

The genealogy of human rights: the problems of historical continuity.

Short synopsis: The paper discusses some of the difficulties in establishing historical continuities in the history of human rights, difficulties that would need to be overcome if a history of human rights was to become more than a matter of present centred genealogy. It argues that there is a continuity in the rhetorical functioning of appeals to human rights in western European culture, but far less conceptual continuity.

Longer outline.

The three talks I am giving are all concerned in different ways with the use and invention of genealogy. This first talk is divided into 9 brief sections.

1. I outline how the talks are related.

2. An outline of the salient features of a genealogical approach to the past as leading to and being about the present. I draw attention to two mechanisms for creating continuity: conceptual redescription (for example, the rights of 'Man' is taken to be the same as 'human rights'); and semantic implantation, where we fill in gaps in the evidence, when dealing with intention and motivation by attributing to the relevant actors our conceptual language. Both mechanisms help assimilate past to present by slight of hand and create anachronisms and mythology.

3. The case of a history of Human Rights as a genealogy.

4. I distinguish a persuasive continuity in making rights claims from an altogether less continuous conception of what rights are and the agencies to whom they are attached. The argument about rhetorical continuity is illustrated with reference to the rights claims and assertions about the rights of Man characteristic of the American and French Revolutions, and used earlier by the Levellers in mid-seventeenth-century England.

5. In turning to the question of conceptual discontinuity, I indicate very briefly the salient features of modern conceptions of human rights: their extensive nature attached both to the 'individual' and to groups, and their correlation with need, largely independent of assumed rationality.

6. Rather different conceptions are found in the early modern world where right correlated more to specific duty and was therefore apt to assume the relevance of rationality in order to fulfil duties.

7. The differences help to explain why there was no right to rebellion.

8. I then look at the conceptual redescription of the rational soul into that of the 'individual' as means by which a spurious conceptual continuity can be created. I illustrate the importance of not confusing the two in reference to Christopher Besold's argument in favour of a private right to freedom of conscience.

9. In this light I conclude with reference to what might seem the universal human right to life, suggesting that although modern rights claims have been given to trivialising over-extension, they may be easier to live with than a world in which rights easily became expressive of duties to kill others.

Genealogy, history and the case of liberty in early modern England.

Short synopsis.

The history of political thought has been a fundamentally secularising sub-genre of political studies, in which the quest to find modern secular concepts of politics has been important and historically distorting. The focus is principally on attempts to find in the seventeenth century adherents to concepts of negative liberty and liberalism, and in opposition to this neo Roman or Republican liberty. It concludes by suggesting that to see such exclusive commitments in Hobbes is historically misleading.

Longer outline.

The history of political thought as a sub-genre of political studies has from its inception in the late 19th century been a largely genealogical enterprise, serving the interests of a university discipline. It has perforce been decidedly secularising as fits the image of the scientific, or dispassionate study of politics. Hence much has been organised around the search for the emergence of the secular, or has posited secular contexts for writers and concepts deemed important.

Among the issues central to the development of the history has been that of liberty/freedom, with major figures expected to have had clear doctrines on liberty.

Important here have been the seminal conceptions of liberty developed by Isaiah Berlin, positing a distinction between negative liberty (the liberty of non interference and liberalism) which for Berlin was an absolute value; and positive liberty, that of self-fulfilment. He associated key figures in the history of political thought with each of them, so suggesting a lineage for modern arguments; Hegel and Marx believed in positive liberty, Hobbes and Locke espoused negative, and hence were part of an inheritance of Liberalism. They are sometimes even seen as 'classic' liberals and even if only 'proto' liberals, they have been made part of a liberal lineage (Berlin, *Two Concepts of Liberty*).

Berlin's dichotomy has been criticised, for example, by Charles Taylor and Gerald MacCallum (Charles Tayloer, 'What's Wrong with Negative Liberty' 1979; Gerald C MacCullum, 'Negative and Positive Freedom' *Philosophical Review*, 1967). Taylor arguing that liberty is meaningless unless exercised, so is less a possession than a practice; MacCallum arguing that negative and positive liberty are not opposing concepts but part of a unified universal notion of liberty.

More recently, Quentin Skinner and Phillip Pettit, who accepting Berlin's dichotomy have put forward Republican or neo-Roman Liberty as a third concept (Skinner, Tanner Lectures, and *Liberty before Liberalism*; Pettit, *Republicanism: a Theory of Freedom and Government*, and 'Freedom as anti-power' *Ethics*, 1996). This, depending on how it is formulated is presented either as a rejection of negative liberty, or a qualification. It is the liberty of non-interference securely held, the liberty that comes with the status of being a citizen. I outline what I take to be some conceptual difficulties with seeing 'republican/neo Roman liberty' as a distinct concept.

