

The *Wednesday*



Weekly Magazine of the Wednesday Group - Oxford

Editorial

The Return of the Sacred

We have been recently discussing the meaning of life in the context of the individual, but we also came to consider the question in terms of culture. A condition of modernity has been recognised as that of technological development. Both in critical theory (based on Marxist analysis) and Heidegger's later philosophy, the question of technology comes to the fore. We will deal here with Heidegger and leave the Marxist view for some other time.

In his book *The Death of God and the Meaning of Life*, Julian Young credits Heidegger with being the only post-death-of-God philosopher to have said something unique about the meaning of life. This, in his view, comes mainly in Heidegger's commentary on Holderlin's poem *The Rhine* and in his lecture *The Question Concerning Technology*.

Heidegger saw in technology a destiny, a revealing of Being, a challenge to man and nature, but not a permanent condition. He thought that this condition needed to be thought through. Heidegger envisaged a post-modern society – a society with a different attitude to technology and life.

Heidegger meant by technology something wider than developments from the mid-seventeenth century onward. He meant something like 'instrumental reason', and ideas which arose with physics and mathematics in a much earlier time. The question for Heidegger was not technology as method or equipment but something he called the 'essence of technology'. This essence is what he calls 'en-framing.' I will call it a privileging of a single frame of mind and seeing and trying to fit everything into this frame: basically, that is, the interest in everything calculable and experienced and the rejection of all that doesn't fit into these two modes. Heidegger invited us to the idea of the happening

of truth rather than the summoning of it. He also thought that what differentiates modern technology from the Greek or Medieval technologies is that in older times there was a respect for and cooperation with nature, while modern technology is a kind of 'setting upon', or a 'violation' of nature.

Heidegger went into the etymology of Greek words, together with logical analysis of the notions of causation and truth, to say that for the Greek, causation meant a 'bringing forth.' But causation takes a different meaning in modernity. It becomes 'making happen'. In the Greek conception nature is active and subjectivity aids nature or works alongside nature rather than subjecting it to its own power. In the modern conception, nature becomes passive and actively controlled by subjectivity. He sees in the notion of *poiesis* (bringing forth), as used by the Greek, a designation of two instances of bringing-forth: *physis*, that is unaided nature's activity of production, and *techne*, the aided one, such as in the work of a craftsman or artist. Heidegger invited us to see through technology and to go back to the idea of aiding nature rather than subjugating it. He also saw in the Greek conception a divinity of nature and wished for the return of such a sacred vision.

This must be a poetic vision and Heidegger saw the future in a unity of art and technology, or, to put it better, to see technology through the lens of art and not the other way around. He also saw it in the return of the unity of humanity and the gods. It is significant that Heidegger talked about this idea after reading Holderlin. He called for a celebration or a festival where we drop the technological standpoint (the commodity fetishism) and come together as a community of humans, nature and the gods. We may explore the topic again in later issues.

The Editor

Human Rights: The Search for Philosophical Justification

The issue of human rights has acquired significance in the last sixty years or so. The concept of human rights has legal, moral and political connotations. In recent years the issue of human rights has become central to issues of migration and torture. It also became the basis for intervention in other countries. But where do human rights come from? Are they dictated by nature or by law? Are they a Western phenomenon or a universal one? Is reason capable in giving a ground for such rights or should it be left to sentiment? Is it a matter of power, that the powerful could dictate these standards and choose what falls under the concept of human rights? Is the matter best left to the politicians or the philosophers? Philosophers from Locke and Kant to Rawls and Rorty have grappled with these issues. Their views reflect their times and the issue is more complex than it seems to be at first glance. The article below tackles these issues and more and considers the arguments of philosophers of different times but with an eye for the present and the future.

RANJINI GHOSH

The United Nations adopted the Universal Declaration of Human Rights (UDHR) in December 1948. This inaugurated a new period of thinking about human rights, a thinking that was based on the idea of the inherent dignity of human beings and the universality of their rights. The UDHR basically said that human beings have certain rights and that these rights were an existing moral reality. It emphasized socio-economic rights along with civil and political rights. For example, Article 23 talks about the right to work. However, we must remember that even before 1948, the American Declaration of Independence (1776) and the French Declaration of the Rights of Man (1789) also mentioned a concept of rights held by humanity. The idea of natural rights was discussed in the works of Locke and Kant. Central to any discussion of human rights are four main questions:

1. What is the nature of human rights and whether they are a subset of moral rights or

legal rights?

