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Statelessness, Sentimentality and Human Rights: A Critique of Rorty’s liberal human rights culture

Abstract: This article considers the ongoing difficulties for mainstream political theory of actualising human rights, with particular reference to Rorty’s attempt to transcend their liberal foundations. It argues that there is a problematic disjuncture between his articulation of exclusion and his hope for inclusion via the expansion of the liberal human rights culture. More specifically, it shows that Rorty’s description of victimhood is based on premises unavailable to him, with the consequence that stateless persons are rendered inhuman, and, further, that his accounts of sentimentality and solidarity obtain of limited potential for the inclusion of such victims within the liberal ‘community of justification’.¹ In the final analysis, the paper argues that there is a substantial mismatch between Rorty’s dependence on both liberal norms and international political practice, and his hopes for the human rights culture to include those stripped of human dignity.

Key words: human rights * statelessness * Richard Rorty *

Set against a background of expansion in human rights discourse, human rights education and human rights advocacy, this paper sets out to demonstrate the ongoing failure of political theory to actualise human rights, especially in the context of stateless persons and places. Part of the present author’s argument in support of Arendt’s claim that the subject of human rights has been more abstract than concrete in times of emergency² will be set down in this paper. I take stateless places to be illustrative of the limits of political theories of community and membership on the basis of their exclusion from the minimal protections assured by international practices of community and membership, and from the more extensive protections assured by the most capable states’ exercise of those practices. In this case, it will be argued in particular that Rorty’s anti-foundational attempt to restore and embolden what he calls the liberal human rights culture³ fails in important ways to provide
for the protection which is most lacking in statelessness. I argue that it is therefore a pretty narrow political theory.

The first part of the paper will examine the means by which Rorty seeks the expansion of human rights, focusing in particular on the role sympathy and ‘sentimental education’ play in his account, and on the individual agency which situates and would enact sympathy towards needy victims. Rorty understands the dilemma of exclusion in terms of an absence of sympathy, and simultaneously as an absence of autonomy and/or dignity. Therefore, having examined the contours of sympathy and sentimentality, the paper will outline the Rortian diagnosis of what is at stake in the situation of those whom Rorty hopes will be included in the liberal community of justification. The section as a whole aims then to consider the promise for Rorty of human rights. As noted, sympathy will be central to the analysis in this section, which will argue in conclusion that the implicit antithesis Rorty sets up in his opposition of the sympathetic liberal and the needy ‘child found wandering’ precludes their rapprochement. Indeed, I will argue that his characterisation of the victim as antithetical to liberalism not only implies a view of personhood unavailable to him, but also causes him to radically constrain her potential for attaining anything like subjectivity.

The question which remains is how a commitment to expanded recognition might in practice form the basis of a commitment to sympathy with statelessness. In my attempt to answer this question I will re-consider Rorty’s emphasis on the liberal member as agent of change, paying particular attention to the constraints he himself acknowledges in relation to individual identification with sympathetic others, and in particular his conditions for coherence in the individual’s final vocabulary. I will suggest in addition that the dependence of morality on social provision and hence political community is a limiting factor in relation to the extension of sympathy. On this basis, section 2 of the paper will undertake to examine the political and theoretical conditions of Rorty’s sympathetic liberal, and of the community which facilitates her private sphere of self-creation. It will argue furthermore that these very conditions are in large part constitutive of the limits of human rights. While Rorty, unlike some other theorists, does not suggest that communities can have firm titles
to protected living space, I will argue that his liberal agent of justice is dependent on state capacity in relation to that protected living space, especially in its protective relationship to language and other social goods. In the final analysis, the paper argues that there is a substantial mismatch between Rorty’s dependence on liberal norms (in turn dependent on international norms and practices) and his hopes for the human rights culture to include those stripped of human dignity.

