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## Extracts from **Human Nature and Human Rights**

by *Robin Fox*

In the closing months of his presidency, Bill Clinton and some of his entourage have taken to using the buzzphrase "human and political rights" to replace the simpler "human rights." A call to the White House press office produced no explanation of the coinage, but assured me that "no policy change was implied." It's always nice to know that it is business as usual.

One would like to think that some sense of the paradoxes and complications of the term "human rights" had come home to the administration, and that in consequence it was on its way to even more qualifications: perhaps "human, political, economic, legal, cultural, national, sexual and domestic rights." This may be too much to hope for, but one gets the impression that President Clinton has meant to restrict "human" to "personal and family" and so needs to tack on "political" to cover all those "rights" that are to do with the wider society and participation in it. But what does this mean? That political rights are not human? That "human" has to do only with our persons and families? Whatever happened to "natural rights", which traditionally used to cover all of the above?

So much has now been written about "human rights" that, like President Clinton, we tend to lose our perspective and get confused. As with the classic issue of "natural rights" before it, the debate becomes so infused with passion that straight thinking is almost impossible. Argument about rights of one sort or another is both possible and desirable, particularly given the current penchant for using "human rights" as a basis for often quite brutal foreign policy decisions. But we have to recognize that putting "human" in front of "rights"—when, for example, talking of the "human right" of people to free elections—is simply to use a warm hurrah word as a rhetorical device. In the same way, wars of political suppression become "humanitarian interventions", and anything we do not currently happen to like becomes "unnatural", even if it is something as basically human as the hunting of game animals or investment in multiple spouses.

Both "human" and "natural" do have a real content, and we can identify that content. Given the all-too-free use of these terms, perhaps we should ask ourselves what that content might be. The trouble is that we have used them as hurrah words for so long, that we balk at any result that is not consonant with our current enlightened prejudices. We want to define what is natural; we do not want nature to do it for us, for the result might not be pretty. . . .

As levels of social complexity increased after the Neolithic revolution, some 10,000 years ago, organisms would increasingly be dealing with (relative) genetic strangers who made demands on them in the name of social units whose genes were not identical by descent with theirs. It is at this stage that true conflict would have occurred, as organisms started to feel the need to assert their "rights"; that is, the things they needed to do in order to ensure their fitness: the means of reproduction.

In a strict sense, this is the upper limit of the natural or human claims that an organism (read: individual) can have against any collectivity of genetic strangers. It is the area Clinton seems to have in mind when using "human." It is a claim based on the functional necessities of reproductive competition. It cannot be a claim to reproduce successfully, only a claim to be allowed to compete for reproductive success. It is not a claim for fairness: something that Rawlsians would like to write into the "original position." Natural selection is a profoundly unfair process; indeed, that is the point of it. Some start with a genetic advantage over others; all men are not created equal. But all have a right to play their hands to the best of their ability. The group has no obligation to level the playing field unnaturally, but it has an obligation to let the players play.

So we might say that the only basic human rights are those that allow individuals to compete in the reproductive struggle. These would be rights of access to potential mates, and to the resources needed to acquire, hold and breed with them; and the right to raise offspring to viability. (This would underline the claim that the right to "equality" refers to equality of opportunity, not equality of outcome. The outcome has to be unequal or natural selection would not take place.) We could speak of a "human right to procreate", although I would prefer to state it as the "right to engage in reproductive competition." For it is important that we recognize these basic human rights not as claims to some kind of benevolence or handouts from the collectivity (even though we may decide such benevolence is due for other reasons). They are claims to be allowed to take part in the reproductive struggle. Insofar as we fail, we fail, and as long as we were not artificially restricted in our attempt we have no cause for complaint. . . .

What, then, should we call these rights that are not basic, natural or human, but which we "know" to be desirable? (Thus we may not know what human rights are, but we certainly know when we have lost them.) Surely, you say, we should not give in to relativism and suggest that they are simply local preferences without universal validity. At least I hope you are saying that, because that pernicious doctrine has achieved a sinister grip among the scribbling classes. It is perhaps strange that the triumph of relativism should come at the same time that the pursuit of "human rights issues" has come to dominate international affairs and foreign policies. Yet the two trends are not unrelated. In a world of relativistic morals, we would have no basis for attacking offenders against "rights" if these could be dismissed as mere cultural preferences. We therefore have to underpin certain rights as "human" to stress their universality. If they pertain to all humans—on what grounds is not always clear—then they are impervious to the relativist's objection. What is truly strange is that a good many theory-befuddled academics and activists hold both views at the same time, lauding relativism in defense of "multicultural" agendas while denouncing, say, female circumcision as contrary to "universal human rights." Logic is usually the first fatality in ideological warfare.