2. What is the justification for human rights?

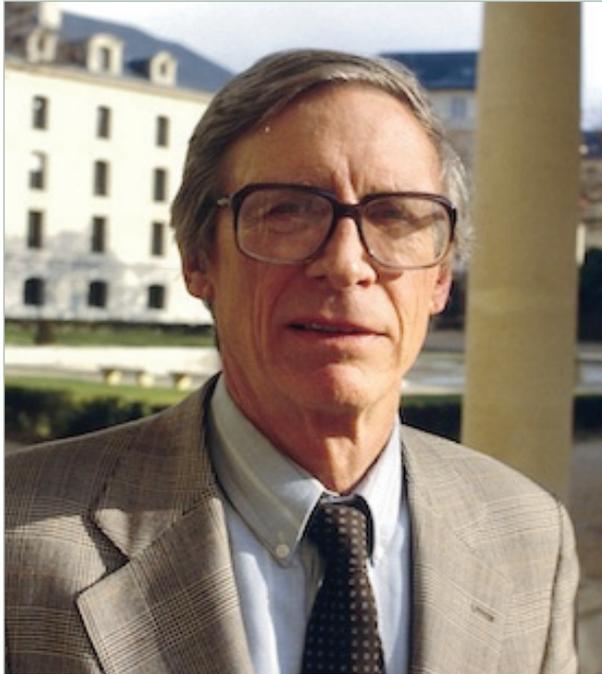
3. Which human rights can be called real human rights?

4. Are there human rights at all?

NATURE OF HUMAN RIGHTS

It has been held by many philosophers that all human beings possess certain natural rights simply by virtue of the fact that they are human beings. The naturalistic conception of human rights says that human rights are moral rights that all human beings possess at all times and all places in virtue of their being human. The UDHR also states that all human beings are born free and equal in dignity and rights. This view postulates an equal moral status for all human beings notwithstanding physical, social and cultural differences. Since all human beings are morally equal, therefore all human beings deserve a similar kind of protection of their human rights.

Brian Tierney in his book *The Idea of Natural*



John Rawls



Amartya Sen

Rights (2001) argues that the idea of natural rights did not emerge in Europe with the emergence of individualism as is popularly believed but it emerged in the twelfth century in the writings of Canon Lawyers who wrote about rights possessed by people in the sense of powers or capacities. Natural rights emerge from qualities that human beings possess like rationality and their need for integration into society. He also argues that natural rights are just one element of morality among others. There are other moral considerations like duties without counterpart rights like duties of charity.

Natural Rights emerged in Western consciousness only as one element of moral concern. They do not exhaust the category of other moral concerns. The naturalistic conception of human rights also bases itself on the view that all human beings have equal moral status. Some have argued that the mentally insane and children are not right holders. Peter Singer has argued that the

argument of the moral superiority of human beings is a form of prejudice just like racism and sexism.

But this naturalistic conception of human rights has been criticized and contested by John Rawls and others. The alternative 'political' conception of human rights argues that human rights should be understood in the context of their function in modern international political practice. John Rawls has argued that human rights are a small subset of rights that can be guaranteed in a liberal democratic society. In his book *The Law of Peoples* (1999), Rawls was concerned with the charge of ethnocentrism made against the conception of human rights as being essentially a western model to be imposed on other cultures. For him human rights include rights such as freedom from slavery, liberty of conscience, security from genocide etc. As per his argument many of the rights contained in UDHR are not human rights but merely liberal aspirations. Freedom of religion, as per his

view, would not be a human right, but the right to be free from religious persecution is another matter. There is a right to subsistence but not a right to a certain standard of living. According to his logic the right to work as mentioned in Article 23 in the UDHR would not be a right. The solution given by Rawls to the problem of the ethnocentric conception of human rights is to narrow down the set of human rights itself.

