

TRACK FOUR

DOING WHAT COMES NATURALLY?

Human rights are real not only because of what we are but because our imagination insists on them

The Journal of Politics is reported [this week](#) to carry an article by north American researchers who claim (according to the news report) to 'have identified a specific gene variant that they say predisposes those carrying it to liberal political ideology ... "the liberal gene"'. Perhaps nature gives us the answer to the question with which last week's track ended, that truth *needs to be found* somewhere out there, beyond history, solidarity and political action.

What if this 'out there' out to be deeply, deeply within us?

In his reply to [Track Three](#) Carl said 'it seems to me human rights come from an innate truth – a feeling about ourselves and our fellow humans. Maybe human rights live somewhere inside us, like love and curiosity.' Is this the kind of thing we should be pursuing?

THE AMBITION OF HUMAN RIGHTS

Let us start with something that Anthony said over a couple of replies to [track three](#) – human rights are about a certain view of what it means to be human, an expansive vision which sees human flourishing as a goal towards which it is right we should all strive. The subject is not at all narrow, not merely about being free from constraints or at liberty to do what we want. It is about all of us having the chance to make the best of things. If this is right then something large and bold follows:

Human rights is this vast, ethical project aimed at the positive transformation of the world

AM I BOTHERED?

Fine, so far. But what about some prior questions that present themselves, frequently skirted around, skated over or ignored altogether among us human rights types at this point in the discussion:

- why does it matter that so many are currently lost to the world on account of their impoverishment, either because they die unnaturally young or lead lives of unyielding grimness?
- Why should we not think of this as simply the (bad) luck of the species birth-lottery?
- Why care about people we don't know, are never likely to know and who certainly will never get the chance to do us a good turn even if they were inclined to?

I have already talked a bit about the origins of human rights in my [first common track](#) – in times past it was easy to grasp why we both cared for others and ought to care for them: it was God's direction. This was whether or not we rooted our faith in Christianity, in Islam or in one or other of the great religions of the world. Religion still plays a big part in human rights – as you have made clear in your replies to [Track three](#) -- I think a bit about this in my [responses to those comments](#) and return to it in a later main track.

At least since Marx however, secular society has had the greatest of difficulty with absolutes of any sort, a scepticism that has extended to a reluctance to explore any of the supposed ethical foundations that might lie at its core.

That's why we ended up where we did in [track three](#) working out various ways to *make* universal human rights real, rather than *finding* them to be so.

Sure the inclination to feel for others, to care about their situation and to act to improve their lot has somehow survived the decline of religion in such cultures, we can see that --- but is just (as I once argued might be the case in a lecture to a largely Catholic audience at [Heythrop College](#)) nothing

more than the death rattle of organised religion, likely to wither away completely as the memory of what faith-based moral duties necessitated is gradually forgotten?

If it is human rights will die with it.

Solidarity, struggle and so on are vital aspects of human rights because they give energy to the asserters of rights, the people determined to win them for themselves and not rely on the charity of others. But – and this is especially true where the empathisers are concerned (those fighting for the rights of others) – *these rights need something to hold on to other than themselves, a vision outside themselves, beyond their power of tactical fabrication.*

BACK TO THOSE GENES

After decades in the doldrums, when all was thought to be constructed and the human mind a mere creature of the social forces into which the body containing it was born, the link between intuitive thinking and nature has been making something of a comeback. I noticed this in a [talk on Darwin and human rights](#) I gave at LSE a year or so ago.

Look at something I think odd but very important. So many theories start with intuition – even those which absolutely reject any kind of natural explanation for where they have ended up. Even Marx intuitively cared, not because of what he thought but rather because of who (or what?) he was.

And Marx was not alone.

I'd say that most philosophers sympathetic to what we are thinking of here as the human rights ideal have grown their various theories out of fundamental insights (intuitions) about behaving properly towards others.

It is the caring for others that produces the theories, not the other way around.

It is clear that many of us want to care for others, feel compelled to do so in a way that seems to flow not from any conscious decision but simply from how we are, and (taking this insight further) that we claim on behalf of those who are the subjects of our sympathy (including the billions whom we do not know) a right to its receipt, together with the actions that flow from recognition of it.

So where does this intuition come from? Is it merely the common sense of past generations or are its roots deeper than that?

If we think of ourselves not as members of a special species but as each of us composed of a bundle of genes on the look-out for survival, then it by no means follows that in this field we have to commit ourselves to the rather loaded idea of the 'selfish gene' – there are many routes to survival and not all of them are marked 'me alone'. The way we are is not all self-oriented: as [Adam Smith](#) put it in 1759, 'How selfish soever man may be supposed, there are evidently some principles in his nature, which interest him in the fortune of others, and render their happiness necessary to him, though he derives nothing from it, except the pleasure of seeing it'.

