Utrecht Law Review
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This article is published in a peer-reviewed section of the Utrecht Law Review

Rorty and human rights
Contingency, emotions and how to defend human rights telling stories

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First they applied the torture of the screws,
then they poured hot candle grease on his belly,
then they put his feet in irons
through which a stick was thrust that could be twisted,
and they set fire at his feet.
Bartolomé de las Casas

Introduction

The characterisation of Richard Rorty as 'the latest exponent of US Pragmatism' lacks a careful understanding of the complexity and the wide-ranging possibilities for emancipation that are present in his work. Although true, this understanding of the philosophy of Rorty is nevertheless partial. Indeed, Rorty's Neopragmatism constitutes one of the more powerful reappraisals of metaphysics, the political and philosophical legacy of modernity and the rational understanding of human rights. It is in this critique that the strength of Rorty's thinking resides.[1] The force of Rorty's re-contextualisation of rights within the critique of the philosophical project of modernity offers a possibility for a radical transformation of the theory and practice of human rights. Rorty defends the epistemological presupposition of the contingency of human rights, understands rights and morality in terms of human suffering, and elaborates the idea of advancing human sensibility to consolidate the rights culture. He thematizes the concept of a 'global moral sentiment' and finds in sympathy and solidarity the appropriate feelings and values for a human rights culture. Rorty goes beyond the formulation of an ethics of sympathy and thinks of the ways in which such a morality can be translated into an ethos in the culture of the new millennium.

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1 E. Laclau, 'Deconstruction, Pragmatism, Hegemony', in C. Mouffe (ed.), *Deconstruction and Pragmatism*, 1996, p. 65. I would like to thank Professor Peter Fitzpatrick for having called my attention to this book not too many years ago.

URN:NBN:NL:UI:10-1-101284

Rorty's call for putting aside the quest for metaphysical foundations for human rights and for engaging in the creation of strategies to further the respect for human rights comes not only from his pragmatist formation. It also builds on the practical ethos common to human rights activists and to some of those who think from the point of view of the Third World. The urgency for imagining ways of defending rights can be more strongly felt in the South than in the North, where the circumstances are not so pressing. Thus, Rorty explicitly sets foot on the position of the Argentinian philosopher Eduardo Rabossi, who maintains that the exploration of the transcendental grounding of human rights is outmoded.[2]

Rorty mainly developed his view on human rights in the essay 'Human Rights, Rationality and Sentimentality', which was prepared for the 1993 Oxford – Amnesty International Lectures.[3] This text has been a precursor in establishing a link between human rights and sensibility, between the tradition of the ethics of emotions in Western philosophy and the theory of human rights, and between sentimental education and long-term human rights activism. Taking this ground-breaking piece as a starting point, this article attempts a reading of Rorty's understanding of rights in connection with the rest of his work.[4] Thus, the exploration of the implications for the theory and practice of human rights of Rorty's postmodern conceptualisation of political culture will be carried out by thematising his (2) Intellectual context and some of its key tenets, namely (3) Human rights without metaphysics, (4) the post-philosophical culture, (5) the rights culture as a culture of emotions, and (6) the literary culture, as well as the problem of how to defend human rights telling stories.

2. Re-contextualising Rorty

And this Diego de Landa says that he saw a tree
from whose branches a captain hanged many Indian women,
and from their feet he also hanged the infant children.
Bartolomé de las Casas

Before diving into Rorty's approach to rights, let us look briefly at his intellectual trajectory and background. This detour will allow us to see the complexity of his work and to avoid the narrow identification of his thinking with the renewal of old North-American Pragmatism. Rorty's thought was developed amidst the reaction to the hegemony of analytical philosophy in the Anglo-North American philosophical debate. He built upon and developed the critiques of Quine, Davison and Sellars to the Neo-Kantian philosophy, which was then dominant under the auspices of analytical philosophy, logical positivism, the philosophy of mind, the philosophy of language and the philosophy of science.

Equally, Rorty's thinking was born in conjunction with the critique of the Enlightenment developed by Postmodernism. Rorty engaged in a discussion of modern philosophy, particularly

2 E. Rabossi, 'El fenómeno de los derechos humanos y la posibilidad de un nuevo paradigma teórico', 1989 *Revista del Centro de Estudios Constitucionales*, no. 3, pp. 323-344.

3 R. Rorty, 'Human Rights, Rationality and Sentimentality', in S. Shute & S. Hurley (eds.), *On Human Rights: The Oxford Amnesty Lectures 1993*, 1994. This article is also contained in R. Rorty, *Truth and Progress. Philosophical Papers, Volume 3*, 1998. The quotes in this article are from the original publication.

4 Being perhaps Rorty's most well known book, *Contingency, Irony and Solidarity* is sometimes given too much weight in the characterisation of his thought, or it is approached with not enough consideration of the rest of his work. In order to avoid such a bias in the understanding of Rorty, this interpretation also reflects upon the first three volumes of his 'Philosophical Papers', which collect his essays from the 1990s and form the philosophical landscape that feeds and, at the same time, expands the horizon of problems developed in *Human Rights, Rationality and Sentimentality*. Going further back, this analysis takes into account his *Consequences of Pragmatism*, which collects the essays written in the 1980s, as well as his seminal *Philosophy and the Mirror of Nature*, published in 1976.

the thoughts of Kant and Habermas, and turned back to Plato to mount an attack on metaphysics and the philosophical project of modernity. In this arena he was inspired by criticisms provided by Hegel's historicism, Nietzsche's attack on metaphysics and Derrida's deconstruction of logocentrism. A joyful wonderer and skilful cartographer of the paths of thought, Rorty established a fruitful dialogue between Anglo-American and Continental philosophy and opened the door to a realm where both traditions converge. At the same time, paradoxically, Rorty was an heir to the political project of Modernity. In this regard he made a distinction between the philosophical and the political legacy of the Enlightenment and, while dropping the first, he embraced the second – including human rights. It is within this complex intellectual landscape that Rorty reclaimed the heritage of Dewey, James and Pierce. He not only adopted their take on the centrality of practice for knowledge, but also their concern with politics and their libertarian commitment.

Some caveats are necessary regarding Rorty's understanding of the origins and history of human rights, as well as in relation to his political position. Rorty contended that the human rights culture was created by Europeans and North Americans. For him, the idea of rights would have gained strength over the last two centuries, and become an incontestable phenomenon after the atrocities of World War II with the promulgation of international human rights treaties. In this sense Rorty defined ours as a 'Post-Holocaust human rights culture'.[5] Moving away from his Eurocentric theory of rights, let us now consider his political positions. In both the United States and Europe, Rorty has not been popular either with the conservatives or the 'classical liberals' due to his progressive and heterodox understanding of democracy. On the other hand, he has been the object of strong criticism from the left. The reaction of the latter is not without reason. While Rorty points to Fascism and Communism as two expressions of the crisis of the political project of Modernity, he fails to advance a vision of Liberalism and Capitalism which is sufficiently critical of the negative consequences that these models have had in contemporary societies and the world. Rorty's ideas are grounded in the history of the United States, both republican and imperial. Thus, Rorty celebrated the democratic achievements of the US and, while he criticised imperialist excesses like those committed in Latin America and Iraq, he was not particularly disapproving of the overall role the US has played in world politics over the last two centuries.

However, there is a risk that an assessment of Rorty's work dominated by a focus upon the weaknesses of his political position can lead us to lose sight of the contribution that his philosophical and cultural project can make to contemporary thinking and to the various struggles for justice and human rights. As in the case of Ernesto Laclau – who avoids an outright rejection of Rorty's work and has made an invitation to reinscribe Rorty's utopia within the theory of the 'radical democracy'[6] – this article attempts a non-dualist interpretation of Rorty by getting hold of his conception of a political culture and fully developing it within the field of human rights, while taking a distance from some of his political views.