I

In his attempt to outline the hope for expansion of the liberal human rights culture, Rorty posits this as a goal for the privileged members of liberal political communities. Liberal communities are central to Rorty’s account of justice in relation to community and membership, for the simple reason that they are sustained by languages and moralities in which he is conversant. Rorty, then, is a value pluralist, who is nevertheless willing to offer his own values up for adoption on the basis of their continued pragmatic utility. His call for liberal communities to extend their sympathy to those outside of their sphere of justification is therefore deemed to be ethnocentric, without being relativistic. Indeed he claims that ‘there is a difference between saying that every community is as good as every other and saying that we have to work out from the networks we are, from the communities with which we presently identify’. On that basis, Rorty expresses much of his argument in liberal terms, even as he recognises that there can be no non-circular justification for its practices.

For Rorty, morality refers at the simplest level to the interests of communities over those of individuals. It is ‘the voice of ourselves as member of a community, speakers of a common language’. Morality on Rorty’s terms is a communal construction for mitigating nature with norms, curbing its worst excesses. In effect, members of the liberal community communicate with each other, using a shared vocabulary to summarise what is important about the social goods and protections provided by their institutions, for example their connection to freedom. The act of summarising our culturally influenced intuitions will tend not only to ‘increase the predictability, and thus the power and efficiency, of our
institutions’, but serve also to heighten ‘the sense of shared moral identity which brings us together in a moral community’. He also shows how the moral vocabulary shared by liberals, which has been shaped over time, can be used to strengthen the force and authority of the institutions which connect us through redescription, and, eventually, to extend the communities of justification which they feel bound to address.

Individuals are then, for Rorty, the agents of justice, and of sympathy. The social nature of morality does however require ongoing communication, while the particularities of liberal morality allow for communication which is open-ended. While our equal status as members provides for discussion of moral issues, discussion with others is possible due to the freedom of self-authorship which liberal communities ostensibly protect. Liberals, as agents of morality, are for Rorty well-placed to converse with non-members, and he hence urges the liberal member to ‘broaden the size of the audience they take to be competent, to increase the size of the relevant community of justification’. The ‘community of justification’ refers to those to whom we direct our attention in our responses to moral questions and is hence not restricted to those connected to us by the authority of our existing institutions. It is, however, necessarily the case that communication with such communities is mediated by individuals. This is clear also to the extent that Rorty remains committed to an expansive model of negative freedom in relation to morality.

Rorty engages with the debate between those who would influence those in power, and those who would wait for empowerment from below. Pragmatically, he claims that privileged communities, already noted to be well-placed for a plurality of identifications on his account, should ‘downscale our goals and aspirations to a measure commensurable with the limited resources at our disposal’. The ability for liberal members to impress on their democratic authorities the need and potential for expansion of the human rights culture makes the liberal community a potential site for solidarity with the marginalised. Changes, including decisions to recognise stateless places as sites of solidarity will emerge on Rorty’s account from ‘powerful people gradually ceasing [...] to countenance the oppression of others’.
I suggested in the introduction to this paper that stateless places serve as a particular and illustrative limit concept in relation to the actualisation of human rights. The question, then, is whether or not Rorty’s account of the liberal human rights culture can stand up to this important test. For it to do so, his account of ‘sentimental education’ will have to provide a mechanism by which the liberal can be forced to hear, and then motivated to repeat, the sentimental stories of those wanting of dignity, on the basis of his assumption that ‘the emergence of the human rights culture seems to owe nothing to increased moral knowledge, and everything to hearing sad and sentimental stories’. Rorty’s account of human rights turns therefore on the potential for ‘sad and sentimental stories’ to impel privileged individuals to redescribe their cultural intuitions to the inclusion of the embodiments of such stories. Rejecting the sardonic pessimism aimed often at this project, Rorty argues persuasively that sentimental stories have in fact ‘induced us, the rich, safe, powerful people to tolerate, and even to cherish, powerless people’. Rorty’s ‘sentimental education’ is of the kind that:

[...] gets people of different kinds sufficiently well-acquainted with one another so that they are less tempted to think of those different from themselves as only quasi-human. The goal of this sort of manipulation is to expand the reference of the terms our kind of people and people like us. He hopes that the liberal member can recognise the smallness of the things which divide her from others and expand thus the audience to which she must address questions of morality. It will then be more difficult for her to justify to herself any cruelty enacted against individuals from whom she has no cause to withhold sympathy:

Solidarity is not discovered by reflection but created [...] Such increased sensitivity makes it more difficult to marginalize people different from ourselves by thinking, “they do not feel it as we would,” or “there must always be suffering, so why not let them suffer?”

