

POPPER, RAWLS AND HUMAN RIGHTS

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John Rawls developed his political philosophy as a criticism against utilitarianism. The main weakness of utilitarianism, he explains, is that there is no place in it for human rights. Human rights represent for him one of the core issues that any political philosophy should be able to address. That's why he turned to Kant, and to Rousseau, and proposed, with his *Theory of Justice* a renewed version of the social contract, through an approach which could only be considered as a logico-transcendental one.

At first sight, Popper seems to share the same background. In political philosophy as well as in the theory of knowledge, he has constantly referred to Kant, up to a point of presenting himself as a disciple — although an unorthodox one — of the author of the *Critique of Pure Reason*.

The problem is that we do not find in *The Open Society*, nor in the other political philosophy works, any theory of human rights. More precisely, we do not find any substantial reference to human rights, nor to the social contract theory. *The Open Society* simply ignores these two issues — or when, later, Popper will mention them, it is just as a passing reference, it is never really the object of his theoretical attention.

The reason could be easily found: the core of the political thinking of Popper is not the Kantian theory of the *Critique of Practical Reason* — it is utilitarianism. Not exactly the utilitarianism defended by Jeremy Bentham, but what he called a “negative utilitarianism”. However, a negative utilitarianism is still a utilitarianism. Contrary to J. Rawls, and contrary to what could be expected from any “neo-Kantian” philosopher, Popper never broke with this philosophy.

Why did Popper adopt an approach in political philosophy which seems to be so much at odds with the approach he developed in theory of knowledge, what are the consequences of his choice, and what are the difficulties he ran into. These are the different questions I shall try to answer in my intervention in the Popper 2004 Congress.