5 See Rorty, supra note 3, pp. 115, 126.

6 E. Laclau, *Emancipation(s)*, 1996, p. 105.

3. Human rights without metaphysics: a cultural theory of natural law

The Christians captured alive
a hundred natives and killed thirty.
They cut the arms off some that they captured,
and the noses from others,
and the breasts from the women.
Bartolomé de las Casas

If we are to walk away from a theory of human rights based on metaphysics, the importance of Rorty's work is evident. The virtue of his work rests, first of all, upon showing how to conceive of and to fight for human rights in the sphere of culture without relying on a transcendental comprehension. Rorty's distrust of a priori groundings or unhistorical justifications of rights – what he calls 'foundationalism' – leads to a different interpretation of human rights theory and practice. Building on Rabossi's call for setting aside the metaphysics of rights, Rorty's reflection begins with the idea that developing theories about the transcendental foundations of rights is outdated.[7] Thus, for those who are involved in the exploration of the philosophical grounding of human rights as a way of strengthening them against sceptics and critics, Rorty is their counterpart. Above all, Rorty does not oppose human rights, neither their cultural nor historical justification, but only the metaphysical foundation of rights. He assumes himself to be a participant in the effort to achieveg the political project of modernity, including the task of furthering contemporary human rights culture as a way of avoiding or alleviating the suffering of victims of the abuse of power.

Antifoundationalism is one of the crucial tenets of Rorty's critique of metaphysics as it encompasses a transformation of the image of philosophy and of the concept of truth present in the Western tradition. Rorty distinguishes between two different types of foundationalism, which are usually found together in modern theory. In the Platonic tradition, philosophy has configured itself not only as epistemology – as a transcendental theory of knowledge – but also as grounding, as a reflection about things in relation to their metaphysical foundations.[8] Thus, it is possible to speak about 'epistemic foundations' or 'foundations of knowledge' on the one hand, and of 'metaphysical foundations' on the other.[9] The first are pursued in the theory of knowledge, which looks for the transcendental conditions of the possibility of truth. The latter belongs to the ambit of ontology.

3.1. Epistemic antifoundationalism and human rights

For Rorty the theory of natural law is foundationalist as rights are deduced from a 'human nature', which is understood as corresponding with the human condition. Such a notion is based on a conception of truth as representation, a metaphor that has dominated Western philosophy since the times of Plato. The idea of representation comes from the image of the visual perception already present in the platonic identification of physics and idea.[10] Within this theory of knowledge, truth is the result of an effort aimed at obtaining an accurate description of what stands in front of the subject, and consciousness and mind become 'mirrors of nature'. The notion of

7 See Rorty, supra note 3, pp. 115-116.

8 This insight is already found in Heidegger: 'Metaphysics thinks beings as beings in the manner of a representational thinking that gives ground'. M. Heidegger, 'The End of Philosophy and the Task of Thinking', in M. Heidegger, *Basic Writings*, 1993, p. 432.

9 M. Williams, 'Epistemology and the Mirror of Nature', in R. Brandom (ed.), *Rorty and His Critics*, 2000, p. 206.

10 R. Rorty, *Philosophy and the Mirror of Nature,* 1979, p. 162.

human nature also derives from a universalistic and unhistorical vision of truth. Immutable over the centuries, foreign to historical vicissitudes, valid for all and therefore universal, the concept of human nature is assumed to remain beyond any controversy as a 'necessary' truth. But knowledge of these characteristics falls under the suspicion of being the offspring of metaphysics. Standing outside history and immune to any determination coming from the world, unhistorical truth is the result of the divinisation of the enquirer, and therefore mere illusion and idealism. The natural law theory of human rights is, in this way, the offspring of a Platonist conception of the human – the human nature - and the product of a Kantian transcendental approach to morality and law – the categorical imperative and the concept of human dignity.[11]

Drawing on Hegel and Nietzsche, Rorty asserts the historical, contingent, contextualist and perspectivist character of knowledge. There cannot be knowledge that is not born out of the historical circumstances in which the world occurs.[12] Universal truth is just the result of the hypostatisation as an eternal or final vocabulary of a contemporary language or even of a particular self-image.[13] Rorty maintains that he is not elaborating 'a theory about the nature of truth',[14] but a theory about the 'culture of truth', or about the 'cultural nature' of truth – the unavoidable empirical and historical conditions of the production of knowledge.

In the field of human rights, this point of view translates into the idea according to which there is no 'natural' law. Law and rights are always historical and cultural and, as a result, a conception of human rights without metaphysics cannot be but a cultural theory of natural law. In this intellectual landscape is not possible to defend human rights on the basis of their intrinsic transcendental universality, but only from the point of view of their historical validity and universality: human rights are to be respected because they incarnate the minimum canon of civilisation that has been adopted over the last centuries, and because they constitute the common legal and political standard agreed by the whole community of nations in contemporary history. Any attempt at debilitating or getting rid of them would mean abandoning and falling beneath a benchmark of civilisation.

Rorty also adopts Wittgenstein's metaphor of language as a tool and opposes it to the idea of truth as representation. And when Rorty embraces James' notion of truth as 'what is better for us to believe' – as the knowledge that furthers our cultural and political projects –, Wittgenstein's ideas acquire a pragmatist look. If there is no truth in itself because knowledge is the consequence of interest or human purposes,[15] the search for truth for its own sake is abandoned. In turn, inquiry for knowledge or philosophical investigation is understood as a problem-solving activity – along the lines of Dewey – and concepts are assumed as being action-guiding, as in Pierce.[16] The question that gives life to philosophy is a pragmatic one and relates to the issue of the right thing to do.[17]

In the arena of the theory of human rights, truth would be what has the ability or the capacity to help us to resolve the problems we confront – cruelty, humiliation, injustice, oppres-

11 The natural law theory shares its idealist character with other perspectives like that of the social contract. The contractualist theory is based on the construct of the 'state of nature', which belongs to the same family of concepts of the human nature, the only difference being that of its social character. The state of nature would be that of the first stage of any society, 'back in time', 'at the very beginning'. However, despite its historical connotations, this perspective has no proper historical background. The fantastic or daydream quality of these images allows this period to be described as a paradise of social harmony as in Locke, or as a situation of generalised war as in Hobbes.

12 Rorty devotes the first three chapters of his *Contingency, Irony and Solidarity* to a wide-ranging exploration of the historical nature of language, self and society. R. Rorty, *Contingency, Irony and Solidarity*, 1989.

13 See Rorty, supra note 10, p. 10.

14 R. Rorty, 'Solidarity or Objectivity', in R. Rorty, *Objectivity, Relativism and Truth. Philosophical Papers I*, 1991, p. 24.

15 R. Rorty, 'Introduction' to R. Rorty, *Essays on Heidegger and Others. Philosophical Papers II*, 1996, p. 2.

16 See Rorty, supra note 3, p. 119.

17 Ibid., p. 117

sion, neocolonialism, genocide – and to fulfilling our dreams of an utopian – never completely achieved – human rights society or global justice.[18] If the question that ultimately guides the philosophical enquiry is that of 'what is to be done', thinking about human rights is not a matter of defining human nature, but of answering the question 'how is possible to defend human rights?' In response to this challenge, reflection becomes an investigation of strategies – which can be political, legal or cultural. However, Rorty's own contribution to thinking this task does not relate to the elaboration of political or legal tactics, but to the way of proceeding in the field of culture – or political culture.

