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Extensionality and Equality of Rights by *Andrei Rodin*

Abstract

In my paper I argue that a crucial point of Liberalism/Communitarianism controversy concerning the question of priority of individual rights versus of rights of communities can be formally analyzed in terms of abstract set theory by opposing its extensional and intensional interpretations. This analysis reconciles in a sense the controversy since the two interpretation are equally sound (in spite of the fact that only the extensional one is widely known). Then I apply this formal analysis to consider some moral issues about liberal and communitarian views. Particularly I consider the concept of *Isonomia* or Equality of Rights (of individuals of a legal community) and find some hidden moral difficulties behind the idea. On the other hand, applying the formal analysis to communitarian arguments I make an attempt to instrumentalize them for political use (and to avoid a misuse). An important result of the analysis is that communitarian and liberal approaches better fit global and local politics correspondingly.

1. Liberalism versus Communitarianism : priority of individuals over communities versus priority of communities over individuals.

A lesson from the history: it is hopeless to get a metaphysical solution. We should rather get rid with the idea that one of those way of thinking is right while the other is wrong. The task of metaphysics is rather to clarify the whole issue. What exactly does the *priority* mean? Why the question is so important? (It *is* important as political decision-making clearly demonstrates.) But *why*? Let us analyze both ways of thinking considering abstract *sets*.

The problem: there is a good conceptual (mathematical, logical) machinery to serve liberal thinking and there is none to serve communitarian thinking - or at least it is underdeveloped. I make an attempt to develop one.

2. Extensional and Intensional (Interpretations of) Set Theory

«By a *set* we understand every collection to a whole M of definite, well-differentiated objects m of our intuition or our thought. We call these objects the *elements* of M .

George Cantor

$x \in y =_{\text{Def}}$ set x is **element** of set y ; set y is **host** of set x

Why to think of sets in terms of their elements but not in terms of their hosts?

Extensional and Intensional interpretations of ZF Set theory: to get one from the other reverse \in .

ZF (ext)	ZF (int)
$x=y \text{ =Def } \forall z(x \in z \leftrightarrow y \in z)$ intensionality	$x=y \text{ =Def } \forall z(z \in x \leftrightarrow z \in y)$ extensionality
$\forall x \forall y (\forall z (z \in x \leftrightarrow z \in y) \rightarrow x=y)$ extensionality:	$\forall x \forall y (\forall z (x \in z \leftrightarrow y \in z) \rightarrow x=y)$ intensionality
x is atom (empty set, urelement) =Def $\neg \exists y (y \in x)$; given extensionality the atome is unique	x is world (class) =Def $\neg \exists y (x \in y)$ given intensionality the world is unique
$\forall a \forall b (a \neq b \rightarrow \exists p \forall x (x \in p \leftrightarrow (x=a \vee x=b)))$ (ZF2) pairing : common area: space	$\forall a \forall b (a \neq b \rightarrow \exists p \forall x (p \in x \leftrightarrow (x=a \vee x=b)))$ (A2) link : common element: time
$\forall a (\exists b (b \in a) \rightarrow \exists y \forall x (x \in y \leftrightarrow \exists z (x \in z \ \& \ z \in a)))$ union : elements of elements	$\forall a (\exists b (a \in b) \rightarrow \exists y \forall x (y \in x \leftrightarrow \exists z (z \in x \ \& \ a \in z)))$ (A3) intersection : areas of areas
y is subset of z =Def $\forall x (x \in y \rightarrow x \in z)$ every element of y is an element of z $\forall x (x \subseteq x)$	y is superelement of z =Def $\forall x (y \in x \rightarrow z \in x)$ every area of y is an area of z $\forall x (x \supseteq x)$
$\forall a \exists y \forall x (x \in y \leftrightarrow x \subseteq a)$ power : set of (all the) subsets given powering no worlds (Cantor's paradox)	$\forall a \exists y \forall x (y \in x \leftrightarrow a \supseteq x)$ root : element of (all the) superelements given rooting no atoms
predicates generate subsets $\forall a \exists y \forall x (x \in y \leftrightarrow x \in a \ \& \ \varphi(x))$ ($x \neq x$): <u>the atom</u> (the empty set) exists $\forall x (\emptyset \subseteq x)$	<i>abstractors</i> generate superelements $\forall a \exists y \forall x (y \in x \leftrightarrow a \in x \ \& \ \varphi(x))$ <u>the world</u> exists $\forall x (W \supseteq x)$

Main features:

Extensional	Intensional
starts from atoms, no worlds	starts from worlds, no atoms
initial unification (bare set of individuals), growing complexity by structuralization	initial complexity, growing particularization by communication
static union	dynamic network

3) The Price of Isonomia

A prerequisite for isonomia: to prepare a *bare* set of individuals. How? An unrealistic feature of *bellum omnia contra omnes* story: the war is not between individuals (for such is not really a war) but between communities (but other than national states: tribes, clans, etc.) The particularization of community is what is made *with* isonomia, it does not preexist in any «natural» way (at least if «natural» is understood in terms of actual state of affairs but not some *due* state of affairs). The (classical) Liberal concept of Law as a treaty (between individuals) *presupposes* particularization with isonomia but it says nothing about how the particularization is achieved (or wrongly supposes that the particularization is «already there»). Indeed the concept works for *secondary* organisations (corporations): to make a treaty of individuals is a way to establish a firm or a club *within* a legal isonomic state but not the legal isonomic state itself. (Types and predicate orders: modeling the corporate law.)

To establish a legal system is to *replace* a non-legal social organisation (based on kinship, tradition, etc.) by some legal organisation. To be sustainable the legal system of course must legalize (formalize) the most of pre-legal structures. But if the system is supposed to be isonomic then all those structures must be *in a sense* removed (or at least *retained*) to allow a *bare* set of individuals. For otherwise the isonomia would mean nothing.

(Isonomic legal structures = national states.)

Problems:

a) Local character of isonomic legal systems: a sharp distinction (discrimination) between those who are subjects of the law (citizens) and those who are not. (Subjects of the law are not to be confused with its *objects*: slaves, children, animals, mads, etc.) This basic distinction replaces a complexity of biological, cultural, ethnic, and so on, and so forth - differences. Some of them may be overcome (males and females) but some obviously not (children and adults). The sorit paradox: the full legal age. Generally the discrimination between members and non-members of an isonomic legal community (citizens and non-citizens) is much sharper than many «traditional» discriminations by family, social status, sex, age, etc.

Cleisthenes also spelled CLISTHENES (b. c. 570 BC--d. c. 508), statesman regarded as the founder of Athenian democracy. ... his most important innovation was the basing of individual political responsibility on citizenship of a **place** rather than on membership in a clan. ...

Isonomia, the principle of equality of rights for all, was one of the proudest boasts of the reformers, and there is no doubt that Cleisthenes' work led to a much wider and more active participation by all persons in public life. *Britannica 1997*

The basic discrimination between persons by their place of birth/residence (cf. refugee law). Isn't clan membership principle rather morally justified?

b) Static (locally stable) character of isonomic legal structures. Although every legal system has mechanisms of change (law-making) the mechanisms work until a *basic* law remains unchanged (constitution or a basic part of the constitution). In reality there often occur *legal gaps* which no basic law survives. Among those are events of *foundation* of new legal structures (don't confuse with secondary foundations).

Considering the law as a tool preventing the violence. Periods of legal stability change by legal gaps which are characterized by massive violence (civil conflicts). Violence is prevented mostly effectively on a middle-scale level, that is between *groups* belonging to the same national state (ethnic groups, social classes, etc). Less effectively the individual violence is suppressed (the suppression involves the legalized violence by authorities against criminals.) The massive large-scale violence is also justified and legalized within

the concept of war. As a result it does not change the rate of victims of violence on a long run (personal communication with A. Nazaretjan).

4) How Communitarianism Helps and How to Help Communitarianism

<i>liberal politics</i>	<i>communitarian politics</i>
(isonomic) law as a message of the community to its members (must for members)	declaration as a message of members to bigger community (must for community)
Basic equalization and particularization through abstraction and alienation. Basic closure for non-members.	Basic unification through communication, exchange, concretization, and assimilation. Basic openness.
Secondary unification through treaty based on shared principles and values (cf. subsets: unification on the basis of common interests, cultural background,..)	Secondary equalization and particularization through abstraction (cf. superelements: ignoring the race, sex, family background, etc.).
Discreteness: the basic isonomic structure does not survive too <u>deep</u> changes. (In fact the deep changes happen but through legal gaps)	Continuity (topologically defined via openness?): the <u>highest</u> principles a priori might survive changes however deep.

5) How liberal and communitarian (extensional and intensional) approaches can be combined? WARNING: DO NOT treat communities as individuals with the liberal (extensional) approach: this causes violation of individual's rights. Intensional and extensional interpretations are equally allowed by ZF as formal system but their mixture is NOT. Perhaps the (formal) topology can help?