Another line of reasoning given by Rawls is that we should not defend human rights on the basis of metaphysical or philosophical doctrines. When we say that all human beings should have basic human dignity or are images of God these statements may not be accepted by people of different cultures. He argues that certain basic minimum human rights should be guaranteed under an agreement by liberal states. These rights could also be accepted by decent non-liberal states. Hence Rawls has attempted to delink the concept of human rights from objective ethical truths. Rawls agrees that intervention in a state would be justified if the most basic human rights are not secured by a state. Only if the list of human rights is minimal can coercive intervention by other states be justified if these rights are violated. If a society can be called legitimate internally then certain basic rights have to be guaranteed. This will also ensure freedom from external intervention by other states.

John Tasioulas has commented in an interview to *Fivebooks.com* (January 15, 2016) that the Rawlsian conception of human rights is a distinctively American approach to human rights in that human rights are not so much rights we have to comply with as what others have to comply with if they have to avoid external intervention. Therefore, the Rawlsian conception of human rights is a conception of thin rights that sets limits to external intervention. If a state violates minimum rights, then it becomes liable to coercive intervention. Therefore, the political conception of human rights challenges the view that human beings

possess rights in virtue of being human. Many philosophers of this persuasion have also argued that human rights are morally justified legal rights rather than pre-legal moral rights. It has also been argued that to say that all human beings at all times and places had human rights is absurd. The right to education could not have applied to the ancient Greek or Chinese peoples, or during the Middle Ages in Europe. The political conception of human rights conceptualizes human rights as boundary conditions for a state's autonomy.

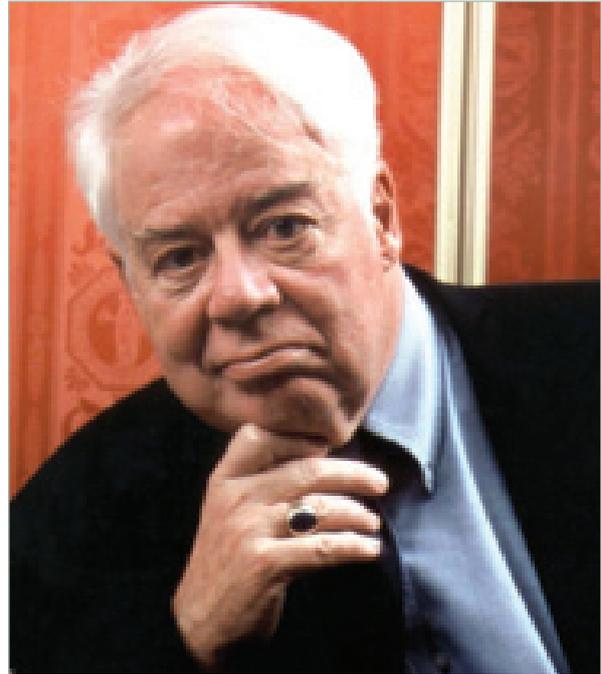
Justification Of Human Rights

Those who argue that human beings have rights simply because they are human beings see the justification for rights in terms of protection of some distinctly human features. Justification of human rights is seen in instrumental terms in that human rights are seen as essential means to realizing some valued features of human life. These features are appeals to the notion of agency, the notion of the good life and the notion of basic needs.

The agency argument says that what distinguishes humans from animals is the capacity to have a conception of a good life. The notion of human dignity is seen as the capacity to pursue a good life. Therefore, human rights are seen as protecting this capacity. But the problem with this view is that children and mentally retarded cannot be autonomous moral agents and so by this view they cannot have human rights. In order to get over this problem some philosophers have conceptualized human rights as grounded in a plurality of goods required for a good life. The elements of a good life according to this view basically derive their view from the Aristotelian view of *Eudaimonia*. Therefore, the basic forms of human good include freedom from pain, having knowledge, personal relations, aesthetic experience, sociability and religion. The justification for human rights, then, is seen as protecting the conditions necessary to pursue a good life.