3.2. Ontological antifoundationalism and human rights

In the arena of ontological foundationalism we are occupied with the question of the 'grounding' of rights. The following paragraph by Heidegger is very enlightening regarding the meaning of the metaphysical drive for grounding:

> 'For since the beginning of philosophy, and with that beginning, the Being of beings has shown itself as the ground (arche, aition, principle). The ground is that from which beings as such are what they are in their becoming, perishing and persisting (…) the ground has the character of grounding as the ontic causation of the actual, the transcendental making possible the objectivity of objects'.[19]

The search for the ground of beings supposes that foundations are before or beyond things, and that the ground gives objectivity to reality. The ground, which is transcendental, is the origin or the cause of beings – that which made them possible and gives actuality to things. An investigation of this type of foundation is precisely one of the characteristics of metaphysics or transcendental philosophy. Relying on Heidegger's long-term understanding of the vicissitudes of metaphysics, Rorty points to foundationalism as a way of thinking that has been present throughout the history of Western philosophy. The concepts at the core of such way of thinking can be observed in the following succession: Arche or principle (for the Presocratics), forms or ideas (Plato), actualitas (Aristotle) res cogitans (Descartes), and absolute spirit (Hegel). Rorty locates the Early Heidegger as the last in this list with his ontology, in which the ontological Being is the ground of ontic beings.[20] It is this search for the transcendental that makes any hunt for foundations Platonic or metaphysical.

If grounding consists of establishing that from which something emerges, then to ground human rights would consist of a certain theorisation that looks for their origins. In the natural law tradition, one of the paths to ascertain the validity of rights consists of bringing the concept of the human condition into consideration. This idea would correspond in this way to an essence or to the basic characteristics of being human. Human rights would be seen, thus, as an attribute derived from the human condition. Ontological foundationalism runs through the principle of the inherent and inalienable character of human rights, and is tacitly incorporated in one of the classic formulations of the canonical declarations of rights: 'All human beings are born free and equal in dignity and rights', announces Article 1 of the Universal Declaration. In a similar way,

18 See Rorty, supra note 10, pp. 9-10 and note 12, p. 55.

19 See Heidegger, supra note 8, pp. 432-433.

20 R. Rorty, 'Heidegger, Kundera and Dickens', in R. Rorty, *Essays on Heidegger and Others. Philosophical Papers II*, 1996, pp. 27-28, 70. In this historical sketch, philosophy is identified with a thinking that looks for metaphysical grounds. At the same time, metaphysics is inaugurated by the birth of philosophy and, in this way, the history of philosophy is fused with the history of metaphysics. It is in this sense that Heidegger states that 'Philosophy is Metaphysics' and 'Metaphysics is Platonism'. See Heidegger, supra note 8, p. 432.

the definition of what *is* the human condition would help to distinguish human beings from animals – or human animals from other animals – and to put the former above the later, creating a special status within the order of live beings – that of the human dignity. In as much as such human nature, condition, essence or dignity is understood as a cross-cultural condition, or as a common feature of all human beings, it becomes unhistorical and universal. Because we are all human beings we all share a human nature and, as a consequence, we all have human rights. In this perspective, as the idea of human nature is the pillar sustaining the edifice of the theory of rights, the condition of the right-holder of all human beings would be secured.

Rorty's second or ontological antifoundationalism is a critique of the way of thinking that proceeds by looking for grounds. In this area of investigation it is not possible to speak about a 'human condition' because, as there are no phenomena outside the domain of history, there are only historical and cultural configurations. In addition, the ambit of 'the human' is precisely the proper sphere of culture. The human 'condition' is cultural because the human is the result of historical dynamics in which human beings and societies act on themselves. From this double perspective, human rights are the result of an historical and cultural evolution. To this historicist vision of human rights, Rorty adds an insight taken from Darwin's evolutionist theory. From this point of view, the most visible characteristic of human beings is their flexibility or plasticity – their capacity to be transformed by the changing circumstances of history and culture. Human beings and societies would not only have a predisposition to change but also an ability to recreate themselves. What is necessary is to abandon the question regarding 'human nature' and to answer the question as to what sort of human beings do we want to become. [21]

To the philosophical grounding of human rights Rorty also opposes the ethics of pragmatism and a particular conception of cultural practice. As far as politics, ethics, law, history and any other intellectual disciplines are ways of engaging and coping with the world, or with problems posed by history, such understanding cannot be based on a metaphysical premise. A cultural project based on metaphysical principles cannot be but metaphysical. As a consequence, dealing with human rights cannot be a question of looking for transcendental grounds but of directly engaging with suffering – *of facing the situation of those in pain*. Thus, it is appropriate to consider questions such as 'why should I care about a stranger?',[22] together with ruminations about the degree of our openness to others and the range of our encounters, as well as about our capacity to listen to outsiders who suffer.[23] Positioned in this direction of inquiry, an investigation marked by a certain concern for imagining how it is possible to reshape individuals and societies will follow. The problem for us is not about human nature, but about which models and practices we are going to employ in our cultural and historical work of self-creation[24] – in our social project that aims at the utopia of relieving suffering. Thus, the Neopragmatic strategy for strengthening the human rights culture passes by the project of widening our shared moral identity.[25] All of these questions do not point to ground our perspective transcendentally but rather to sketch 'practices or practical moves'[26] capable of furthering the human rights utopia.

21 R. Rorty, 'Introduction' to R. Rorty, *Objectivity, Relativism and Truth. Philosophical Papers I*, 1991, p. 13. See also Rorty, supra note 3, p. 115.
22 See Rorty, supra note 3, p. 133.
23 See Rorty, supra note 21, p. 13.
24 J. Donnelly, *Universal Human Rights in Theory and Practice*, 2003, p. 15.
25 See Rorty, supra note 3, p. 117.
26 C. Mouffe, 'Deconstruction, Pragmatism and the Politics of Democracy', in C. Mouffe (ed.), *Deconstruction and Pragmatism*, 1996, pp. 4-5.

4. The post-philosophical culture

Some Christians encountered an Indian woman,
who was carrying in her arms a child at suck;
and since the dog they had with them was hungry,
they tore the child from the mother's arms and
flung it still living to the dog,
which proceeded to devour him before the mother's eyes.
Bartolomé de las Casas

4.1. From a modern to a post-modern culture

The contemporary human rights culture can be understood as the result of the convergence of at least the following legal and political events: the coming into force in the second half of 20th century of a corpus of human rights treaties; the enactment of a bill of rights in most contemporary constitutions in all continents, and the adoption of human rights as international criteria of legitimacy in the world political debate after the end of the Cold War. It is also the consequence of some degree of decantation of an ethics of tolerance, respect and solidarity in the civil societies that have endured a significant process of modernisation over the last centuries. But the human rights culture can be substantially supplemented or transformed if the consequences of antifoundationalism are fully drawn into the realm of political culture, a possibility already developed by Rorty under the notion of 'post-philosophical culture'.

