

# Human Rights: Necessary? Sufficient? Diversionary?

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Claims of human rights have historically been a response to the violence and oppression brought by some people onto others. Focusing on the individual person, modern concepts of human rights inadequately address the relationships of individual people to their communities and rarely address relationships of people with other species and ecological systems more generally. During the past 50–100 years the world has undergone profound ecological change, and although concepts of human rights remain useful, their limits are becoming increasingly clear. Advances in ecological and biological sciences demonstrate dialectic relationships among components and the whole of complex systems. Where the individual begins and ends is unclear. A new ethic that incorporates new ecological understanding is essential in order to address the essentially new world of today. A deep sense of responsibility and an ethic of care, trust, respect, and reciprocity are essential to this undertaking. *Key words:* human rights; ecology; ethics; social responsibility.

INT J OCCUP ENVIRON HEALTH 2003;9:69–73

Centuries ago, people living together began to struggle with the question of how to behave toward one another. Violence and oppression brought by some people onto others ultimately led to claims of human rights. The concept of a right arose in Roman law and was extended to ethics through theories of natural law.<sup>1</sup> John Locke saw civil governments and institutions as a way of reining in violent tendencies that were the source of civil disorder, and as a way to protect private property. As people were subjected or allowed themselves to be subjected to the rule of kings or laws, they gave up certain freedoms but gained, in return, various forms of protection. These arrangements, however, begged the question of the rights of individuals, which differed from place to place, depending on local laws or standards. The concept of “natural rights” that subsequently evolved conferred on individual people a universal status that originated in a “nature” that could be known by reason, rather than through ecclesiastical teachings or some other means. Modern concepts of human rights evolved from natural rights.

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The world is now a vastly different place from what it was in medieval times when the concept of natural rights first arose. It is also very different from the world of 50 years ago, when the impetus for developing a Universal Declaration of Human Rights in the United Nations after World War II arose out of moral revulsion to the way that people had been treating each other.<sup>2</sup> Today’s human rights debates continue to focus an essentially moral argument narrowly on the way people directly treat one another. Based on the inherent worth and dignity of individual people, advocates of human rights rarely have much to say about the profound global ecological changes of the past century and largely exclude consideration of the way people collectively treat the world. How we behave in the world depends to a large extent on whom and what we care about, and whom and what we care about reflect the relationships we have formed, or failed to form, outside ourselves. The inherent worth and dignity of individuals, therefore, needs to be placed in a broader context.

Over six billion people inhabit the planet today, and reasonable mid-level estimates predict 9–10 billion by mid-century. Two and a half more earths would be needed to support today’s population, if everyone were to have an ecological footprint as big as that of the inhabitants of the United States.<sup>3</sup> Humans have transformed land, sea, and air, dominating the earth’s ecosystems in unprecedented ways. We have fundamentally changed the surface of the earth and its atmosphere, including the cycling of carbon, nitrogen, water, metals, and the number and distribution of plants and animals.<sup>4</sup> Water, air, and soil quality are severely degraded throughout the world. Carbon dioxide concentration in the atmosphere has increased by nearly 30% in the last 150 years, contributing to global warming. Human activities are responsible for more atmospheric nitrogen fixation than all other sources combined, and for more mercury deposition on the surface of the earth than from other geological sources. As a result, nitrates contaminate ground and surface water, and nitrous oxides the air, at toxic concentrations. Fish and aquatic birds are seriously contaminated with mercury, causing them and those who eat them to suffer health effects. Large numbers of plant and animal species have been driven to extinction, and most marine fisheries are severely depleted. Novel synthetic industrial chemicals contaminate the world’s ecosystems, its human and non-human inhabi-

tants, their breast milk and egg yolk, ovarian follicles, and amniotic fluid. Many are toxic, though the toxicity of most is unstudied and unknown.

Re-evaluating the rights of the individual in light of today's reality takes on a new urgency. The actions of individual people, communities, corporations, and governments have global consequences. Risks and benefits are not equitably distributed, justice suffers, and things that people care about and love are irreparably damaged. How are rights to be viewed in this context? Do some people have a right to pollute the global atmosphere with the products of oil burned in low-gas-mileage SUVs? Does 4% of the world's population (the United States) have the right to consume 20% of the world's energy resources? Do multinational corporations have the right to an economic structure that allows them to fundamentally change global farming practices in ways that reduce biodiversity, create economic vulnerability and food insecurity, and destroy families and social systems? Do people have the right to extinguish the life of other species to an extent rarely realized previously in the earth's history?

To be sure, the human impulses that ultimately led to the Universal Declaration are as timeless and relevant as ever. People continue to treat each other badly. New technologies have introduced new ways to kill and cause suffering, as well as to provide for human wants and needs. But people, with rights that are supposed to be knowable by reason, live in an essentially new and different world. In this context, several well-worn topics deserve a fresh look when considering the impact of claims of human rights on future human and ecological needs.