John Tasioulas



Richard Rorty

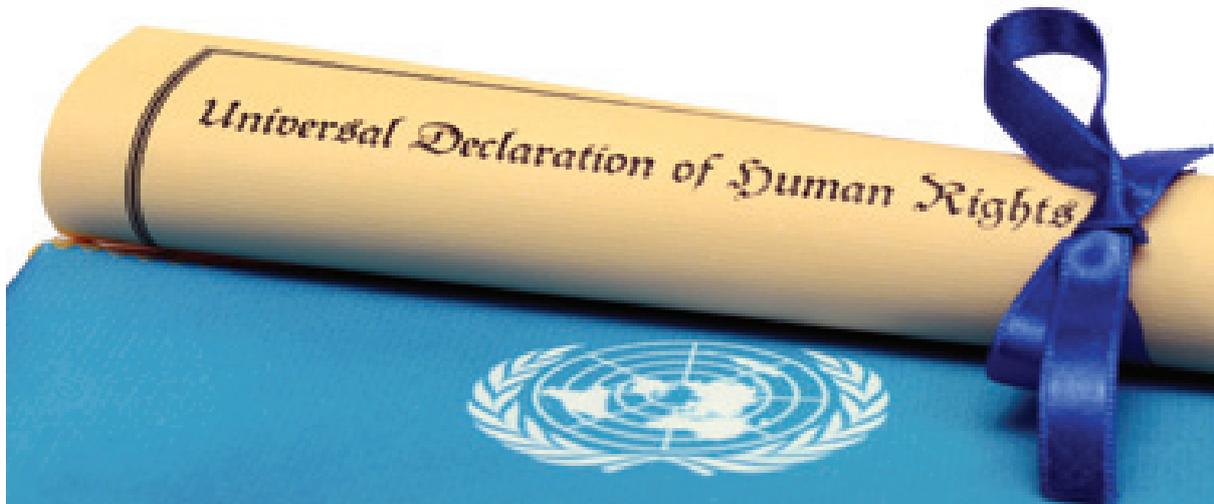
James Griffin in his book *On Human Rights* (2008) connects human rights to moral philosophy. Griffin sees a continuity between human rights and natural rights. This continuity can be seen in one way by saying that all human beings possess rights simply by virtue of their humanity. Another way is through moral reasoning in our ordinary discourse. When we talk about duties and promises and injunctions not to kill people, they are all a kind of moral reasoning. It is through such reasoning that we can identify human rights primarily as moral concern. Griffin argues that human rights protect the value of personhood. The value of personhood can be broken down into the values of autonomy, liberty and minimum material provisions. He sees these three values as three super-human rights and applicable across all human beings. Griffin contends that these values are universally valid, and that personhood is a valuable quality exemplified by all human beings. Human rights have their role in protecting this personhood and human dignity. John Tasioulas characterizes Rawls as a functionalist since Rawls sees human rights as performing political functions. Griffin is a foundationalist because he connects human

rights to the foundational ethical value of personhood.

Justification of human rights has also been related to the concept of human needs. There are certain basic human needs that have to be met for a decent existence and therefore certain basic human rights are required to guarantee these needs. Amartya Sen and Martha Nussbaum (*Commodities and Capabilities*, 1985) have argued for a Capabilities Approach. Capabilities are the real opportunities available to individuals to achieve certain functioning. In contrast to the instrumental justification of human rights, some philosophers like Thomas Nagel have argued that we hold human rights independent of whether these rights promote or protect our morally autonomous status or our basic needs and freedoms. The non-instrumental viewpoint argues that human rights express the worth of a person rather than what is in the interest of a person.

Real Human Rights

The trajectory of human rights has been seen through three generations: civil and political



rights, social rights and lastly group rights and the right to peace and development. The concept of human rights has been considerably expanded by the UDHR. Some rights so conceptualized, like the right to employment, periodic holidays with pay, medical care and housing have been subjects of controversy. Some international declarations on human rights have also mentioned a child's right to be loved and the human right to assisted suicide. The whole concept of socio-economic rights is often criticized as being sham in countries where the legitimacy of the government itself is questionable. The concept of group human rights postulates two types of such rights. One type of human right is the right held by individuals on the basis of membership of a particular group like being a woman, a child or a member of a minority group. The other type of group right is the right held by a group as a whole and an example of such a right would be the right to self-determination for a group.

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Genuine Human Rights

A common object of criticism has been the view that the concept of human rights is essentially a Western concept of a universal order that does not accept cultural relativism. Cultural relativism grounds the concept of human rights in socially defined cultural codes. But the response to this view has been

that there are basic human rights possessed by everybody in virtue of their being humans even though the origin of the conception may be Western. The universal validity of Newton's Law of Gravitation is not compromised by the fact that it is a Western discovery. Relativism argues that conceptions of the good life are essentially debatable. The minimalist view of human rights would argue that certain human rights are fundamental for basic human needs or capabilities and such rights need to be protected irrespective of the society.