It is Rorty’s hope that inability to countenance cruelty against others will not only create the conditions for solidarity, but also allow the liberal to address that cruelty using her own vocabulary, developed within the liberal human rights culture. Rorty believes that the language of liberalism is contingently well-placed to incremental reduction of those we see as ‘other’ or ‘less than human’. It is the task of the
individual, then, to make appeals to our culturally influenced intuitions, and particularly to the powerful institutions and agents which embody and defend those intuitions. His solidarity, then, is extended from privileged to the oppressed; from the sympathetic to the marginalised.

In order to assess this potential, a comparison between the self-authoring liberal and the needy victim will first be necessary. I intend to demonstrate in the paper as a whole that it is extraordinarily difficult for the needy victim to address the moral liberal agent, and in this section that it is so difficult on account of his articulation of vulnerability. More specifically, I intend to demonstrate that a remaining difficulty which afflicts Rorty’s account of morality and human rights is the impossibility of those he sees as victims every becoming ‘our kind of people’ or ‘people like us’. More specifically, I hope to show that – to the extent they lack the necessary vocabulary – they are neither able to impress their sentimental stories upon the liberal, nor convince her that they feel their humiliation as we would’. Given that the stateless have long highlighted the limits of human rights in their proven resistance to protection, this is a serious charge.

As we have seen, Rorty finds great resilience in the ‘shared moral identity’ of the liberal community, which is neither transcultural or ahistorical, but rather a historical product. The existing, contingent institutions of liberal communities have, for Rorty, the effect of facilitating pluralism, in part due to their anti-essentialism. This pluralism is at best embodied in the final vocabulary of liberal irony, though more normally embodied in postmodern bourgeois liberalism. On that basis the diversity of the liberal community facilitates a public dialogue which is a departure from previous monolithic moralities. Rorty therefore assumes that the contingent anti-essentialism of liberal institutions opens them up to the possibility of engagement with speakers of non-liberal languages (though not, as I intend to show, the expressions of stateless persons and places).

In ‘Postmodern Bourgeois Liberalism’ Rorty’s redemptive summary of the liberal human rights culture is outlined by way of explicit reference to its potential for securing the human dignity of those robbed of it. He is optimistic that there are effective ways to expand
its protections to those deprived of security and sympathy, even while it must on his account be pointless to ask ‘whether human beings in fact have the rights listed in the Helsinki Declaration’. Having dealt in the remainder of this section with the problems of sympathy, section 2 will deal with the serious challenges of providing security to vulnerable stateless places. For now, however, I will focus on an appraisal of his claim that it is or can be ‘part of the tradition of our community that the human stranger from whom all dignity has been stripped is to be taken in, to be re-clothed with dignity’. In order to do so, it will be necessary to identify the human stranger, as well as her relationship to the members of the liberal tradition who might be moved to challenger her loss of dignity. I will show that this relationship is substantively one of antithesis, in which the ‘child found wandering in the woods, the remnant of a slaughtered nation whose temples have been razed and whose books have been burned’ is opposed to his liberal ironist, aiming for increasing diversity in the range and scope of the communities with which she identifies and engaged in a heroic attempt to transcend the confines of narrowly defined identity.

