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“Arguments Concerning Ethical Realism and Rights: A Further Reply to Corlett”

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<http://wp.me/p1Bfg0-34j>

In my “Reply to Corlett’s ‘Searle on Human Rights’” I said I was “perplexed” by his central criticism of Searle. Then concerning a specific point of his criticism of Searle I wrote that either “I didn’t understand this point” or “it was not fully explained in the article.” Furthermore I said that his reading of Searle was “uncharitable.” I consider these expressions polite if not even mild ways of stating disagreements. Disagreement is after all the life of philosophy, but of course one should not then be disagreeable.

Corlett’s recent reply to me “On Searle on Human Rights, Again!” is the written equivalent of shouting. But such evident disagreeableness changes nothing. None of the concerns raised were addressed. We can’t even begin to think about these important but difficult disputes (they have occupied meta-ethics for more than a century) if we cannot state what is at issue (or if arguing about them is taken as equivalent to personal insult).

The question raised by Corlett’s article is in my humble opinion, what precisely is meant by realism about human rights?

Since Searle claims he is a realist about rights, showing that he is not requires some argument for how Searle has erred about realism and/or about rights. But that argument requires more precisely showing that Searle is wrong in holding that institutional facts are nothing over and above brute facts. If we can show that his grounding claim is wrong, then Searle’s defense of the reality of human rights is flawed. Must not something like what I have just said have been Corlett’s aim?

But when Corlett’s article turns to assessing Searle’s view, Corlett merely asserts that *if* institutional facts were not real, *then* it would follow that human rights are not real either. (Searle of course explicitly rejects the antecedent of this if-then claim.) Therefore, we simply do not have here a plausible or persuasive argument against Searle.

I’ll make these brief suggestions about arguments concerning ethical realism and rights.

One could argue against Searle’s case for connecting institutional and brute facts by making a case against ethical naturalism as a whole using the notion of ‘rights’ as the key feature of ethics that naturalism fails to capture. I suggested in my original reply Nicholas Wolterstorff’s “Why Naturalism Cannot Account for Natural Human Rights” as an example of such a strategy. But assuming I understand what realism about rights entails, that strategy would not support it.

One could appeal to Kant. Though Kant’s ethics does not involve or address or current conception ‘rights,’ Kant’s ethics does claim that ethical actions are grounded in the exercise of practical reason, not in any empirical features of the world. Though Kantianism is an attack on ethical naturalism if anything is, it would not license realism about rights since it does not license realism about any ethical properties as such.

In the review I suggested a response to Searle by way of a possible fault in how Searle defends his brand of ethical naturalism, namely a problem with Searle’s account of

constitutive rules. If that works, then we have a reason to challenge Searle's defense of human rights. As I pointed out, Searle's lecture about human rights addresses explicitly the very criticism Corlett is making. I thought my suggestion was a better option since it leaves it open that rights are somehow or another natural features (assuming there is some persuasive support of that). If that is what realism about rights amounts to, then perhaps this path would be argumentative support.

It is, however, anyone's guess what Corlett thinks about the above questions. I tried to show in my original reply that his article is not clear about these matters. We are left then with hand waving or, worse, appeals to authority (i.e. assertions) for why Searle is wrong. The bulk of Corlett's reply to me is rather simple outrage that I attributed to him the following two views. Rights are simply natural facts about humans and duties with respect to rights are supererogatory. I think both views are so stated in the article and they seem to be motivating his criticism of Searle. But I also think they are not explained even briefly nor held to consistently. Thus for all I know he doesn't even hold these views (as he so angrily says in his reply to me), but then I don't know what the article is about. My original reply was of course only to Corlett's article in this journal and not to Corlett's entire corpus. I concede that I have simply not read his other works. I take it my not having read the rest of his writings precludes me, in his opinion, from writing about his article on Searle, alas.

Any reader can judge for herself whether Corlett has shown either that Searle's account is not a realist account of rights or has shown what being a realist about rights entails. I don't think putting forward the case that he has not accomplished either task is tantamount to defamation of his character.

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