Although Rorty's project seeks to cause an impact in day to day politics where issues of human rights are at stake, his proposals are not about political or judicial human rights strategies, and do not belong to the sphere of the political or legal theory of rights. His elaboration of human rights is, rather, a long-term strategy for a human rights practice to be developed within the field of the political culture of our times – the 21st century, the new millennium. It has to do with creating or strengthening an ethos which is able to sustain and fortress human rights. A culture of this kind would operate as a favourable environment in which forms of individuality would be likely, and in which respectful, cooperative and democratic behaviour would become a 'way of life'.[27]

In order to make more sense of the idea of a post-philosophical culture Rorty offers some historical comparisons. As is also the case with Nietzsche, Rorty historicises culture by considering some of the different configurations it has adopted over centuries in the West. Nietzsche had

27 Being one of the keys of the interpretation of Rorty's thinking put forward in this article, it is worth emphasising that there is no a political theory in Rorty's Neopragmatism. Rorty elaborates a theory of culture, or more precisely, a theory of political culture. Rorty is not occupied with politics itself, but with the cultural context of politics and the way in which our habits can contribute to advancing the utopia of the reduction of cruelty – the ethos making democratic progress feasible. This perspective can be foreign to Rorty's self-comprehension, as he regards democratic 'politics' as a process of 'letting an increasing number of people join as members of our moral and conversational "we"'. However, this does not appear to be a description of the political dynamics of democracy, but of a culture or an ethos able to consolidate democracy and human rights. The lack of a distinction between the domains of politics and political culture has led to think of Rorty as a political thinker and, as a consequence, to a number of misunderstandings of his work and to bitter criticism. Rorty's ideas can become unsound when taken from the realm of culture to that of politics because, as different logics and rules operate in these two different spheres, what can be deemed appropriate in culture can have no sense in politics, and vice versa. This is the case in Mouffe's criticisms, according to which Rorty reduces 'democratic politics' to the dynamics of enlarging 'the number of members of our moral community', and to the assumption that more sympathy ensures social harmony. However, it is evident that the idea of moral progress as a widening of our identity and as cultivation of the capacity for sympathy belongs to the project of the transformation of culture. See Rorty, infra note 31, pp. 6-7. Above all, this does not mean that Rorty's reflections on the sphere of culture do not have consequences for politics. In fact, Rorty's elaborations on culture are first of all orientated to have effects in the political arena, to resolve practical problems, to 'transform the world'. But his is not a political theory but, rather, a theory of culture. Neither this characterisation of Rorty's thinking excludes the fact that he had expressed his political views in his writings and public interventions.

already gained this perspective in his attack on scientific culture and Rorty builds upon it.[28] The historicising of culture had allowed Nietzsche to distinguish between the mythic culture of early ancient Greece; the tragic Greek culture of the fifth century BC; the religious culture of the medieval age; and the philosophical or scientific culture of modernity. In each of these historical periods there was a sector that marked the entire culture with its spirit: myth, tragic poetry, Christian religion, and philosophy and science respectively.[29]

The transformation leading to a post-philosophical culture would be similar to what happened with the move from the medieval religious culture to the modern scientific one. In modernity, religion lost the role it had as the centre of medieval culture - as the compass orientating all aspects of private and public life. The secularisation or disenchantment of the life world with the dawn of modernity foreshadows the weakening of science and metaphysics as a pervasive substratum of culture in late modernity or postmodern times. The passage from religious medieval culture to a secularised modernity can also testify to the feasibility of a vast move like that which goes from a modern philosophical culture to a postmodern or post-philosophical one. It is evident that after the former transition the new modern individuals and societies were able to survive and flourish without God. Similarly, it can be expected that contemporary societies will also be capable of advancing without metaphysical truths, transcendental universal principles, and epistemological or ontological foundationalisms.

In a post-philosophical culture communities are finite and historical, and individuals stand in the world as part of history and as members of societies, or as persons without any special relationships with something beyond history – God, metaphysics or scientific truths. Individuals can be freer than in modernity as they incarnate in a more meaningful way the idea of citizens as subjects without tutors or immortal vocabularies[30] – just *human*, fragile yet powerful, with points of view and feelings.[31] This different kind of organisation of culture is not necessarily a shortcoming but an advantage. For Rorty, moving away from the philosophical culture means to get rid of ballast that is not allowing contemporary societies to thrive. Persons and communities will have new possibilities for individual and social development. The existence of multiple centres, as well as the absence of unique parameters to which all the spheres of culture should accommodate in order to reclaim legitimacy and access to knowledge, establish a space favourable for creativity and freedom. Despite such a revolution involving a crisis of enormous proportions, consequences and pains, the existence of human beings, and the dynamics of societies and the world will not fall into chaos. Nor will it lead human rights to lose justification and to irreversible decline.

The post-philosophical political culture in which a new human rights culture can be embedded has as its main traits a wealth of political values inherited from the project of the Enlightenment, an ironist understanding of itself and a widespread social rejection of cruelty. The post-philosophical culture is also constituted by a web of emotions and can be characterised as a literary culture. We will consider the first three elements in the following subheading (4.2), while the last two will be explored in Sections 5 and 6.

28 D. Breazeale, 'Introduction' to F. Nietzsche, *Philosophy and Truth. Selections from Nietzsche's Notebooks of the Early 1870's*, 1993, pp. xxv-xxvi.

29 Ibid., p. xxv.

30 See Rorty, supra note 14, p. 33.

31 R. Rorty, *Consequences of Pragmatism. Essays 1972-1980*, 1982, pp. xli-xliii.

4.2. Human rights, irony and cruelty

Which are the core political values that sustain the understanding of the hybrid sphere in which culture and politics interplay? When the debate between modern and postmodern thinking broke in the 1980s the most common attitude of both camps was that of a clear marking of the differences with each other, as if an abyss or an incommensurable breach would exist between the two. This was the tenor of the debate in the case of Lyotard's outright seminal critique of modernism, and in the case of Habermas' lengthy critique of the most conspicuous expressions of postmodern thinking.[32] The decantation of the discussion since the 1990s has shown that although there are in fact stark oppositions between these two ways of thinking, their relationship cannot be characterised as that of a 'non-resoluble' contradiction, a simple cut or a revolutionary break. There are also meeting points and commonalities that even allow us to think of Postmodernity as a re-description or a critical version of the modern tradition.[33]

It is in the latter sense that Rorty has adopted a non-dualist approach to the legacy of the Enlightenment. He does not follow the modern attitude of resorting to a way of thinking built upon non-resoluble oppositions. Rorty is not defending or attacking modernity as someone who faces a dichotomy or an inevitable dilemma. Rorty argues for and against the Enlightenment, as he believes certain aspects of the modern heritage should be cherished, while others would be better to put aside. While he discards the metaphysical modern philosophy, he appropriates the political project of the Enlightenment and the French Revolution, in particular the ideals of freedom, solidarity and human rights. As part of the legacy of the Enlightenment, human rights have been the object of denunciation and suspicion from postmodern thinkers like MacIntyre, who thinks of human rights as nonsense or mere illusions.[34] Despite Rorty's postmodern credentials, he thinks differently and finds in the human rights utopia an ideal worth fighting for today.

However, retrieving human rights in a postmodern key occurs through the transformation of their modern assumptions. This is the case of the abandonment of foundationalism and universals, and the adoption of contingency and irony. Rorty's thematisation of political culture stands in contradiction with the modern political legacy advanced by, among others, Habermas and Rawls. While the theorists of deliberative democracy and justice share with Rorty a commitment to the political project of modernity, Rorty takes a distance from the metaphysical underpinnings of modern political theory. The modernist theoreticians look for universal principles and conceive of the individual in an idealist way, as an abstract and rational subject, and as a being whose existence is prior to that of society, culture and history. By contrast, from an anti-foundationalist stance, it is not possible to admit the existence of a neutral standpoint from which impartial and universal political criteria of legitimacy or foundations can be drawn because

32 J.-F. Lyotard, 'An Answer to the Question: What is the Postmodern?', in J.-F. Lyotard, *The Postmodern Explained: Correspondence, 1982-1985*, 1997. J. Habermas, *The Philosophical Discourse of Modernity*, 1987.

33 This vision can be supported, for instance, by the late paradigmatic convergence of Habermas and Derrida – two of the champions of the two quarters – in defending the European tradition threatened by the rampant US imperialist drive, and around topics like cosmopolitanism, democracy to come and the role of international law in world politics, all in the key of a certain common 'Kantian spirit'. J. Habermas & J. Derrida, 'February 15, Or What Binds Europeans Together: A Plea for a Common Foreign Policy Beginning in the Core of Europe', 2003 *Constellations. An International Journal of Critical and Democratic Theory* 10, no. 3, pp. 291-297. In a note written on the occasion of Habermas' 75th birthday, Derrida states that the 'reconciliation' of a certain Nietzsche and a certain Kant attempted by Jean-Luc Nancy is also meaningful for his own relation with Habermas. J. Derrida, 'Honesty of Thought', in L. Thomassen (ed.), *The Derrida-Habermas Reader*, 2006, p. 301. For his part, Habermas finds in Kant a thinker 'that connects me to Derrida'. J. Habermas, 'America and the World: A Conversation with Jurgen Habermas', 2004 *Logos* 3, no. 3. See also G. Borradori, *Philosophy in a Time of Terror. Dialogues with Jürgen Habermas and Jacques Derrida*, 2003.