First, claims of human rights generally focus on the individual person, rather than on the complex communities of which people are a part. Rights adhere to individual people, not to communities. These communities are composed of other people, other species, and physical environmental factors such as soil, water, and air. The individual, however, does not and cannot exist outside community, forcing consideration not only of rights but also of responsibility.

Second, since rights are supposed to be knowable by reason and to adhere to humans because they are human, the rest of the world's species, or people who may be considered unworthy, are shut out from whatever protection rights afford, and they cannot argue their cases. Violence and oppression, however, are not limited to the way people treat other people who are similar to them.

Third, we have little choice but to ask once again about the nature of reason, if it is through reason that we are supposed to be able to discover rights. Kant's view of reason as universal and motivating behavior independent of emotion is very different from Hume's view that reason is, and ought only to be, the slave of the passions. A long tradition of reason standing for

privilege and power stands as a backdrop to an uncertain relationship between reason and emotion today.

## THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

At least four tensions characterized discussions leading up to adoption of the Universal Declaration of Human Rights by the United Nations in 1948: 1) universality—is human rights a “Western” concept?; 2) the individual vs society; 3) rights vs responsibilities/duties; and 4) the extent to which various political, civil, economic, social, or cultural factors are subject to human rights considerations.

Central to the debate over universality is disagreement about whether or not the notion of human rights is fundamentally a Western idea imposed on the rest of the world. During the development of the Universal Declaration, a group of philosophers assembled by the United Nations drafting committee sought perspectives on human rights from diverse cultures. It became apparent that the idea of the inherent worth and dignity of people had strong historical roots in most cultures. The committee concluded that, across cultures, certain rights “may be seen as implicit in man's nature as an individual and as a member of society and to follow from the fundamental right to live.”<sup>2</sup> They were, however, also acutely aware that the reasons for that perspective varied widely across cultures. Some people have argued that the final language of the Universal Declaration is ultimately very “Western” and does not reflect diverse cultural nuances, but its widespread adoption suggests that there is something universal at its core.

Another source of tension stems from an emphasis on the rights of individuals, arguably at the expense of the worth of community. At its core, a rights-based argument emphasizes the inherent worth of the individual, seen as standing separate and apart, self-determining and self-sufficient. This view is in contrast to an emphasis on the individual as an integral part of a family and community—where the idea of community extends well beyond people. Closely aligned with this tension is the matter of rights vs responsibilities. Whereas the concept of rights implies entitlements, the concept of responsibility implies duties to others. Among respondents to the committee of philosophers assembled by the UN were India's Gandhi and China's Chung-Shu Lo, who urged that any considerations of rights be linked explicitly to corresponding duties—duties to neighbors and to society more broadly. Gandhi said, “I learned from my illiterate but wise mother that all rights to be deserved and preserved came from duty well done. Thus the very right to live accrues to us only when we do the duty of citizenship of the world.”<sup>2</sup>

Finally, rights are often categorized as civil, political, economic, social, or cultural. During the drafting of the Universal Declaration, countries tended to align

themselves in support of or against inclusion of various combinations of these, depending in part on domestic and international political realities. The United States, for example, emphasized the importance of civil and political rights, while the Soviet Union, among others, strongly supported inclusion of economic, social, and cultural rights and believed that the state had a prominent role to play in their realization. Article 22 of the final Declaration says, "everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social, and cultural rights indispensable for his dignity and the free development of his personality."

Although the history of human rights in the affairs of people has always been based on some recognition of the inherent worth and dignity of individual humans, it should be noted that this recognition has been slow in coming to entire groups of people, including women, slaves, and children. Historically, people in power used various explanations to exclude these groups from enjoying the benefits of rights. Among the most common was the claim that the capacity for reason is not universally shared. According to Aristotle, "the deliberative faculty in the soul is not present at all in a slave; in a female it is present but ineffective; in a child present but undeveloped."<sup>5</sup> Kant and Hegel held similar views.

In light of today's "essentially new" world, several questions might be re-examined: Who or what class of beings is morally considerable? Why is the worth and dignity of individual people generally thought to be inherent? Do only individuals inherently have worth and dignity or do communities of people or other forms of life or matter also have these qualities? Do rights accrue to whatever has inherent worth and dignity only? Do we use capacities other than reason to answer these questions?

## THE INDIVIDUAL ALONE AND IN RELATIONSHIP

Resolution of the tension between the individual standing alone and in relationship depends to some degree on the starting point and the degree to which one perspective trumps another. Cairns suggests examining the choice of starting points, rather than beginning with the various moral stances. The "bottom up" approach begins with the components of a system, in this case individuals or species, as a way of coming to some understanding of the whole. The "top down" approach begins with attempts to understand the system before attempting to assess individual system components.<sup>6</sup> The two approaches can be compatible and each serves specific purposes, but to emphasize one at the expense of the other is to miss important relationships between them.