A loss of dignity is here equated to a loss of culture, and an implicit loss of language, which is in stark contrast to the position of ‘us’ as individuals situated in and constituted by liberal tradition and liberal vocabulary. Empirically, it is clear that her exclusion from protection has the effect of destabilising the ability of the stateless person to communicate with the sympathetic and secure liberal. This much is evident in the continuing invisibility of statelessness, which must for Rorty match the violence of the cruel and inhuman treatment suffered by Winston Smith in Orwell’s novel, 1984. This treatment is paradigmatic of the violence which results when an individual’s authority over her own final vocabulary is overridden. On Rorty’s interpretation of this horror, it is not that torture severs one’s ties with some objective truth (in which 2+2=4), but rather that it negates one’s authority to articulate a long-learned vocabulary in which 2 and 2 were 4. The stateless stranger ‘whose temples have been razed and whose books have been burned’ has no recourse, then, to the tools of we-intentions necessary to contrast efforts and hence necessary to the languages which the liberal pluralist might understand.
For Rorty it seems clear that statelessness, as the epitome of marginality, is a paradigm of humiliation; even of cruelty to the extent that it represents destruction of the authority of the individual’s final vocabulary. Three ill-fitting things become apparent on this basis. First, that Rorty is – it would appear – assuming some shared basis for the inclusion of language-less children within the liberal tradition. Second, that he is simultaneously locating them outside of the vocabulary and linguistic practices of that tradition. The language-less child must therefore somehow convey a non-verbal, non-
moral story to the embodiments of that tradition, which is particularly difficult if indeed it is ‘the tools of language [...] which enable us to impose ourselves on the world’. Calder’s in-depth discussion of the place of metaphor in Rorty’s account of morality is of direct relevance here. It helps make clear the extent to which Rorty anticipates that abnormal discourse will be the impetus for moral redescription. However, as Calder well notes, this potential is at the same time restricted by the requirement for progress to start from existing forms of cognition. This fact serves to fatally undermine the Rortian potential of the sad and sentimental stories he suggests will be the impulse towards extended solidarity within the liberal human rights culture. These stories, as much as the summaries of our culturally influenced intuitions must avail themselves of our existing vocabulary so that they can be understood by the relevant audience of members, namely the existing community of justification. The shortcomings of Rorty’s theory become clear to the extent that the stateless stranger – divested of authority over her own final vocabulary – is able neither to express herself using our vocabulary, nor to bring about any intelligible rupture.

Rorty’s conception of morality as ‘the voice of ourselves as members of a community, speakers of a common language’, however, shows statelessness then to be a condition of amorality, and thus (implicit) inhumanity, again situating it outside of the pragmatic yet valuable morality of the liberal tradition of human rights. The only alternative position for Rorty to take is unavailable to him, for without a shared human potential for accommodation within a community in which the stranger has no contingent part, she has no way to address the would-by sympathiser or solidarist. If self-creation (the conditions of which are the focus
of the next section) is bound and constituted by ‘the networks we are’, why would we care about those who appear in fact as nothing like ‘our kind of people’?

The final point to be made here about Rorty’s own description of the potential object of sympathy (and its relationship to his liberal subject) relates to the bind it creates for him. For it is difficult to avoid the conclusion that those most clearly lacking the self-authorship central to his idea of personality are precluded from obtaining it, and that this in spite of the fact that taking them in ‘is part of our tradition’. Furthermore, it emerges that the thus-humiliated ‘child’, without any situated vocabulary, cannot help but reveal the hollowness of liberal claims to sympathy and solidarity.