34 A. MacIntyre, *After Virtue. A Study in Moral Theory*, 1981, p. 67.

political arguments and politics are context-dependent.[35] A post-philosophical culture is a culture without metaphysics or Platonism – a culture that is not orientated by the non-temporal, the transcendental or the unhistorical. In this intellectual landscape, it is not feasible to appeal to the point of view of the eye of God – a vantage point situated outside history from which it would be possible to see the totality of things in their true nature and to attain universal knowledge. The aspiration to the absolute and to objectivity is replaced by a historical conception of knowledge in which points of view occupy the place of truth.[36]

Thus, within a post-philosophical culture any statement is assumed to be historical and the result of a perspective and a context and, therefore, always partial and transitory. In this cultural horizon it is assumed that all insights are ways of attempting to do what is considered adequate, simple perspectives or the result of convention or agreement. This political culture cannot be other than that in which individuals and social groups have self-awareness about the contingency of the ways in which they were constituted and of their own convictions. Thus, the post-philosophical political culture is one of irony.[37] Ironists are those who are conscious about the relative validity of their opinions and, in particular, of their political convictions. Absolute truth is for the ironists just an idealist illusion. They know their beliefs are historical, do not have transcendental foundations and, therefore, are contingent.[38] An ironist community is aware of its historical and geographical context and of the limited validity of its beliefs. A society immersed in an ironist culture is eager to learn from others and to change its own convictions if necessary. More importantly, it is able to widen its self-image and to accommodate strangers within its cultural boundaries.[39]

This self-image is characteristic of a democratic culture. Having abandoned a comprehension of human rights as universal and non-historical ideals, as well as the task of looking for its metaphysical foundations, the auto-comprehension of a postmodern human rights culture is characterised by irony. In this intellectual landscape human rights are seen as the achievement of a political struggle and there is a consciousness of the historical and geopolitical coordinates in which they are born. Due to these auto-debilitating connotations, the word 'ironist' can fail to bring justice to the individual or the society that confronts the immense historical challenges of our times with such awareness or culture. This is the reason why Laclau would prefer to call the ironist a 'political strong poet' or a 'tragic hero':

> 'Someone who is confronted with Auschwitz and has the moral strength to admit the contingency of her own beliefs, instead of seeking refuge in religious or rationalistic myths is, I think, a profoundly heroic and tragic figure. This will be a hero of a new type who has

35 See Mouffe, supra note 26, pp. 5-6.

36 This transformation not only has effects in the way in which the sphere of political culture is constituted but also in the contents of political ideas. According to Laclau, the post-philosophical political culture is an environment 'where certain political projects are possible' and where others are weakened. Regarding the latter, it is plausible to affirm that the critique of transcendental or universal groundings of a social order or a political theory does not encourage, and even actively disturbs, any political project of the family of those based upon 'the laws of history' or 'scientific materialism'. From this point of view, the totalitarianism of the countries of the communist bloc could be seen as an example of historical articulation of socialism and foundationalism. In this way, Laclau maintains, Rorty becomes relevant for those who have an interest in anti-essentialist theories that can contribute to developing a leftist alternative committed at the same time with 'civil liberties, democracy and socialism'. See Laclau, supra note 6, pp. 105-106 and Laclau, supra note 1, pp. 47, 62.

37 See Rorty, supra note 12, p. 61.

38 As a corollary, Rorty finds more civilised the position of those who know their opinions are relative and, not surprisingly, finds more proper of barbaric groups the idea of believing their own perspective as universal, total or absolute. This is the position of the European conquerors, grammarians, priests and philosophers in relation to the peoples inhabiting the territories colonised by the succession of empires since the beginning of the modern era. By Rorty's standards, the nations usually regarded as civilised turn out to be the barbarians, while the barbarians are the civilised. Ibid., p. 46.

39 Ibid., p. 197.

> still not been entirely created by our culture, but one whose creation is absolutely necessary if our time is going to live up to its most radical and exhilarating possibilities'.[40]

The post-philosophical political culture is also identified with a profound rejection of – or a visceral disgust with – all forms of cruelty. This is not a simple 'political ideal' but a way of being of a society – a generalised prejudice and a collective sensibility. It is a spontaneous reaction, historically and culturally formed, against every situation in which pain or suffering are caused, or in which individuals or social groups are oppressed or humiliated, as with the case of human rights violations. This unconscious and conscious distaste can give rise to expressions of solidarity, to actions orientated towards preventing or opposing cruelty, to a 'commitment with social justice',[41] and to a widespread will to defend human rights at a national and global level.

5. Human rights culture as an ethos of emotions and the global moral warming

By the ferocity of one Spanish tyrant (whom I knew)
above two hundred indians hanged themselves of their own accord;
and a multitude of people perished by this kind of death.
Bartolomé de las Casas

5.1. Emotions and human rights

The post-philosophical culture in which human rights are immersed has as a constituent part a web or a layer of emotions. This insight has grown out of the contributions made by Rorty – and Derrida –, who have undermined 'the dominant rationalist approach' in the contemporary reflection on democracy and culture.[42] The idea according to which emotions are to play a role in post-philosophical times originates in a wide-ranging mistrust of rationalism. After the triumph of science over nature and obscurantism was hailed for centuries as the mark of the times in the wave of the process of modernisation, it has become clear that moral and political progress are not helped by a blind enthronisation of reason. Science, technology and reason no longer constitute the only sources of sense and orientation of the epoch. However, although Rorty's Neopragmatism seeks to deflate the quasi-sacred status of reason and to dethrone it from the high ground that was once inhabited by the figure of God, this project does not aim at ensuring emotions occupy such a place. Instead it seeks to abandon that zenith and to create a setting in which emotions, imagination and fantasy are legitimised as key players – together with reason.

The relevance of 'the irrational' and feelings for the theory of culture is also posed as an alternative to the rationalist philosophical anthropology and ethics that are considered to be failing. Rorty reminds us about Plato and Kant's vision of human beings as divided between the realms of reason and passion, which are opposed to each other. While the rational part is put in a commanding position, desires and sentiments are to be controlled, disciplined or expelled.[43] Even those emotions regarded in some traditions as moral are looked down upon as dutiful or second-class as in the case of Kant, who maintains that it is 'sublime' not to feel compassion even for a close friend in need.[44] This philosophical dualism, which is proper of Platonism and modern thinking, makes rationalism incomplete and exclusivist, and a treacherous and inadequate

40 See Laclau, supra note 6, p. 123.
41 S. Critchley, 'Is Derrida a Private Ironist or a Public Liberal', in C. Mouffe (ed.), *Deconstruction and Pragmatism*, 1996, p. 21.
42 See Mouffe, supra note 26, pp. 4-5.
43 See Rorty, supra note 12, pp. 45, 47.
44 I. Kant, *Anthropology from a Pragmatic point of View*, 1978, p. 158.

path towards moral progress.[45] Modern culture has also led to the formation of the prototype of the 'rational egotist', an individual who is indifferent to the suffering of others outside her own family, or in the best of cases, of others beyond her own nationality or race.[46]