The cherished rights enshrined in the Constitution, the Declaration of the Rights of Man, the UN Charter and human rights declaration, and all the treaties and commissions up to the Helsinki Accords and the establishment of the International Criminal Court—all of these are highly evolved political and social rights that derive from the Western Enlightenment tradition, with its basic values of equality and universalism. Many of them are peculiar to the Christian tradition. Despite attempts to base these rights on "nature", in most cases they—by their very design—either run counter to nature or, at best, concern things about which nature is strictly neutral.

We have looked at some of the former. As examples of the latter we might suggest that "nature" gives us no clues about what form certain institutions might take, only about the rules of engagement, as it were. We should be able to accrue resources so as to take part in the reproductive struggle. But exactly how we should accrue those resources (whether they include that Enlightenment favorite, "property", for example), to what lengths we should go to prevent others (our reproductive rivals) from accruing them, and to what extent we should assist our close kin by passing resources to them—on all these matters nature is silent. The winners will be rewarded, but they will be rewarded if they cheat as well as if they play fair. They will be rewarded if they kill and torture, if that is what gets more of their genes into the pool. They will be rewarded if they cooperate, if that is what gets it done. We can see that some behaviors will be self-defeating—too many cheaters will leave too few suckers—and probably self-limiting as a strategy in the long run. But in the short run, a cheater can perfectly well manage a respectable score in the inclusive fitness stakes. We still celebrate the con man and the huckster, and especially deride the cuckold. The law may take one view, but popular opinion is not fooled.

Inclusive fitness theory—preserving and enlarging one's personal gene pool—is only one way into the issue of what is basically human. I have taken it here simply as an example. Take another approach, say, the findings of psychology into the basic list of human motivations. Certainly we shall find some that suit our warm and compassionate version of "human", but there will be a list of others that we would not want on any list of things to be fought for and protected and promoted.

Take again those things we have in common with our nearest animal relatives, the chimpanzees, whose genetic material is 98 percent our own. There is the warm and fuzzy list all right, but there is also, as Jane Goodall discovered to her warm-hearted horror, warfare, genocide, cannibalism, homicide, female beating, infanticide, violence, domination and more.

Take, say, those features that have been found common to all human societies by comparative ethnography. Once again, the list of saintly characteristics is overbalanced by the dark features that seem so inescapably human. It is a pure act of judgment to say that the dark features, all of which can be shown to have contributed to survival, are to be regarded as less "human" than the ones we have selected as worthy of promotion. And there will be yet others that have served survival purposes and are regarded as benign by even a majority—and have been so regarded throughout history—such that in our enlightened judgment they must be added to the list of the truly human. . . .

One of the major paradoxes surrounding the human rights issue is that it became central to foreign policy as part of a deliberate strategy to protect the national interest. Human rights activists will not like this claim, of course. They prefer, as is their way, to think they are acting from nothing but the highest and purest moral considerations. But even they will admit that these explicit concerns—as opposed to a general U.S. urge to be the world's good guys—had a definite beginning in the Ford administration. They prefer, however, to forget that this stance was deliberately engineered by Daniel Patrick Moynihan to counter the hypocrisy of the Third World communist bloc.

Moynihan, as ambassador to the UN, was tired of just sitting there and taking it when the bloc used anti-capitalist moralizing as a basis for attacking the policies of the democracies at the behest of the USSR. So he developed the strategy of counterattacking (or even

getting in the first punch) on the grounds of the abuse of "human rights" by these regimes. This brilliantly put the democracies on the attack, reversing their previously defensive stance of continual apology. It put the onus of explanation and justification on the totalitarian dictatorships and their bullyboy leaders. It was not, however, something that arose out of humanitarian concern for the benighted inhabitants of these Third World terror regimes, but out of the need to combat their governments' belligerence in the UN, and hence to curtail the influence of our major competitor.

I am not saying that anything Senator Moynihan did could have been totally cynical, but he was quite clear about the development of this as a strategy of foreign policy first and foremost. In *A Dangerous Place* (1978), he describes this as his "jujitsu principle": "to use the momentum of the majority against the majority." It was in the defense of the national interest and in the interest of the Western alliance. As one strategy among many to promote our collective ends, it had its place. As an excuse for foreign policy today—given the huge amount of post-Cold War military hardware available, and the compelling urge presidents and premiers seem to have to use that hardware—it deserves a close and skeptical scrutiny. This involves both a scrutiny of its practical dangers, best left to strategists, and of its theoretical underpinnings. With this latter enterprise, some otherwise useless academics can at least show that even if the emperor has new clothes, they are woven of dubious synthetic fibers.