II

As the previous section demonstrated, in Rorty’s account of liberal community a shared language – albeit contingent and historical – provide a means by which the individual member pieces together a vocabulary. This vocabulary in turn provides for autonomy insofar as it is also used privately for self-creation, the conditions of which are examined in this section. Rorty’s vision of autonomy, I will argue, is in the end dependent on the international practices of community and membership which make shared languages possible, and which have resulted in the perpetuation of stateless places. It will look, more specifically, at the largeness in practice of the things which divide us, and which include inter-state practices of reciprocity and the stability garnered for the liberal state by these practices and by the particularities of the exercise of its membership practices. This is to leave aside for now the further problem that it is dependent on recourse to ‘philosophical relics’ unavailable to him. The wider implications of the analysis in this section are that the same conditions which constrain Rorty continue to limit the actualisation of human rights in cases of statelessness. More specifically, it will be argued that the stateless person is likely to remain deprived not only of sympathy, but also of security in part because of the secure conditions which are for Rorty the conditions of moral progress.
It is the task of this section to examine some of the more fixed contours of the contingent morality of the existing liberal ‘community of justification’, showing the extent to which the requirement (outlined in section 1) to start from existing vocabularies and forms of cognition serves to seriously restrain the ability of the liberal individual to radically redescribe human rights to the inclusion of those stripped of dignity. The framework for these constraints on solidarity with the stateless is Rorty’s own claim in relation to psychological coherence, which takes the form of a suggestion that the pluralism of the individual vocabularies constructed on liberal morality is limited by its purpose. To the extent that vocabularies are ‘webs’ which enable us to construct beliefs about the world, and which must therefore cohere they ‘can no more stand incoherence than our brains can stand whatever neuro-chemical imbalance is the physiological correlate of such incoherence’. They are hence difficult to radically alter outside of psychopathy (or at least without undermining the pragmatic value of individual morality). The remainder of this section will be given over to demonstration of the practical difficulties of reconciling the bases of liberal morality and plurality with identification of and with stateless persons and places. It will be shown that a lamentable consequence of Rorty’s picture of moral agency means that its accommodation of stateless places would run the very real risk of undermining the necessary coherence of most liberal vocabularies, and hence undermining the requirements for liberal personality and self-creation. Crucially, Rorty underestimates the practical extent to which a vocabulary’s survival is a function of its given needs and purposes.

Close reading of Rorty clearly reveals the extent to which in fact the liberal community, central to the provision of shared goods such as language serves given needs and purposes. His account relies on several rather stable characteristics of the morality shared by speaker of the liberal vocabulary of morality. In the first instance, the separation between the private sphere of self-creation and the public sphere (location of morality) is guarded by liberal institutions. Within the private sphere of self-creation individuals are furthermore at liberty to pursue aesthetic ends, ‘so long as they do it on their own time – causing no harm to others and using no resources needed by those less advantaged’. Rorty’s own description of the
value of freedom is predicated, then, on the existence of stable liberal institutions given that being able to predict with reasonable accuracy what our mutual obligations will be (and being able to construct coherent webs of meaning) permit us to plan meaningful lives within a given community. These conditions, underpinning self-creation demonstrate the distinctly political conditions of Rorty’s sympathy, and hence of the liberal human rights culture. These conditions can remain contingent and still serve specific purposes and provide particular goods to the privileged members of the liberal community.

Rorty, in his rejection of ‘politically relevant critical theory’ and ‘theoretically informed critical practices’, wants to ‘dispatch the idea that there are structural constraints – imposed by the structure either of the mind or of the world – on the historical progression between worldviews’. There are, however, constraints (both on his account of language and its political bases, to be examined now) which clearly constrain the likely progression of the liberal human rights culture. To the extent that state institutions mitigate liberal differentiation, and represent the historical summary of our culturally influenced intuitions, they are contingently (though not essentially) both forceful and authoritative. In the same way that a guarded sphere of self-creation is necessary to morality, and hence sympathy, it is evident that stable communal borders are necessary to the private sphere. In order for a community to uphold the divide between public and private activity it must exercise authority over its territorial borders and the resources produced (which include language and morality) by community. The divide between public and private which underpins liberal morality is thus dependent on the divide between members and non-members, or state borders. Indeed, while for Rorty communities are not of themselves agents of justice, they are vital to the provision of justice. While he recognises the extent to which community is sustained by the creation of social goods (and particularly language and morality), his internal perspective doesn’t appreciate the extent to which those very goods, which include his liberal human rights culture, are dependent on international practices of community. As places in which individuals come together to discuss questions of shared interest they require certain protections, which are most stable where they are based in the
kind of mutual non-interference guaranteed by inter-state reciprocity. In Rorty’s account each community should so far as possible be protected from harm caused by other communities, and in particular from deprivation of the resources necessary to its members. In his view, then, just and free societies are dependent on effective state power as much as international rules.