The solution to the problem of cultural relativism was proposed by John Rawls as we discussed earlier. According to him we should not base human rights on theological and moral conceptions of human beings since they may not be accepted by people holding incompatible philosophical and religious views. Rawls thinks that we should instead think of human rights as an element of the 'law of peoples.' The law of peoples is a set of principles on which well-ordered peoples from different religious and moral backgrounds can agree. There can be agreement, Rawls believes, among different societies about the role of human rights in terms of international peace and a minimum list of such rights will set the boundary for intervention in the internal autonomy of states.



Jeremy Bentham

It has been argued that human beings never had any pre-existing natural rights. The most famous proponent of this view was Jeremy Bentham who thought that the idea of natural rights is ‘nonsense on stilts.’ The implication of this view is that rights are only creations of the law and rights are not simply a matter of morality. It is only law that can confer rights. John Tasioulas has argued that the principle of maximizing happiness given by Bentham is itself not a moral principle given by law. Therefore, if we can have one normative principle independent of law why can we not have another principle that confers rights? Hence it is not acceptable that only real rights are those that are given by law.

Rorty On Human Rights

The American philosopher Richard Rorty has essentially argued that we cannot justify human rights; reason is a useless apparatus to promote human rights; and we should instead concentrate on sentimental education. In his famous book *Philosophy and the Mirror of Nature* (1979), he argued that traditionally philosophy has been centered on questions of knowledge and the study of mind. Traditional

philosophers from Descartes to Kant tried to establish through knowledge a representational relation between ideas and reality. Rorty wrote that ‘to know is to represent accurately what is outside the mind’. This was the core of the *representationalist paradigm*. Language has an important role to play between the self and reality. It determines the way we think. Without language we cannot access reality and so we cannot know whether our language accurately represents reality. Our language is contingent because we use language for accidental reasons. Therefore, our search for Truth is contingent upon language. We are unable to find absolute justification for our beliefs because we cannot step outside the limits of our language to understand the reality-in-itself.

Rorty proposed that we should give up the philosophical quest of truth through knowledge. Instead of a representationalist paradigm he argued for a more pragmatic conception of creating a more democratic society. He is more concerned with what works. He says that in matters of human rights appeals to reason and knowledge will be of no use. The Serbian torturers did not see their victims as Muslims who were part of humanity. The Nazis also were aware that many Jews were clever and learned but that did not prevent them from killing them. The Kantian notion of treating human beings as ends does not come to help in cases of genocide.

Rorty says that we should be grateful to Plato and Kant because they thought of Cosmopolitan Utopias. The way to promote cosmopolitan utopias is through sentimental education. Sentimental education proposes to acquaint peoples with different ethnicities to see the similarities amongst them rather than differences. Rorty believes that a properly functioning human rights culture results from security and sympathy.

Weeping Willow

(in memory of Sylvia Plath)

I know my branches, I feel
with my trunk deep down into
the warm moisture known since birth.

It is the wind playing,
humming the same tune over and over,
until I dance to its music.

Love in the shadow of clouds
rides the heavens
in thunder and lightning.

Shadows pass and disperse,
they cannot be without light,
are but one relation of two tones.

All night long I sense the stars
stretching into dawn
my leaves oozing silver.

I suffer pain of too many sunsets,
scorched to the roots in agony
over tolerance.



The cruel moon unveils truth,
broken stem, a thunderbolt struck
directly from above.

Poem and Artwork by *Scharlie Meeuws*

Speculating on Speculative Philosophy

Notes on the Wednesday Meetings Held on 26th of December 2018

CHRIS SEDDON

Four philosophers met on Wednesday 26th of December in the lower room at the Opera Café, Walton Street, Oxford to discuss ways of doing philosophy, in particular, speculative philosophy.