Rorty elaborates the question of morality and culture by following a marginal stream of modern ethics, namely the theory of moral sentiments. Relying on Annette Baier's interpretation of Hume's ethics, Rorty attempts to re-establish the central role that emotions had played in the early Enlightenment. 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 morality, emotions are not under the control of reason but within a web of sentiments that allow feelings to control themselves.[47] While the subject of Kant's morality is one who decides strictly according to rules, for Hume the moral subject is a 'warm, sensitive and sympathetic' human being.[48] In this context, the fundamental moral capacity is not the law discerning reason – the intellectual ability to construct universal maxims, to apply them to particular circumstances, or to recognise and obey them.[49] The key to morality would be sympathy, '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 the terms of Rorty.[50] In this sense, Critchley's interpretation of Levinas' ethics could apply to Rorty if the transcendental vision of the philosophy of otherness is put aside. If this guess were plausible, Rorty's thinking would substitute the rational subject with a 'sentient subject of sensibility', the ethical relation would occur in the realm of feelings and not in the sphere of consciousness, and the key moral capacity would be that of a 'pre-reflective sentient disposition towards the others suffering'.[51]

The reflection on rights occurs today within the horizon of a healthy scepticism about the capacity of science and the reason for progress. Rationalist ethics is also put into question because of its inability to give account of the human phenomenon in its wholeness, and for its contribution to the creation of egotist individuals and societies. By contrast, in a post-philosophical or postmodern human rights culture, the relationships between individuals are formed or established in the sphere of sensibility as emotions form the basis or the content of the ethos of human rights. Immersed in a post-philosophical political ethos, the human rights culture is also post-rationalist – an ethos of emotions.

5.2. The sentimental education of the epoch

Rorty's reflection on ethics does not point to the elaboration of a new moral system. Instead, 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. It is in this sense that Mouffe understands Rorty's proposals on the cultural struggle for democracy and rights:

45 On the connection between the coldness and rationalism of modernity with violence and genocide see J.-M. Barreto, 'Ethics of Emotions as Ethics of Human Rights. A Jurisprudence of Sympathy in Adorno, Horkheimer and Rorty', 2006 *Law & Critique* 17, no. 1, pp. 73-106.

46 See Rorty, supra note 3, pp. 112-114, 124.

47 A. Baier, 'Hume, the Women Moral Theorist?', in A. Baier, *Moral Prejudices*, 1996, pp. 56-57.

48 Ibid., p. 83.

49 R. Rorty, 'Is Postmodernism Relevant to Politics?', in R. Rorty, *Truth, Politics and Postmodernism*, 1997, p. 56.

50 See Rorty, supra note 12, p. xvi.

51 See Critchley, supra note 41, p. 33.

> 'What is needed is the creation of a democratic ethos. It has to do with the mobilisation of passions and sentiments, the multiplication of practices, institutions and languages games, that provide the conditions of possibility of democratic subjects and democratic forms of willing'.[52]

Drawing from his early engagement with hermeneutics, Rorty believes that moral enquiry needs to be placed within the overriding context of the need for the education and edification of societies as a way to respond to the ethical and political challenges posed by history. This process would entail a Gadamerian *bildung*, a practice of cultivating the capacities and talents of human beings in which both reason and emotion participate.[53] This process of fostering the self is linked to a tendency to take a distance from the self and its particular aims, and to further the openness to the other.[54] It is in this sense that MacIntyre maintains that 'to act virtuously is not, as Kant was later to think, to act against inclination; it is to act from inclination formed by the cultivation of the virtues. Moral education is an "*education sentimentale*".'[55]

Within this horizon of ideas, Rorty advances the project of the actualisation of an ethics of moral emotions, or more precisely, of an ethics of sympathy within the ethos or the culture of contemporary societies. We are in front of a veritable *paideia* to be developed by the sentimental education of the epoch, a project aimed at modifying the way individuals feel – a truthful attempt to recreate humans as emotional and moral beings. But, as emotions exist not only at an individual level but are also a collective phenomenon, this task conveys the shaping of the feelings of societies, the international or global community and, in the very long term of the era. Sentimental education is therefore a cultural, historical and political project aimed at modelling the sensibility of societies and the age.

In contrast to Kant's understanding of the Age of Enlightenment as a process of the universalisation of the use of reason, and in contrast to Weber's conception of modernisation as the rationalisation of the life world, Rorty poses the idea of the sensibilisation of the age. Postmodernity could be defined in this sense as a process of the cultivation of a greater capacity in individuals and collectives – societies and the world community – for sentiments, or as the sentimental education of modern culture by the cultivation of moral feelings. The motto of our times would not be the Kantian *sapere aude!*, but the injunction 'dare to feel!'

The question about the cultural struggle for human rights in times of globalisation finds in the sensibilisation of the epoch one of its answers. 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. In this order of ideas, the actualisation or strengthening of the human rights culture requires a long-term process aimed at advancing the sentimental education of individuals and societies in the virtue of sympathy, a dynamic 'global warming' to sweep across the world community – not earth's atmosphere.

The sensibilisation of the cold and dry modern culture would have two main consequences for human rights. Rorty believes that those who violate human rights are those whose upbringing lacked the cultivation of sympathy – an insight close to those who find in their incapacity to empathise the main trait of the mind of psychopaths. If this is true, an education aimed at

52 See Mouffe, supra note 26, p. 5.
53 See Rorty, supra note 10, pp. 359, 363.
54 H.-G. Gadamer, *Truth and Method*, 1998, pp. 11, 17.
55 See MacIntyre, supra note 34, p. 140.

ensuring the acquisition of appropriate moral feelings, in particular that of sympathy, could contribute to preventing the formation of victimisers.[56] In the second place, the moral sentiment of sympathy – the capacity to place oneself 'in the shoes of those despised and oppressed'[57] – and identification with those who are strange, can also contribute to creating a sense of solidarity, an impulse or a desire for eliminating the pain of others or for detaining abuse and cruelty.[58] Rorty speaks of a 'de-theologised and de-philosophised' notion of solidarity, in which solidarity is not a characteristic of human nature but the effect of a process of acculturation developed in specific historical circumstances.[59] Imagination would also contribute to the cultivation of the 'feeling' of solidarity as an 'expansive sense of solidarity' would be the offspring of the 'imaginative ability to see strange people as fellow sufferers'.[60] In this context Rorty defines ethics as 'the ability to notice, and identify with pain and humiliation', and portrays a 'greater human solidarity' as the main path to moral progress.[61]

Advancing the project of the sentimental education of the epoch does not mean to reject or to abandon reason, rational argumentation and public debate. Other lines of action aimed at strengthening the human rights culture accompany the cultivation of emotions in the post-philosophical culture. The first, developed in the field of theory, has to do with the task of summarising the different opinions and intuitions inhabiting human rights culture in order to make it more self-conscious and to ensure its auto-comprehension is more coherent – a task of a different nature to that of looking for transcendental groundings.[62] Secondly, there is a contribution to be made by the practice of the 'conversation of mankind', which does not need to comply with the requirements of universal principles of validity. Being rational here means being 'conversable' and reason is understood as a 'willingness to talk about things'.[63] Although Rorty advocates conversation among individuals driven by good faith and common sense, he remains sceptical about the value for human rights of a number of strategies used within the realm of the public debate. However, within the 'conversation of mankind' it is possible to include the efforts made since the beginning of modernity for surpassing the ignorance of individuals and entire peoples about their own rights. Thus, public debate about abuses committed and the dissemination of the content of the rights enshrined in constitutions and treaties – the Kantian public use of reason that leads to the enlightenment of individuals and societies – have contributed in the past and will continue in the future to advance the struggle for human rights.