The ongoing crisis of the nation-state in parts of the world distant from liberal community makes Rorty’s account of justice dependent on the continued political efficacy of liberal authorities. The particularism of liberal pluralism provides clear motives for the defence of borders against less-stable places which might locate the languages lost to members who then seek the sympathy of others. Indeed Rorty himself recognises that much if not most of the world is the site of tribal rivalries. His attempt therefore to persuade the reader that ‘moral progress might be accelerated if we focused [...] on our ability to make the particular little things that divide us seem unimportant – not by comparing them with one big thing that unites us but by comparing them with other little things’ fails inasmuch as the things that divide us are not in practice small. Without diminution of the international practices which restrict admission of language-less ‘children’ to liberal states, their reclothing is unlikely, and changes to these practices cannot be acceptable to Rorty given the centrality of the historical community and its particular social goods, including language, to his account of personality. Nor are changes likely on the basis of his account of language and coherence in relation to liberal final vocabularies.

It appears on this basis that Rorty is somewhat remiss in relation to the political link between individual autonomy and social justice, and remiss in his appreciation of the importance of the state. While he outlines a moral side to community, its political bases are more clearly assumed. Basically, Rorty’s individual account of morality is vociferous on the potential impact of members on community, but oddly silent on the impact of the community upon members in relation to moral progress, underestimating its conservative effects. For it is clear that the conditions of self-creation, combined with the conditions for sympathy, outlined in due course, serve to privilege private, amoral activity given the
absolute centrality of a guarded private sphere of self-creation to his description of morality. As we know, it forms the basis for individual authorship in relation to the ‘final vocabulary’ with which the individual members addresses communal, moral questions, including sympathy for non-members. Clearly, Rorty’s pluralism, as much as his individualism, entails a certain level of disagreement on common questions of morality, and he accepts that liberal members will often have to ‘abandon or modify opinions on matters of ultimate importance, the opinions that may hitherto have given sense and point to their lives, if these opinions entail public actions that cannot be justified to most of their fellow citizens’.\textsuperscript{81} It is not, however clear that meaningful abandonment is required, merely abandonment in the public sphere. Thus, while the relative success of the state in liberal communities undoubtedly requires and supports identities which are differentiated, it is by no means clear that social cleavages and antagonisms are transcended in the vocabularies of their members.\textsuperscript{82} In fact, as Calder argues, Rorty’s prohibition on humiliation (which holds at least between the contingent membership) has the effect of supporting a superficiality, and even conservatism in the public sphere.\textsuperscript{83} Seething private antagonisms aren’t therefore transcended by authentic \textit{listening}, they are merely re-imagined in a manner mediated by distance and upheld by the public private divide enabled by the liberal state.

Given that, for Rorty, communities provide both for social goods including language and morality and for individual autonomy, their actions do have instrumental dimensions, which in fact suggest that their political scope cannot easily be extended. In practice then, the centrality of autonomy to Rorty’s account of sympathy demonstrates the function of community in mediation of the boundary between autonomy and coercion. They are not therefore incommensurable\textsuperscript{84} but thoroughly interdependent in a highly organised world in which liberal states occupy a privileged position.

The section set out to examine the contours of sympathy, a central component of Rorty’s account of justice. To this end, I have in this section examined the relationship between the practices of community in relation to Rorty’s liberal membership, and argued subsequently that his individual liberal participant in morality is inextricable from the stability that the
liberal state garners from the international practice of community and membership. More specifically, I have argued that Rorty’s inattention to the relationship between communal provision and individual autonomy prevents him from recognising the political basis of the liberal advantage in which he is interested. In the end, I suggested, the centrality of prosperity and stability to Rorty’s account of liberal pluralism not only distances liberal morality from the tribalism long-associated with statelessness, but also ensures its dependence upon the very practices which I have elsewhere argued to be constitutive of statelessness. I have suggested that the potential for inclusion of stateless places within the communities of justification of the liberal disposed towards sympathy is restricted by the requirement for coherence, and that the requirements of individual agency in turn restrict the likelihood of meaningful sympathy for the stateless.

