions.

According to this view, the key notion in the moral philosophy would be ‘sympathy’, or the capacity to make others’ joys and sorrows our own (in the words of Hume) or “the imaginative ability to see strange people—those who are oppressed by humiliation, cruelty and pain—as fellow sufferers” (in Rorty’s terms).³¹ Sympathy is the basis of Annette Baier’s notion of “trust” which he wants to take it as the foundation of moral action.

29. Rorty, “Human Rights,” 181.

30. Barreto, “Rorty and Human Rights,” 105.

31. Barreto, “Rorty and Human Rights,” 105.

In short, it can be said that sentimentality is the central notion of morality in Hume's view and, accordingly, Baier replaced the moral notion of "obligation" with the notion "trust" as the central notion of morality. It can be concluded that these philosophers consider sentiment as having a more crucial role in moral philosophy than intellect or reason.

In his article "Ethics without Principles", Rorty points out another fixed and unconditional obligation and, then, critically analyzes it:

Such rights are said to form the fixed boundaries of political and moral deliberation. In American jurisprudence, Ronald Dworkin tells us, rights 'trump' every consideration of social expediency and efficiency. In much political discussion, it is taken granted that rights which the US courts have interpreted the US constitution to bestow, and those universal human rights enumerated in Helsinki Declaration are beyond discussion. They are the unmoved movers of much of the contemporary politics.... From a pragmatist's point of view, the notion of 'inalienable rights of humankind' is no better and no worse a slogan than that of 'obedience to the will of God'. Either slogan, when invoked as an unmoved mover, is simply a way of saying that our spade is turned – that we have exhausted our argumentative resources.³²

In other words, the statement that "there are unconditional fixed rights as human rights" is merely a claim that no justifiable argument supports it. As mentioned before, human rights are dependent on sentiments and sentiments are rooted in intricate fluid cultural grounds.

To understand the notion of "sentiments" in Rorty's works, it should be noted that sentiments are systematic emotions and passions which are socialized to a great extent. These emotions have developed with the aid of thought, compared to their instinctive state. In fact, sentiments are the outcome of a combination of our unconscious reactions and behaviors (in their unprocessed and raw form) toward the cultural and social notions that have been established in the communities in the course of history and have been accepted in those communities after so many trials and errors. An emotion is instinctive and is guided by biological circumstances and responses. But a sentiment is a subjective attitude that is generated via emotions to increase human solidarity and willingness to reduce others' pain and suffering. Given this explanation, we understand that Rorty's proposed terms (such as

32. Richard M. Rorty, "Ethics without Principles," in *Philosophy and Social Hope*, ed. Richard M. Rorty (London: Penguin Books, 1999), 83.

sentimentality, sentimental education, sentimental manipulation and progress of sentiments) by no means refer to basic or raw human emotions that are only the results of human tendency to protect the self.

As mentioned by Barreto, Rorty's view concerning moral philosophy does not result in a new system of morals. Barreto explains Rorty's view in this regard as follows:

Rorty suggests a series of cultural 'moves or strategies orientated to transform the political culture and to ensure that the claims for democracy, social justice, and human rights advance. ... Being sympathy and solidarity primary virtues and values of the rights culture, the characteristic individual of the post-philosophical human rights ethos is that of being sensitive to the suffering of strangers, and able to identify oneself with them.³³

Sentimentality and rationality have traditionally been considered as two opposite notions. However, in Rorty's philosophy, not only do they not oppose each other, but rather depend on one another. Rorty's interpretation of rationality is connected to his primary notions of moral values (namely, sympathy and solidarity). In his article "Rationality and Cultural Difference", among many definitions of rationality, Rorty chooses the one which is almost synonymous with "tolerance." Tolerance is accompanied by a willingness to change one's own habits; it also relies on *persuasion* rather than on *force*. This type of rationality is a virtue that enables individuals and communities to coexist peacefully with other individuals and communities, and to find new and constructive ways to live with one another. This definition of rationality, as opposed to its traditional definition which confines us to the fabric of intellect, relies on tolerance, persuasion, and changing of habits and, for Rorty, rationality in this sense is synonymous with *freedom*.³⁴ This definition of rationality not only does not contrast with sentiments, but also it relies on sentiments to maintain its flexibility. Therefore, contrary to what we see in the history of philosophy, for Rorty's, there is no crucial or principal difference between the two notions of sentiments and rationality. These two notions are rather closely related in their definitions.