Rahim Hassan opened the discussion with a review of different concepts of speculative philosophy. He quoted from an entry on the topic in Michael Inwood's *A Hegel Dictionary*. In characterising a concept of speculation as that which goes beyond sensory experience, Inwood suggested that Paul in his *First Letter to the Corinthians* used the metaphor of looking in a rudimentary mirror of polished metal to suggest that God cannot be seen or known directly. A more straightforward reading in context is the suggestion - for what it is worth - that God can indeed be seen directly, but only insofar as reliance on prophecy, language, and knowledge is replaced by reliance on love:

Love never fails. But where there are prophecies, they will cease; where there are tongues, they will be stilled; where there is knowledge, it will pass away. For we know in part and we prophesy in part, but when perfection comes, the imperfect disappears. When I was a child, I talked like a child, I thought like a child, I reasoned like a child. When I became a man, I put childish ways behind me. Now we see but a poor reflection as in a mirror; then we shall see face to face. Now I know in part; then I shall know fully, even as I am fully known. 1CO 13:8-12 NIV

Inwood also suggested that Kant's concept of speculation in his *Critique of Pure Reason* as an alternative to natural cognition did not include reflection on the nature of experience and on the concepts involved in it. Again, a more straightforward reading in context is the suggestion - for what it is worth - that pure (speculative) reason includes synthetic a priori concepts such as time

and space which are not derived from experience but are preconditions of experience:

Space is not an empirical concept that has been drawn from outer experiences... Space is a necessary representation, a priori, which is the ground of all outer intuitions... Time and space are accordingly two sources of cognition, from which different synthetic cognitions can be drawn a priori... Both together are... the pure forms of all sensible intuition... A23-A39 ... all concepts and with them all principles, however a priori they may be, are nevertheless related to empirical intuitions, i.e., to data for possible experience. Without this they have no objective validity at all, but are rather a mere play, whether it be with representations of the imagination or of the understanding. A239

Other dialectics than that between speculative and empirical reasoning were explored. Ayn Rand's *The Romantic Manifesto* provided the background to a discussion on the nature of Romanticism in literature, art, and music, and its growth as a reaction to the Enlightenment. There was some exploration of the supposed contrast between the functions of the left and right brain representing respectively divergent and convergent thinking, which is likely to influence different contributions to philosophical debate. A further distinction was made between so-called horizontal and vertical thinkers, which related respectively to thinking in terms of causal inference and terms which went beyond the empirical - it emerged that those present represented between them the determinedly vertical, the self-confessed horizontal, and the notoriously oblique. The tension between religious and non-theistic thought was briefly explored with an observation that Kant's Categorical Imperative and Fichte's Absolute I were both in some sense different attempts to replace the concept of God.

The discussion closed with an impromptu recital

The way that can be walked
is not the eternal way

The name that can be named
is not the eternal name

Without a name
it is the origin of heaven and earth

With a name
it is the mother of the myriad creatures

Hence

To be always without aims
is to perceive its essence

To be always with aims
is to perceive its appearance

These two

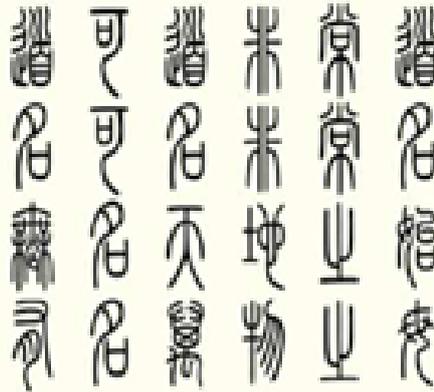
are identical by birth

but different in name

This identity is called its mystery

Mystery begets more mystery

To all essence it is the gateway



way can way not always way
tao k'o tao fei ch'ang tao

name can name not always name
ming k'o ming fei ch'ang ming

without name heaven earth the origin
wu ming t'ien ti chih shih

with name myriad creatures the mother
yu ming wan wu chih mu

so
ku

always without aim is see its essence
ch'ang wu yü yi kuan ch'i miao

always with aim is see its appearance
ch'ang yu yü yi kuan ch'i chiao

these two
tz'u liang

are same birth
chê t'ung ch'u

but different name
erh yi ming

same called the mystery
t'ung wei chih hsüan

mystery the more mystery
hsüan chih yu hsüan

all essence the gateway
chung miao chih mên

Lao Tzu: *Tao Te Ching chapter 1* transcribed,
transliterated and translated by Chris Seddon

