It's tempting to go through a history of ideas from Ancient Greece to the UN Declaration of Human Rights & call it a day. But I don't think that does full justice to our contemporary situation, which seems to be a bit more contentious than usual. Philosophers try to avoid what we term "abstract truths," things that are true in such a generic way they don't really tell us much. So, the program for People's Univ. note "human rights" but until recently "rights" didn't need that adjective "human." This, I think, gives us a clue that our conception of rights has not been and is not yet <u>fully stable or grounded</u>. For example, how did we come to a place where the "human" of rights has to be specified – as opposed to 'animal' or 'robot' or whatnot? (You poor dogs, they want to treat you like men!)

What I'd like to attempt here is a conceptual analysis of <u>now</u> via our political tradition of rights. What we've kept and what we've jettisoned from the history of the concepts of political organization and rights theory. As we know, politics at the moment is particularly fraught with difficulties – so we'll start here with some art.

Angelus Novus

Walter Benjamin, as he fled Nazi Germany, interpreted this painting as the Angel of History, being blown backward by a storm into the future – while his eyes are fixed on the accumulated rubble of the past. The storm that blows it into the future Benjamin names "progress". Not a pretty picture of progress.

 So, I want us to keep this in mind as we trace the sources of our rights-language and political climate – which the Angel might tell us is the accumulated rubble of history.

But also these words of the great 19th century German philosopher Hegel → We learn from history that we do not learn from history. We learn from history but we seem to learn the wrong things. Hegel thought we were ready to learn in his day – during the Napoleonic Wars.

Benjamin, over 100 years later, wasn't so sure. What is clear is that if we are trapped in one of 2 false histories (progress or nostalgia) then little new will be possible and our problems will be seen as intractable or insoluble.

Here's a picture of our current situation – in this battle between right/conservatives and the left/liberals, political theorists will often argue that there are 2 different conceptions of rights and liberty that conflict

> Negative liberty – conservative – Hobbes, Locke
>
> Positive liberty – liberal – Rousseau, Kant

But this is quick and merely abstract & leads to an apparent dead-end. [Slide 6] We want to avoid this tragedy, but we also want to avoid the cheap optimistic notion of inevitable progress, too. So what have we learned and also not learned?

So, as we go through this fast sweep of rights and politics, keep Hegel and the Angel in mind. Is our progressing narrative really so neat as we'd prefer to believe? Is our history as worthy of nostalgia as we'd like?

So, first the standard story so we're dealing from a single place for now

- Greek and Roman democracy and republicanism

- Christian influence on dignity of persons, individuals

- Enlightenment

Myth of progress and synthesis – we got all the good and none of the bad

Remember Hegel – so let's try this again & attempt to learn from history

What does learning mean here with respect to Rights? How do we avoid the tragedy that Hegel warns us of?

- suspend myth of progress

- suspend myth of nostalgia

- Work more closely with possibilities we have missed and things yet to learn – as well as dangers already present in those concepts

- Michel Foucault "Forms of Political Rationality" - So let's try to tell this narrative of political rights with warts and all.

Ancient Greek Concepts (Plato, Aristotle). Greek theory, by and large, is focused on the attainment of virtue by the whole. For humans, who are "political animals" this means the good of the natural grouping of men, the city (the whole). This assumed naturalness of the city informs the type of rule that is best – the rule of the good and wise who can orient the city in that way. This is proper Greek aristocracy, rarely found in practice. Due to the bias that what is customary for them is in fact *natural*, it leads to certain exclusions in the political process. And this results in a mistrust, sometimes justified, of democracy as a whole. Plato and Aristotle's general view is that rule of the many will lead to a loss of vision of the good. Thus, we will slide towards those with more power or money, not those who are more good. Also, given the nature of humans toward the whole, there is no conception of rights.

So what lessons do we learn from this? Greek democracy was a much more transitionary fact of governance than widely supported by their theory. We can pull many small insights from the writings, but our contemporary talk of "rights" is totally foreign to their conception of people and politics.

Christian Influences (Augustine, Aquinas) – While drawing on many of the discussions from the Greeks and Romans, these introduce a different conception of how politics is to be grounded.

Following Augustine we can split these conceptions based on their sources and goals. The City of God, perfectly ordered. This is opposed and made known against the City of Man. Here the ruler/priest exercises individual care to the members of the flock. This is not yet "rights" but the care for the individual introduces the singular person into the explicit work of the whole "the city." Thus making the temporal city and power approximate the eternal power is the goal. This mixes some of the Greek conceptions, but adds the grounding of the 'divine right.' This, as we will soon see, presents its own struggles to be overcome.

Renaissance Humanism – Our representative here will be Machiavelli, since he's most widely known, and known for his work *The Prince*. Machiavelli studies actual uses of power. We get humanism here, despite Machiavelli's reputation for a phrase like "the ends justify the means." The ends here, if he really actually said that, are human ends like governance and maintenance of power. This moves the 'power' of the prince away from its rootedness in divine right – its value – and to its technique in being administered. Thus, even if we argue about Machiavelli's intent, whether he is endorsing or satirizing "The Prince," we see governance move to a conception of the rule of a diverse group of humans, by another human, who may or may not share the same ends as the whole. In fact, the Prince is the one who holds the whole together, not "nature" or God. However, we still lack any real language like "rights." For that, we have to wait until the thinkers of the Enlightenment, many of whom will try to distance themselves from the apparent conclusions of Machiavelli while also denying a notion like "divine right."

Enlightenment Humanism: Hobbes

- State of Nature

- Natural Equality – physical/mental

- Avoid fear and "war" → life "nasty brutish and short"

- Social contract – authoritarian tendencies

Locke

- Natural Right to self-preservation

- Social contract – for preservation

- Property rights → moral reason for gov't

- Moral equality (from god)

"Negative Liberty" Freedom From – but to what ends?

Rousseau

- "Origin" Society =/= Nature (vs Hobbes)

- "family" and paternal power ends in freedom/individuality

- Rights are conventional – inequal rights are social problem, not natural

- Political legitimacy

- "positive liberty" and "general will" → French Revolution! But also Reign of Terror

Kant "What is Enlightenment?" Reason/Freedom

- Rousseau and Reason

- Diversity of Reasons → consensus

"Positive Liberty" → achieve rights; actualize legitimacy

Hegel

- Step further in rights but away from 'individual"

- Communitarian – "I is a we; we is an I"

Wollstonecraft & Douglass – Enlightenment as unfinished ideal

- Socialization and Education must be used to extend rights

Marx & Engels

- What not rights? History and conflict.

- Dignity in life functions → Not ideal but realized in practice

- Material freedom

- Criticism of rights → need for economic rights

Foucault, redux

- Fascism is bad