In the history of philosophy, as well as in religious traditions, the golden

33. Barreto, "Rorty and Human Rights," 105-106.

34. Richard M. Rorty, "Rationality and Cultural Difference," in *Truth and Progress: Philosophical Papers*, vol. 3, ed. Richard M. Rorty (Cambridge: Cambridge University Press, 1998), 186-187. In this article, Rorty points out Hegel's definition of rationality and considers it as a sign to confirm his definition of rationality as *freedom*.

rule has been considered as a criterion to define moral action and has been interpreted in various ways. In non-philosophical terms, this rule generally states that “treat others as you would like others to treat you in the same context”. The following has been quoted from Jesus Christ in the Gospel of Matthew:

Therefore, all things whatsoever ye would those men should do to you, do ye even so to them: for this is the law and the prophets.³⁵

In Islamic sources, it has been narrated that a Bedouin came to the prophet, grabbed the stirrup of his camel and said:

O the messenger of God! Teach me something to go to heaven with it.

The Prophet replied:

As you would have people do to you, do to them; and what you dislike to be done to you, do not do to them.³⁶

As a philosopher, Kant established the most complete formulation of the golden rule and proposed it under the title of “categorical imperative” as follows:

Act only according to that maxim by which you can at the same time will that it should become a universal law.³⁷

Richard Rumana explains that Rorty interprets Kant’s “categorical imperative” and the golden rule as a rational principle. Since every Human is obliged by his nature to act rationally, thus, to find a common ground to act morally, we should propose a rational moral principle so common that everybody obeys it. Kant tries to find such a general rational principle. He established his suggestion in the form of categorical imperative as above. This formation of the categorical imperative is simple enough to be obeyed by everyone, and it is abstract enough to cover every possible moral circumstance.³⁸

35. Mt 7:12.

36. Muhammad bin al-Hasan Al-Hurr al-Amili, *Wasa'il al-Shia*, vol. 15 (Qom: Aalulbayt Institution, 1991), 287.

37. Immanuel Kant, *The Philosophy of Law*, trans. W. Hastie. (Edinburgh: T. and T. Clark, 1887), 34.

38. Richard Rumana, *On Rorty* (Boston: Cengage Learning, 1999), 85.

If we pay attention to the formulation of the golden rules, we will see those phrases such as “you want”, “you prefer”, and “you like” refer to a way of self-persuasion for choosing proper behavior towards others and are closer to human sentiments and preferences, than to his intellectual judgment. According to Rorty, these preferences mostly rely on our wishes and desires, rather than on our reason or intellect. Based on Rorty's reading of Kant, the golden rule in fact puts moral principles on the basis of sentiments, not intellect. Gensler, though is of the modern proponents of the rationality of golden rule, believes that the ability to take another's perspective (i.e., sympathetic approach) is crucial for applying the golden rule.³⁹

What we seek to establish is that the golden rule, as the foundation of ethics, is a *formal* principle and its content should be obtained from somewhere else. The best way to find the content of such a rule is to focus on sentiments, sympathy, and solidarity. Rorty points out that anti-foundationalists agree with Hegel's claim that Kant's “categorical imperative” is an empty abstraction that needs to be filled with concrete details, which can only be provided by historical experiences. Moreover, according to Rorty, claims about human's natural or essential rights are also abstract claims whose content cannot be determined but through the study of concrete details.⁴⁰ The question is “How can we achieve these concrete details?” According to Rorty, moral principles such as “categorical imperatives”, “principle of utility” and the like would be beneficial and effective as long as they can refer us to different instructions and procedures resulting from moral and political reflections. Moral principles act as the reminders and summaries of these procedures, and not philosophical justifications or arguments for their existence. Rorty compares these principles with teaching tools created to educate these procedures to humans.⁴¹

The golden rule is highly important since it provides personal experience, literature, cinema, and such other fields with the best tool for building a feeling of human solidarity and respecting others' rights. Following the golden rule is the best strategy to implement human rights, provided that it is considered a sentimental principle that is not originated from reason (in its classic definition).