I will suggest in this last section of the paper that in any case, the extent of liberal ironism is necessarily more limited than Rorty perceives it to be, a point which will weaken his implicit instrumentality of hope and moral evolution. What this paper has tried to suggest is that the instrumental imperatives which are in fact most visible in Rorty’s account tend not towards solidarity beyond borders (let alone to solidarity with those stripped of dignity) but rather towards the self-sustaining project of liberal community. That is to say, Rorty’s morality is only able to articulate its own stretching to a scope compatible with the conditions of liberal community and hence of the self-creation necessary to sympathy and to the human rights culture. This is the disjuncture of Rorty’s description of the liberal human rights culture, in which his account of humiliation cannot be reconciled with his accounts of self-creation and of moral progress. A stronger claim would be that Rorty’s liberal utopia (much like actual liberal states and privileges) is at least partially dependent on the contingent exclusion of the stateless. Rorty’s choice not to examine in more depth the framework in which his secure liberal utopia is fixed inevitably narrows his scope. Similarly, his account of language has the effect of replicating injustice.

In sum, Rorty might be found guilty not only of misconceiving the international conditions on which his liberal sympathy is dependent, but furthermore of overstating the
potential for irony and redescription, underestimating as he does their constituent basis in
domestic stability and in the rules implicit in his account of shared language and in his
public/private divide. His attempt to resolve the dire and undignified situation of those
excluded from the most minimal protections of political community falls at the hurdle of its
agent (insofar as her capacity for sympathy is limited by its constituent factors in political
community) and at that of its actualisation of its object (the child found wandering, whose
abjection renders her ill-suited to dialogue with the privileged liberal member). Lacking any
secure communal provision for a contrast effort, the stateless person or place is at once at
odds with Rorty’s hope for us to belittle the differences which now oppose them to liberal
community. That is to say, the inability for the stateless person to arrive physically in the
extant liberal community of justification, and her ongoing unprotection and invisibility make
it unlikely in the extreme that she could press any sentimental story on the liberal ironist. It
has therefore been the contention of this paper that it is not only the necessary preconditions
of Rorty’s account which limits its scope, but also a certain disjuncture between the
conditions of his hoped for accommodation and the requirements of authority for
personality. Thus to the extent that Rorty demonstrates the dependence of dignity (which is
the end of sympathy) on contingent moralities, it remains in spite of its correlation to
solidarity dependent on the provisions of political community, marginalisation from which is
the very essence of statelessness.

By way of conclusion, I would suggest that Rorty is unable to provide anything like
authorship to the stateless person, in spite of his recognition that its lack is morally
equivalent to torture. What is more, he is unable in spite of his attempt to break the link
between territory and moral justification to move beyond an overtly sentimental
universalism, which is powerless against the norms of international community, and against
the norms of the liberal community. Finally, it is apparent that while the liberal ironist
might encounter or embody a certain statelessness within her own heart (predicated again
on the stable state); this offers no means for the actualisation of the protection necessary for
the avoidance of the indignity and harm of real-world stateless places.


7 Rorty states that rationality is 'simply the attempt at [...] coherence' in a culture's web of beliefs. Rorty, *Truth and Progress: Philosophical Papers* 171.

8 Inter alia, Michael Walzer.


14 Rorty, *Contingency, Irony and Solidarity* 190.

15 Ibid. 59.


17 Expressed in Rorty’s depictions of the private sphere, autonomy and irony.


19 Ibid. 180.
Ibid.


Rorty, Truth and Progress: Philosophical Papers 182.


Rorty, Truth and Progress: Philosophical Papers 181.

Ibid. 172.

That, for Rorty, of Ortega, Heidegger, Leo Strauss and Foucault. Ibid. 182.

Ibid. 184.

Ibid. 176.

Ibid.


Rorty, Contingency, Irony and Solidarity xvi. Rorty, Philosophy and Social Hope 86.