Each concept captures something of seventeenth century arguments, giving some plausibility to genealogies of liberty. All of them, however, are historically distorting.

None of these contemporary conceptualisations of liberty accord with how and when people characteristically argued about liberty. As arguments about liberty were most likely when it was perceived to be threatened or insecure,

'republican' liberty has some purchase on the evidence, but not as any distinct concept, let alone in opposition to any belief in negative liberty, which like liberalism is a later invention.

Part of the problem arises from the genealogical necessity of imagining a coherent domain of the political in which liberty claims were played out, but this itself is a falsification of a world in which the political was both a contingent and sometimes fugitive notion. Thus we can find arguments about liberty independent of politics and to one side of anything neo Roman or republican which nevertheless stress the importance of secure exercise of liberty.

Effectively, I would argue, Republican/neo Roman liberty is a secularised abstraction from how people argued about posited liberties of office, but as these were apt to collapse into arguments about duty and responsibility, for which liberties were conditions rather than values in themselves, they do not mesh well with western liberal preoccupations.

I explicate arguments about liberty in the context of its ubiquitous threat, tyranny and the different meanings that word had: as a) rapacious and licentious interference, a passionate and irrational excess; and b) as the rigid application of rules and thus a refusal to exercise a necessary liberty.

I conclude with a brief discussion of Hobbes, often seen as a liberal or proto-liberal and adhering to negative liberty, I suggest he may just plausibly be seen as holding to a 'neo Roman concept, not because he did but because both conceptions misconstrue arguments about liberty in his world.

Hobbes's translations of Homer.

Short synopsis:

The paper discusses Hobbes's until recently neglected translations of Homer as exercises in genealogical subversion and appropriation, expressions of his sense of being a philosopher and his conception of the public responsibilities of philosophy. Such a possibility seems unlikely only because Hobbes's place in a genealogy of modern philosophy has required oversimplifying his understanding of philosophy. Hobbes's ambitious enterprise of re-working the Homeric epics required in turn a repudiation through other translations, to undo the damage he had seemed to do to the 'father of poetry' and to the proper role of philosophy.

Longer outline.

Hobbes's translations of Homer can be seen as an engagement with the poet's great importance in early modern Europe. Until recently the translations of the *Iliad* and *Odyssey* have been largely ignored as of poor quality, the work of an old, sick man. In his day they were initially successful and then controversial. Only recently has it been argued that they had a clear political purpose. Jack Lynch has shown how all the seventeenth-century translations made Homer speak to contemporary issues. Paul Davis has argued that Hobbes's translations were deliberately subversive, intended to undermine the allegorical use of Homer in clerical education; Eric Nelson has argued that Hobbes tried where possible to use the poems to support monarchy, denigrate assemblies (parliaments), rhetoric and discount the inspiration and awareness of a divine order that gave poets moral and philosophical authority.

Drawing on their work and my own analysis, I illustrate the sort of political alteration Hobbes made through his verse. The main suggestion, however, is that through translation Hobbes was pursuing a broader philosophical purpose by poetic means, and where possible make the Homeric voice speak with the direct simplicity Hobbes thought appropriate for true philosophers. At the same time, Hobbes denied that poetry had anything to do with truth. His position is not unlike Plato's, though Plato wished to ban Homer altogether from the ideal society.

To make the case it is necessary to reconsider Hobbes's conception of philosophy and the responsibilities of the philosopher to promote and teach virtue. This requires abandoning the reductive image of Hobbes that has been so prominent in a genealogy of modern philosophy—presenting him as advocating a purely procedural understanding of philosophy dependent upon strict definition, fitting modern analytic orthodoxies, and commendable insofar as he seems to anticipate figures such as J.L. Austin, Gilbert Ryle and Ludwig Wittgenstein. Not denying that there are similarities, Hobbes's statements about the end and scope of philosophy, (as argued by Kinch Hoekstra), and the essence of his critique of ancient philosophy make clear that his conception of philosopher embraced a public responsibility to teach virtue.

This broader conception justified the translation of poetry into English verse as a philosophical exercise embracing the specifically political doctrines he believed were philosophically demonstrable.

He may then be seen as both subverting and appropriating the Homeric poems and through this process attempting to re-define the relationships between the poet and the philosophy. He may even be seen as partially stimulating the translations that followed his own, those of Dryden, Ozell and Pope being explicitly critical of him, and inverting the message to be got from the 'father of poetry'.

In particular with Pope, the issue was more than a matter of what was a good translation, or what might be good poetry: there was the question of the responsibilities of the philosopher and the philosophical function of poetry. On both counts Hobbes was anathema and needed to be discredited and replaced. He proved successful, but his work and that of his collaborators into the eighteenth century continued the denigration of Hobbes and his conception of philosophy.