39. Harry J. Gensler, *Ethics: A Contemporary Introduction*, 3rd ed. (London: Routledge, 2017), 283.

40. Richard Rorty, “Democracy and Philosophy,” Eurozine, June 11, 2007, <https://www.eurozine.com/democracy-and-philosophy/#>.

41. Rorty, *Contingency, Irony, and Solidarity*, 59.

3.3. Sentimentalist Strategies to Promote Human Rights

In developing a theory of human rights, Rorty is not concerned about the legal aspect of the issue. Rorty, of course, was aware of the necessity of declarations, conventions, treaties, and such agreements. However, his theory of human rights never intended to cover legal aspects of the subject. Hence, we divide strategies of promoting human rights into two general categories. The first category is the legal or political strategies that are usually placed within the international legal and political human rights system. These strategies are designed and approved by international organizations and institutions to provide the needed official grounds for the realization of human rights. The second category of strategies for promoting human rights includes non-legal strategies which, in general, are planted culturally. Rorty's theory of human rights serves to promote human rights in the latter way.

Moreover, for Rorty, there is a fundamental distinction between the private and the public domains. The private domain concerns self-creation, activism, and individualism, whereas the public domain is related to general issues such as politics, public culture, public tolerance, liberalism, and so on. In Rorty's view, the problem of human rights and their promotion resides within the public domain and are concerned with human kinds' collective destiny. Therefore, means and criteria proper to public domain should be utilized to address the issue of human rights.⁴² In short, Rorty's theory of human rights is a theory concerning non-legal strategies to promote human rights within the public domain.

So far, we established that, according to Rorty, human beings differ fundamentally from animals, not because they possess a unique intellectual capacity, but because they are capable of feeling to a much greater extent. The ability to feel and understand others helps us not to be indifferent toward others and consider them as beings just like ourselves. Now, how can the mentioned ability or sentimentality assist us in general to develop and promote human rights?

For Neo-pragmatists, morality increases by raising the level of sensibility. The raise of sensibility, in fact, results in an increase in the level of responses to the needs of a larger groups of human fellows. Pragmatists believe that the idea that metaphysical beings and notions govern human destiny must be replaced by the idea that we are obliged to pay our utmost attention to the

42. Rorty, *Contingency, Irony, and Solidarity*, 83.

conditions and well beings of fellows living in our society. Rorty constantly insists that moral development is closely correlated with the increase of sympathy and solidarity.⁴³

According to Rorty, if we set aside the foundationalist view on human rights, the only remaining task to promote human rights is to educate generations to understand others' suffering and make their efforts to put an end to those sufferings.⁴⁴ In fact, to prevent cruelty, we need to create a process of developing sensitization in human society. The sensitization may be developed in two forms: (1) the violators become aware that their actions are violations against the rights of others and, thus, they stop their cruelty; (2) different social groups become aware of the situation of people whose rights are violated and, therefore, come to their aid.⁴⁵

Rorty defines the development of sensibility as follows: is to develop an ability in ourselves to see the similarities between us and others who are not apparently similar to us to the point that we consider them more similar to us than different from us.⁴⁶ This is what Rorty calls "sentimental education". In Rorty's view, for moral progress and better protection of human rights, it is better not to call others by the title *they*, but rather *one of us* or *fellow*. The program of "sentimental education" should enhance the capacity of individuals and societies to hear strangers and to become familiar with their way of life. We can promote and expand this culture by storytelling; stories about shared human experiences that explain multiplicity of cultures.⁴⁷