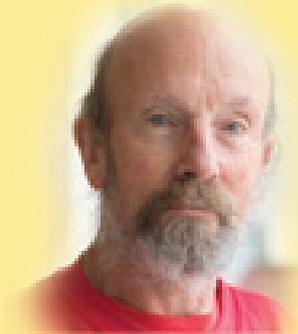
of the poem comprising the first chapter of Lao Tzu's *Tao Te Ching*, which it was felt summarised the tension between many of these opposing ways of doing philosophy:

The way that can be walked is not the eternal way
The name that can be named is not the eternal name
Without a name it is the origin of heaven and earth
With a name it is the mother of the myriad creatures
Hence
To be always without aims is to perceive its essence
To be always with aims is to perceive its appearance

These two
are identical by birth
but different in name
This identity is called its mystery
Mystery begets more mystery
To all essence it is the gateway.

(Translated by Chris Seddon)

Shibboleth



CHRIS NORRIS

In the massacre of the Ephraimites [by the Gileadites] in the Bible . . . differences in pronunciation of the word for ‘river’ (*shibboleth*) were used to separate Them from Us. Haitians in Dominica in 1937 were ordered to say ‘parsley’, *perejil*, and those who couldn’t roll their Rs Spanish-style were killed Language can be used to draw ‘an invisible border carried in our mouths’.

Marina Warner, London Review of Books, December 6th 2018

Though PACE [the Police and Criminal Evidence Act] was intended to reduce opportunities for falsifying records, the fact that it bolstered a presumption of scientific accuracy in the measurement of accent authenticity turned it into a compliant technology for racial profiling and ethnic pigeonholing.

Marina Warner, citing Emily Apter

‘Try saying this’, the quiet one said.
‘Speak this word like I do.
Then we’ll decide what lies ahead
For you, and you, and you.’

‘They’re words you won’t have heard or read,
Words straight out of the blue,
At least to folk like you who’ve fled
The mother-tongue they knew.’

No chance here of the watershed,
The turning-point long due
For weary souls who’d learned to dread
Each fruitless interview.



Marina Warner

‘It’s just to prove you’ve not misled
Us all along, you crew
Of refugees who’ve crossed the Med,
Along with God knows who.’

They’ll put us on a plane instead,
Remove us from the queue,
If somewhere between A and Zed
Our phonemes go askew.

For that will show we’re not well-bred
Enough to join the few
Whose speech ensures they’re fit to tread
This land we’re passing through.

A ‘shibboleth’: you get it right,
Pronounce the word just so,
And prove yourself a Gileadite
Not headed for Death Row.

But mispronounce it and they’ll smite
You dead because they’ll know
Straight off that you’re an Ephraimite
And their inveterate foe.

Say ‘ss’, not ‘sh’, and you’ll invite
The victor’s lethal blow,
The sharp edge of our Babel-plight
And war’s old quid pro quo.



It's speech that makes us self-indict,
That lays us victims low,
When alien words turn round to bite
Our tongues and stop the show.

It's the same age-old language-blight
That fixed how things should go
When unrolled 'r's spelled death despite
Words long shared bro to bro.

Say 'parsley' (*'perejil'*) not quite
In keeping with the flow
Of native speech, go Spanish-lite,
And vengeance won't be slow.

Less downright lethal nowadays,
But still the sense that your
Least lapse from their linguistic ways
Will slam the entry-door.

Back home we've shibboleths that faze
Those lately come ashore,
Though not the sort we'd ever raise
To settle some old score.

It's yours, the master's voice that lays
Down all good language-lore,
And ours the slip-up that betrays
Us as in times of war.

For there's an airport scene that plays
Past war-games out once more,
With every off-key turn of phrase
A lapse we answer for.

It's your Gileadite ear that preys
On fine points we ignore,
While our Ephraimite tongue conveys
Just what you're looking for.

But when my own ear briefly strays
From standing guarantor
That yours prevail, then it obeys
The heart's unspoken law.



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Dog In The Yard



Prone in the middle - dared me to pass.

His wolfish stare tugged at my fears.

But I had to pass, so made my advance.

Locked in a look, we met in the middle.

A moment to decide – he lifted his torso,

took a comical hop, on his three good legs.

Then teetered away to another warm spot,

laid on his stump – resuming his stare,

to the next passer and tug at his fears.

But I kept his secret. We all have our pride.

David Burrige

The *Wednesday* – Magazine of the Wednesday group.

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