56 The idea of the sentimental education of those who can become victimisers is also considered by Adorno, who suggests that a drive to reduce modern coldness and to foster sympathy is an adequate strategy to avoid the reincarnation in future societies of the principles 'without which there could have been no Auschwitz'. T. Adorno, *Negative Dialectics*, 1973, p. 363. See also T. Adorno, 'Education after Auschwitz', in T. Adorno, *Critical Models. Interventions and Catchwords*, 1998. See Barreto, supra note 45.

57 See Rorty, supra note 3, pp. 126-127.

58 See Rorty, supra note 12, p. 197.

59 Ibid., pp. xiii, 192.

60 Ibid., p. xvi.

61 Ibid., pp. 192-193, 197.

62 For Rorty, moral and philosophical treatises would not have contributed much to the consolidation of the human rights culture. Such a progress would have been due basically to a process of education of the emotions developed in the West over the last 200 years. See Rorty, supra note 3, pp. 118-119.

63 See Rorty, supra note 49, p. 43.

6. The literary culture and how to defend human rights telling stories

They summoned a great number of Indians,
more than two hundred (…)
The Spaniards cut their faces from the nose
and lips down to the chin and
sent them in this lamentable condition,
streaming with blood.
Bartolomé de las Casas

How is the sensibilisation of modernity to be achieved? Which particular tools can be put in place to ensure contemporary and future individuals, societies and the global community are sentimentally educated in such a way that sympathy becomes a common and pervasive virtue? Within the context of a literary culture poetry and telling stories are to play a part in this epochal project. A literary culture is a call to abandon the pretensions and privileges which philosophy had gained in the platonic modern philosophical culture. Modern culture is characterised by a hierarchy established between disciplines in which philosophy occupies the zenith or the centre. Philosophy stands as the pillar that sustains the edifice of knowledge or as the judge that adjudicates claims to truth made in the sphere of science, morality, law, politics and art because it is able to discern the criteria under which any knowledge can aspire to truth. Hegel understood in this vein the relationship between philosophy and the disciplines of knowledge as, for him, science could not get access to truth and could not even exist as such without the help of philosophy.[64] In turn, the supremacy of philosophy depends on the metaphysical understanding of knowledge that, as we have seen, is dominated by the idea of transcendental truth, and by the assumption that concepts can represent the world as it is, or can get to its essence or foundations. Philosophy becomes in this fashion the foundation of culture[65] and the philosopher a Platonic king or a mythological hero who, like Atlas, sustains on his shoulders the weight of the heavens.

In the neopragmatic redescription, philosophy is no longer a knowledge attaching its importance to a capacity to access the supra-sensible world of forms. If truth is not outside history and is not universal; if it is not possible to find objective truth and it is only feasible to encounter perspectives orientated by political interests and objectives; if philosophy is not basically a theory of knowledge but is occupied with all the aspects of culture and becomes a 'literary-historical-anthropological-political' reflection; and if the philosopher turns out to be an 'all-purpose intellectual',[66] then philosophy is located at the same level as all disciplines and becomes a knowledge among others.[67] In this horizon of understanding, a literary culture can be defined as that in which all disciplines of knowledge, including science, religion and philosophy, are taken as literary genres – as different kinds of writing.

This transformation does not consist of a substitution of the guide that orientates the totality of culture. This is a revolution of the architecture of culture and the internal organisation of its building blocks. While the jurisdiction of science and metaphysics over truth is denied, no other discipline can reclaim any entitlement to it. Art, literature or ethics do not take over the place once occupied by philosophy and science but, rather, the site remains empty or disappears. A post-philosophical culture does not have a centre around which all the areas of culture turn;

64 G. Hegel, *Phenomenology of Spirit*, 1977, p. 41.
65 See Rorty, supra note 10, pp. 3, 162-163.
66 See Rorty, supra note 31, p. xl.
67 Ibid., pp. 140-142.

neither a pedestal from which a master indicates the path to follow, or from which a judge decides on the veracity of claims to truth of any intellectual discipline. The vertical hierarchy disappears and only a flat scenario remains – a domain in which all the spheres of culture, including philosophy, are on the same footing. A conversion, indeed an upheaval, takes place as culture moves from a vertical organization to a horizontal dis-order.[68]

On the other hand, the building blocks of a literary culture are not objective concepts or truths but words and vocabularies. The members of a literary culture do not believe they have the truth but only language. There only exist vocabularies, which are understood as tools to synthesise impressions of the world and to achieve established objectives in all the realms of life. As disciplines stand side by side, the artist, the poet, the novelist, the philosopher and the scientist offer opinions which are equally valid. Religion, science, philosophy and art are no more or less objective or subjective than any other knowledge.[69] However, this transformation does not suppose excluding science and philosophy from the ambit of culture. The tragic, Neopragmatist or postmodern philosopher does not pay back Plato's expulsion of the poets from the city with the exile of scientists and philosophers. Such a response would be of the same nature as that given by Platonism and Modernity to poetry. Science, art, philosophy and literature are all legitimate fields of inquiry as they are language games dealing with problems posed by different aspects of life or facets of the world.[70]

In a literary culture, individuals and societies use narratives to confront the problems they encounter in the world. The generations living in a literary culture choose between existing vocabularies or create new ones, but they know that every new vocabulary was born out of history and is contingent and finite.[71] Such metaphors, images and the like render all the disciplines of knowledge as merely literary genres or language games.[72] In this transformed realm of culture, moral progress and creativity are possible by playing the diverse literary genres or 'mortal vocabularies' off against each other, instead of dealing with 'immortal propositions' through rigorous argumentation.[73]

The adoption of narratives – any sort of stories – as key tools for the construction of a new ethos follows a number of impulses acting in contemporary culture. In the first place, the Romantic tenet according to which, in the tasks of moral learning, cultural change and political progress, imagination and art are forces or abilities as important as the capacity to make arguments.[74] In addition, after Lyotard's mistrust in metanarratives spread to almost all the streams of postmodern thinking, one of the remaining strategies for the transformation of culture is that of plying-off narratives and language games that each epoch has imagined.[75] As a consequence of antifoundationlism's attack on metaphysics, Rorty stands in a similar position to that of Lyotard. What is at work here is a turn towards narrative and away from theory, from metalanguage to language, and from a constitutive form of theorising or argumentation to a 'performative mode of writing',[76] textual enactment or event. The inclination to express knowledge using the vehicle of theory loses momentum and is no longer the canon. The disciplines that

68 Ibid., pp. xliii & xxxix.
69 See Rorty, supra note 14, p. 32.
70 See Rorty, supra note 31, p. xliii.
71 Ibid., pp. 140-143, 148-150.
72 Ibid., pp. xliii, xxxix.
73 Ibid., p. xli.
74 See Rorty, supra note 12, pp. 3, 7.
75 Ibid., p. xv.
76 This is also the way Critchley describes the passing of Derrida from his first period or style of writing – that theoretic-historic-interpretative – to the second one – or a series of events, like in *Glas* and *The Post Card*. See Critchley, supra note 41, p. 29.

appeal to narrative acquire the same status held by the theoretical ones.[77] Culture does not progress and consolidate only as a result of 'objective' knowledge but also by the plethora of literary genres, including literature, philosophy, science and art.

If the warming of modern culture consists basically of an enhancement of our moral community by identification with a greater number of people, then such a project points to an enlargement of the imagination of our times, as well as of the representation which individuals and societies have of themselves.[78] This process is as individual as collective, and is driven by imagination and art. This is a dynamic of 'aesthetic enhancement' and 'aesthetic self-creation'.[79] The Enlightenment's project of the rationalisation of culture with a view to the construction of moral progress, respect for human rights and just societies, is supplemented by the hope of the poeticisation of culture.[80] To poeticise modernity means to transform it by the use of narrative – by telling stories. The post-philosophical or postmodern culture is poetic.