In explaining the influence of literary genre and tools in provoking sentiments and, ultimately, promoting human rights, Rorty writes:

We shall have to accept the fact that the fate of the women of Bosnia depends on whether television journalists manage to do for them what Harriet Beecher Stowe did for black slaves—whether these journalists can make us, the audience back in the safe countries, feel that these women are

43. For example: Rorty, "Ethics," 82.

44. Rorty, "Human Rights," 179.

45. Tyler Zoanni, "For, Against and with Gewirth and Rorty: An Effort to Rethink Foundationalism and Non-Foundationalism in Human Rights Philosophy" (written for Ignacio Martin Baró Essay Prize for Human Rights, 2008); Also, Nicholas Crosson, "Human Rights Work: A Pragmatic Justification for Human Rights," in *Theoretical Foundations of Human Rights: Collected Papers of the Second International Conference on Human Rights*. Collected by Center for Human Rights (Qom: Mofid University Press, 2003), 128.

46. Rorty, "Human Rights," 181.

47. Barreto, "Rorty and Human Rights," 110.

more like us, more like real human beings, than we had realized.⁴⁸

The significance of sentimentality in Rorty's view is only due to the pragmatic role that it can play in changing our attitude toward others feeling their pain and suffering. Hence, sentimental education by literary means, such as story writing and journalism, is a significant tool for promoting human rights.

3.4. Evaluation of Rorty's Approach to Human Rights

To assess objections to Rorty's approach to human rights, we categorize the objections in seven groups and evaluate each separately, as follows, though these categories might overlap in some points:

3.4.1. Sentimentality could be regarded as a double-edged sword in the sense that, in one hand, it can be used in employing positive emotions and building a feeling of sympathy and, on the other hand, it might be misused by populists for justifying their immoral agendas. As a clear historical example, Hitler abused Germans' nationalistic sentiments after the World War I, which triggered World War II. In response to this objection, it should be mentioned that the mere possibility of misuse of some means does not justify us to reject or to abandon the means. Rather, such possibility encourages us to elaborate on the conditions wherein the means might be misused and, in this way, prevent such possible abuses. Rorty's approach is an appropriate way of using sentiments and it even allows us to properly identify the cases where sentiments are abused.

3.4.2. Rorty's just labels outmoded the foundationalist view on human rights and does not say much about the philosophical evaluation of this view. Zoanni argues that even if foundationalism is not up-to-date and has lost its popularity, this is not a philosophical argument against it.⁴⁹ We should acknowledge that these criticisms of Rorty's rejection of fundamentalism is serious and justified. We are sympathetic with his rejection of foundationalism or not, we are not able to find real philosophical arguments against this view in Rorty's writings.

3.4.3. Due to the failure of rationality to guarantee human rights, Rorty rejects building human rights based on rationality. However, it should be noted that

48. Rorty, "Human Rights," 181.

49. Zoanni, "For, Against and with Gewirth and Rorty."

rationality's failure in the past does not necessarily mean its failure in future. Rorty needs to show that why rationality cannot guarantee human.⁵⁰ This criticism, which somehow overlaps with the previous one, also is a valid one, and Rorty's debates do not have enough theoretical support in this regard.

3.4.4. Rorty's approach toward human rights can persuade only those people living in liberal and democratic societies, because it is only in these societies that democratic values can be justified without referring to philosophical or religious foundations. Human rights must be either justified by universal values to be comprehensible for all individuals, or it can be only persuasive for those who believe in liberal values. Although Rorty himself claims that sentimentalist approach may only work in wealthy societies, in defense of his position, we can hold that, sentimentalist approach might be used in the poorest societies too and, perhaps, with the same level of success. This is because, the sentimentalist approach may lack universal theoretical foundations, it enjoys an adequate universal efficacy as a pragmatic approach; The power of sentiments might be much more widespread and influential than what both Rorty and his critiques believe.