What Darwin allows us to do is locate an insight of this sort within science and then to see it as part of an animal (rather than uniquely human) approach to living. Far from being something spilt into us at birth from which we then learn how to behave, 'the building blocks of morality' are as the great primatologist [Frans de Waal](#) put it in his Tanner lectures, 'evolutionarily ancient.'

The intuition to help others that is the product of this evolutionary dynamic, and its offshoot into a more general empathy and outreach to the other that de Waal describes in his lectures, is clearly close to the desire to achieve the kind of flourishing towards the other at which contemporary human rights practice is aimed.

NATURE'S EXCELLENCE IS FRAGILE

Of course not all of us care all the time or even (some of us) at all: there are very nasty competing instincts out there as well (tribal solidarity; hostility to the stranger; fear of the different) and these always threaten and often manage to swamp the better side of our nature, both individually and collectively.

An achievement of culture has been to erect obstacles to the success of these contrarian impulses. Since we first began to think about more than merely the next meal, our species has been good at erecting barriers to what it has been quick to see as 'bad' behaviour.

Law, custom, and religion have all played a part in this.

In our contemporary culture, human rights are one of the best of these.

It is what [Pascal Boyer](#) has called in relation to religion an effective 'commitment gadget.'

- It is available to those whose life project or immediate ethical task is the generalisation of the propensity to help the other into something beyond kin, beyond immediate community, beyond nation even, into the world at large: 'human rights' helps them sell their story to others.
- Human rights is the linguistic tool available to the far-seeing activist to help him or her persuade others to understand that we all deserve to be seen and respected and given life chances: the island people whose homes are destroyed by an inundation precipitated by first world greed and recklessness are the contemporary equivalent of the newly arrived neighbour whom some grunting but imaginatively-wired pre-linguistic human types thought it better to befriend and help rather than to kill.

The term human rights works so well to capture this feeling because it is multi-purpose: seeming to make sense at the level of philosophy ('here is why you ought to help the stranger'), in the realm of

politics ('they have a human right to this or a human right to that – therefore arrangements must be made for them to get it'), and in the sphere of law ('the right is set out in the Charter or the covenant or in the constitution that our forefathers created to keep us in check').

It's a verbal trick to keep us on the ethical straight and narrow, for the good of the survival of the better bits of us.

BUT IS IT TRUE?

Tricks are normally clever lies.

How sure can we be that we have found that objective, scientific truth behind human rights which got Damien Shortt in such polite hot water with Paul Bernal on [track three](#)? Is this the Holy Grail of human rights – a foundation rooted in truths about ourselves that no-one can contradict:

- We are born with certain genes
- These drive us to act in certain ways, in a spirit of co-operation towards others, a spirit that reflects the rewards shown in the past for such conduct (which has already produced consequent success for the genes concerned in terms of replication opportunities, and continues to do so: helping others makes (genetic survival) sense)
- These outward-reaching actions occur independently of the genetic rationale for them, being in us they happen, subconsciously, causing us to act as we do without thinking, and (if we are the intellectual type) intuit this or that as the starting point for our caring theories
- Culture then supports or subverts this caring propensity to a greater or lesser extent: the quality of our lives depends on the balance of our culture, how much it supports these propensities, how much it shreds them.

Sounds great – but also surely fantastically simplistic!

Scholarship is full of over-enthusiastic misuses of misunderstood breakthroughs.

Can we simply take recent work in genetic research like this and turn it into our human rights foundation?

Even if we think it is not the whole story, that we have barely understood it and don't want to get into the science, should we nevertheless seize on it as a new convincing story, a new religion for our (partly) secular age – one that explains why we cannot help, why caring is part of us, our job being to support it against other darker parts with whatever weapons we have available.

Nowhere is this true than in the area of asylum and human rights: [Common Track Four](#) published today is a reflection on the duties of humanity in the context of these vulnerable and easily-maligned people.

The weapons with which we defend the caring instinct have been political in the past ([track one](#)) and religious as well as Boyer says, but now they also take this important human rights shape.

As I say at the end of [Common Track Four](#) maybe the time has come to stop thinking it so clever to push holes in our truths. Human rights are rooted in a natural inclination to care supported by a culture that protects such a propensity and does its best to make it work – surely this is an attractive way of looking at who we are? Must we give up on that attractiveness just because we are not so sure of its total truth?

We need human rights to be real even if we have to make them so