As a result, in the horizon of a literary culture the task of the sensibilisation of the modern era finds in telling stories one of its more adequate possibilities. The idea of facing armies of assassins and torturers with poetry can sound foolish or fall under the suspicion of being a too weak or simply an ineffective strategy. For those who are involved in the struggle for human rights and know the strength of the forces they confront and the risks taken, and for the common citizen who observes the brutality and nonsense of repeated abuses committed by governments, paramilitaries and guerrillas, telling stories to oppose this kind of violence can sound unwise or naive. And yet, Rorty would invite those who think this way to suspend for a moment the prejudice according to which stories are frail in dealing with barbarism.

The project of the sentimental education of the epoch as a strategy to fortify the human rights culture has to do, first, with increasing the capacity of individuals and societies to hear strangers and to become familiar with their way of life. The edification of such a culture can be advanced by telling stories that speak about the variety of cultures and points of view that are part of the human experience. This is about expanding the capacity to see similarities with people who are very different, and not paying too much attention to the differences. Such a contact or familiarity allows us to transcend our ethnocentrism born out of the particular processes of socialisation and upbringing – historically, geographically and culturally-specific – that constituted us as individuals and communities.[81] In this process of 'enlarging the self by becoming acquainted with still more ways of being human', identity is widened by the use of imagination,[82] extending the group of persons we consider to be 'people like us'. In turn, this can lead to a definition of individual and collective identities in more inclusive terms or, what is the same, in a non-exclusionary fashion: to broaden the sense of shared moral identity or to expand the moral community to which we belong.[83] In other words, this process in which we realise that others are in many respects similar allows us to have an 'imaginative identification' with them, while, at the same time, such identification leads us to enlarge 'our sense of us'.[84]

If such a transformation is possible, then the members of a culture can think and feel that members of other communities, subcultures or minorities are similar to them. Retracing, in this

77 See Rorty, supra note 12, p. xv.
78 See Rorty, supra note 21, p. 14.
79 Ibid., p. 13.
80 See Rorty, supra note 12, p. 13.
81 See Rorty, supra note 21, p. 14.
82 R. Rorty, 'The Decline of Redemptive Truth and the Rise of a Literary Culture', <http://files.meetup.com/328570/THE%20DECLINE%20OF%20REDEMPTIVE%20TRUTH%20AND%20THE%20RISE%20OF%20LITERARY%20CULTURE.pdf> (last visited 27 February 2011).
83 See Rorty, supra note 3, p. 117.
84 See Rorty, supra note 12, pp. 190, 196.

way, the coordinates of processes of individuation and socialisation – reshaping the identities of individuals and social groups – can have a debilitating effect upon the distinction between, on the one hand, humans and, on the other, pseudo or quasi-humans, second-class humans, non-humans, sub-humans and 'sub-animals'. This discriminatory practice can be found strongly rooted in the prejudices of traditional and modern societies and empires. But distinctions between men and women, adults and children, whites and blacks, Arians and Jews, Christians and Muslims, Christians and infidels, Christians and Jews, Europeans and foreigners or natives, strait and gay, the aristocracy and the untouchables, non-fundamentalists and religious fundamentalists, those abiding by the law and criminals, can be weakened.[85] Our moral community – the number of people who we believe and feel as human as us – can be extended, and our identities defined not only by opposition to others, but also by likeness or similarity with their identities and their ways of being.[86]

The sensibilisation of the epoch by its poeticisation consists, secondly, in enhancing the capacity of modern individuals to sympathise with those who suffer – the ability to put ourselves in the place of those who are victims of abuse. The cultivation of the feeling of sympathy would consist of 'increasing our sensibility to the particular details of the pain and humiliation of other, unfamiliar sorts of people'.[87] This can be achieved by telling stories about people who have been the object of cruelty or oppression, and who are shown in their plight and fragility.[88] Such images, words and voices can awaken or attune our sensibility to the pain of others – to resonate with the suffering of others who have been victims of human rights violations. Sentimental education for human rights is a matter of the sensibilisation of individuals and culture to the suffering of others.

However, feeling for others does not end in itself – and emotions are not enough. The cultivation of sympathy creates an attitude, a way of being that makes you inclined 'to protect your fellow human beings from being humiliated'.[89] Stories do not only help to strengthen the capacity to sympathise with those who suffer. They also contribute to form a proclivity or a vital impulse to act – to transform this sentiment into effective human or political solidarity.[90] If moral education can be advanced by increasing this responsiveness to the plight of fellow human beings then 'moral progress is a matter of wider and wider sympathy'.[91]

The effect these stories can have is not only a possibility residing in the future, as stories have already contributed to the configuration of human rights culture over the last centuries.[92] Rorty quotes as an example of this long-term cultural process the effect a novel like 'Uncle Tom's Little Cabin' could have had in the culture of the United States. In the 19th century, Harriet Beecher Stowe's novel called the attention of the country to the issue of slavery by showing life in the plantations of the south. Being directed at the hearts of the white readers of the time, the novel portrayed the black slaves as fathers, mothers and children subject to violence and humiliation, and also just as human as the whites, and as good as a group of human beings could

85 See Rorty, supra note 3, p. 124, passim.
86 See Roty, supra note 31, pp. xliii, 93.
87 See Rorty, supra note 12, p. xvi.
88 See Rorty, supra note 3, pp. 127, 129.
89 See Rorty, supra note 49, p. 42.
90 See Rorty, supra note 3, p. 134.
91 R. Rorty, 'Ethics without Principles', in R. Rorty, *Philosophy and Social Hope*, 1999, p. 82.
92 See Rorty, supra note 3, p. 118.

be.[93] And the task of the poeticisation of the epoch can be advanced not only by social novels but also by other literary genres and by any discipline that relies on stories, such as history, ethnography, cinema, journalism, television and the arts. This path is one between numbers of possible ways to fight for human rights and does not put aside the political or legal attempts to defend human rights. The poeticisation of modern culture is a condition of possibility as to the effectiveness of political and legal efforts to defend human rights and operates as a supplement thereto.

7. Concluding remarks

The urgency for defending rights, strongly felt in the Third World, is theoretically supplemented by Rorty's critique of the transcendental grounding of rights, and by his reorientation of ethics and of the theory of rights through the formulation of questions like 'Why should I care about strangers?' and 'What human beings can make of ourselves?' The radical critique of modern reason produced by Rorty's Neopragmatism finds in rationalism a Manichean structure of thinking that divides human beings into two. This dualism locates reason or logical thinking in a controlling upper hierarchy, while emotions are subject to obey or to disappear. Rorty is keen to rescue emotions for the theory of culture, and to take them from the place of the banned troublemaker that disturbs the pursuing of truth and morality, to fulfil the role of *sine qua non* of moral progress. As the ethos and the culture in which human rights can advance is a sphere of sensibility, the moral subject does not need to be a cold and rational individual, but a warm and sympathetic human being. In this scenario sympathy becomes a key moral virtue and a central feature of a culture of rights, while literature and 'telling stories' are fitting strategies to fulfil the project of enlivening the global moral sentiment and of constructing a worldwide ethos favourable to human rights.

93 Two recent works develop related hypotheses. Lynn Hunt's *Inventing Human Rights* finds in novels of 'empathy' and 'psychological identification' such as Richardson's *Pamela: Or, Virtue Rewarded* and *Clarissa: Or the History of a Young Lady*, and Rousseau's *Julie, or the New Héloïse*, the emotional ferment that contributed to 'make rights self-evident' at the time of the French Revolution's drive for 'the rights of man'. L. Hunt, *Inventing Human Rights: A History*, 2007. For his part, Joseph Slaughter shows in *Human Rights, Inc.* the dark side of the involvement of feelings in human rights issues, as in the case of the War on Terror promoting and profiting from a certain emotional climate. J.R. Slaughter, *Human Rights, Inc. The World Novel, Narrative Form and International Law*, 2007.