3.4.5. Rorty relies on an uncorroborated experimental presupposition about the efficacy of sentiments and sympathy. In other words, we cannot guarantee that sympathy can be more effective than rationality in observing and executing human rights.⁵¹ According to Crosson, Rorty exaggerates the potentials of sentimentality.⁵² If we accept this criticism, then Rorty's claims would be at least as creditable as that of opposers of the sentimentalist approach; As long as Rorty's approach is not empirically tested and evaluated, none of the views will dominate the other.

3.4.6. Roger Trigg believes that without an image of what we really are, we cannot meaningfully discuss about our rights. In Trigg's view, Rorty wants to teach us how to think about *ourselves*. But the point is that we cannot think about ourselves without having presuppositions about who we are. In other words, Rorty must start with a proper understanding of humans, if he wants to do more than just talking about his fellow liberal Americans. Meanwhile, he cannot formally accept the biological theories of the nature of human being,

50. Zoanni, "For, Against and with Gewirth and Rorty."

51. Zoanni, "For, Against and with Gewirth and Rorty."

52. Crosson, "Human Rights Work," 126.

on the grounds that no post-modernist is eager to attribute such a credibility to science. In any case, he needs to start with a theory about who is considered as a human and who is not.⁵³ This criticism, in fact, presupposes the foundationalist stand point as a solidly valid one, and demands Rorty to define Human being first, based on such a stand point. But, since Rorty rejects the foundationalist framework, his philosophical standpoint cannot be objected from within such an alien framework. Therefore, this criticism is totally off the point. However, the before mentioned criticism of Rorty as to his weak rejection of foundationalism remains valid.

3.4.7. There is not a clear distinction between theoretical explication of human rights and practical ways to promote human rights in Rorty's approach. From the fact there is no fundamental and rational justification for human rights, Rorty concludes that we should accept what is commonly known as "human rights culture" and devote ourselves to promote this culture through sentimental education; but he never elaborates why we should do so.

As we can see from these observations, those objections to Rorty's theory that address its philosophical or theoretical strength are destructive ones. However, since Rorty—as a pragmatist—does not have that much theoretical concerns and is more worried about practical outcome of his approach, then his approach is immune even to theoretical objections, as long as it is practically effective in promoting human rights. Hence, it can be claimed that Rorty's pragmatic approach is defensible despite all these criticisms.

4. Conclusion

Rorty's approach to human rights is based on several assumptions the most important of which is that philosophical debates are endless and inconclusive. This is because rival philosophical theories are usually framed in different frameworks; i.e., they are based on foundations irrelevant to each other. This ultimately makes it impossible to philosophically prefer one theory over another. As a result, Rorty, instead of putting forward indecisive theoretical debates about human nature, turns to neo-pragmatism, where the nature of humankind is considered as an already known and accepted by the public. If we do not accept that the belief in some ideas as the natural characteristics of humankind is a baseless belief, at least we must to admit that efforts to find

53. Roger Trigg, *Ideas of Human Nature: An Historical Introduction*, 2nd ed. (New York: Wiley-Blackwell, 1999), 240.

natural characteristics of humankind do not produce any inclusive results.⁵⁴ Therefore, Rorty, avoiding abstract theoretical or philosophical speculations, builds both explication and promotion of human rights on the pragmatic basis of sentimentality.

Regarding the theoretical defects found in Rorty's view, it is worth mentioning that Rorty himself did not consider his approach to human rights theoretically perfect. In fact, in his approach to human rights, Rorty's attempt is to avoid theoretical dilemmas that foundationalism suffers from; he tries to conduct the wills and forces in the domain of human rights toward practical utility. Therefore, for the neo-pragmatists, the above-mentioned criticisms are significant if they bear practical results.

In summary, taking the sentimentalist approach toward human rights, along with establishing the necessary legal rules and approving the required treaties, can provide broad possibilities for proponents of human rights. The moral force resulting from sentimentality, with the aid of legal obligation, creates a harmonious combination for dealing with those who see violation of human rights as the only way to achieve their own desires.

54. Mousavi Karimi, "First Step in Understanding Human Rights," 29-30.

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