For Rorty, ‘the person whose treatment of a rather narrow range of featherless bipeds is morally impeccable, but who remains indifferent to the suffering of those outside this range, the ones he or she thinks of as pseudohumans’. Rorty, Truth and Progress: Philosophical Papers 177.

For my understanding of the role of humiliation in Rorty’s account of the victims of cruelty, I am indebted to Calder. See in particular Calder, Rorty’s Politics of Redescription 125-28.

Rorty, Truth and Progress: Philosophical Papers 180.


Outlined in detail in Rorty, Contingency, Irony and Solidarity.

Ibid. Also Rorty, "Postmodernist Bourgeois Liberalism."


Rorty, "Postmodernist Bourgeois Liberalism."

Rorty, Truth and Progress: Philosophical Papers 180.
Ibid. 174.


44 Ibid.

45 Ibid.

46 Rorty, Contingency, Irony and Solidarity 178-80.


49 This implies in turn that there can be no further demonstrable cruelty towards her, which reflects the practical difficulties for stateless persons of demonstrating ‘well-founded fear of persecution’ in satisfaction of the Geneva conventions. Again there is a paradox here, as the alternative position for Rorty – which is again unavailable to him – would suggest an inherent risk of humiliation in the encounter between the bourgeois liberal and the voiceless stranger.

50 For a helpful discussion of the problems this raises for the coherence of Rorty's view of personhood see Calder, who argues that ‘it is precisely because Rorty prizes self-creation as he does that he needs to make space for some kind of inbuilt (or at least potential) capacity in human beings to differentiate themselves from others – to set themselves apart’ Calder, Rorty's Politics of Redescription 90.

51 Ibid. 100.

52 E.g., Ibid. 70-79.

53 Ibid. 65.

54 Rorty, Contingency, Irony and Solidarity 59.


56 Rorty, Truth and Progress: Philosophical Papers 176.

57 Rorty, Contingency, Irony and Solidarity xiv.


59 Calder, Rorty's Politics of Redescription 181.

60 Rorty, Truth and Progress: Philosophical Papers 176.

On justificatory webs, see also Rorty, *Philosophy and Social Hope* 37. See also Rorty, "Universality and Truth," 15.

Rorty, *Philosophy and Social Hope* 37.

On justificatory webs, see also Rorty, *Philosophy and Social Hope* 37. See also Rorty, "Universality and Truth," 15.


On this point, see also Calder, *Rorty's Politics of Redescription* 67.

Rorty, *Contingency, Irony and Solidarity* xiv. It is not fully clear what measures define the least advantaged, though Rorty elsewhere expresses support for the kind of justice as fairness outlined by Rawls. See, Rorty, “The Priority of Democracy to Philosophy.”


Reciprocity is the principle which governs the recognition states afford to each others' nationals, and is embodied most clearly in the reciprocal requirement for states to readmit their own nationals. The principle of reciprocity is multilateral, and allows for a degree of international stability and cooperation. It has been an important dimension of international relations between sovereign states in the twentieth century, and forms the basis of an extremely limited contract.

Rorty, *Contingency, Irony and Solidarity* xiv.

Ibid.

I refer in particular here to the emergence of new stateless places from crises of state capacity in relation to inter-state reciprocity, and by extension to ‘failed’ and ‘failing’ states.

Which prevents them from becoming dumping-grounds 'for the expelled refugees of the entire world' through any lowering of the costs of free-riding on or violating the principle of reciprocity which discourages denationalisation. Maitre J. L. Rubinstein, "The Refugee Problem," *International Affairs* 15, no. 5 (1936): 724.

Rorty, *Philosophy and Social Hope* 86.


On this point it is, as noted, possible to look for interests behind public justifications without resorting to dependence on the assumption that these interests are ‘timeless or natural’. Kate Soper, "Richard Rorty: Humanist and/or Anti-Humanist?" in *Richard Rorty: Critical Dialogues*, ed. Matthew Festenstein and Simon Thompson (Oxford: Blackwell, 2001), 118.


Rorty, *Contingency, Irony and Solidarity* xv.