Individual components of an ecological system and the system as a whole coexist in a dialectic relationship.<sup>7</sup> The whole is contingent upon and reciprocates with its components and with the greater whole of which it is a part. Whole and parts co-evolve. Cause becomes effect and effect becomes cause. The properties of parts come into existence in the context of a whole. The inherent rights of individuals exist in a complex set of relationships. In fact, it is precisely this set of relationships that defines the individual. Without relationship, individuals do not exist.

A fundamental perceptual dilemma that arises out of this dialectic relationship between individuals and larger ecological systems is how to identify where the individual begins and ends. The physical, biological, and social sciences show how blurred the boundaries really are. Individual people exist only in relationship within larger communities that include people, fungi and bacteria, plants and animals, forests, rivers, farms, and cities, among others. A limited view of the individual standing alone does not account for a much richer and more complex set of relationships that not only prop us up but actually define us.

Cairns notes that co-evolution between human society and natural systems can be either hostile or benign. Humans may end up in a constant state of war with other species. Alternatively, humans and other species may coexist in a more benign, mutually beneficial relationship that co-evolves in mutually supportive ways. Either way, human health is fundamentally embedded in ecosystem health. This is the context in which to consider the inherent worth and dignity of humans, the basis of human rights.

A moral argument that focuses exclusively on the rights of individual people is too narrow to accommodate moral consideration of other species and complex ecological relationships. Are they, too, endowed with inherent worth and dignity, and is that knowable by reason? Attempts to extend a rights-based approach to other species or to the integrity of ecosystems result in different opinions as to whether or not a tree, river, or bird, for example, has an independent interest or right to exist in a particular state.<sup>8,9</sup>

Some people say that we can confer legal rights onto something non-human (e.g., a watershed) or a human institution (e.g., a corporation) independent of a moral right. Since rights-based arguments originated with natural rights, as conceived by humans, said to be universal and knowable by reason, it is difficult to imagine any cross-cultural consensus with respect to proposed moral rights of other-than-human species or ecosystems. Humans may decide that they have self-interest in the existence of other species or ecosystems, and they may confer legal rights on that basis, but this utilitarian approach should not be confused with one stemming from other kinds of moral consideration. Legal reasoning may offer some fruitful approaches in specific

instances, but there seems to be little reason to be hopeful that arguments grounded in moral reasoning will have a consistent or universal impact on peoples' behaviors toward ecosystems or other species. One obvious exception is the attitude that many people have toward their pets or companion animals. Here a kind of kinship creates bonds that enable moral considerations, including rights, to cross species lines, lending insight into an important source of human motivation.

## RIGHTS, REASON, AND WHAT ELSE?

While human rights may have been discovered through reason in response to the way that people treat other people, we might ask whether the rights-based approach to moral knowledge and as a guide for deciding how to act is 1) useful and sufficient, 2) useful but not sufficient, or 3) diversionary or counterproductive in light of today's understanding of ecological science.

These questions arise because most attempts to extend the reach of human rights to include the right to clean air, clean water, adequate nutritious food, and the like, in order to address what we perceive as injustices or mistreatment of people, usually emphasize the inherent worth and dignity of individual people, thereby de-emphasizing the importance of relationships and communities. Moreover, attempts to extend the reach of rights into the other-than-human world depend on language and reason that are human and historically come from social systems where property ownership, gender discrimination, and economic concerns play prominent institutional roles. Not only do human rights arguments emphasize "human" as well as "rights," but the language of rights can be used to either defend or challenge the status quo of entrenched power, privilege, and private property. This is a contest with rules and negotiations, to be won, lost, or, more often, severely compromised into meaninglessness.

If the language of human rights has limits in terms of increasing moral knowledge and effectiveness in addressing today's circumstances, should it be abandoned? Hardly. But neither should it be asked to do what it is fundamentally unsuited to do. Emphasizing the autonomy of the individual person, and relying as it does on reason to mediate among the affairs of people, a human-rights approach is useful for some purposes, but it is not enough.

Since Darwin, it has been easier to understand claims of human rights as reflecting a particular sentiment rather than as relying on a uniquely inherent worth in being human, at least for those whose understanding was modified by evolutionary science. Humans may be uniquely clever, but so are other organisms with which humans co-exist. In its common usage, "sentimental" implies weak emotionalism, or sickly tenderness. A sentiment, however, is more complex than pure emotion. It is a mental attitude—a thought influenced by feeling; a

feeling influenced by thought.<sup>10</sup> A sentiment is the result of reflecting on feeling. The importance of sentiment in responding to and forming relationships in the world should not be underestimated.

Experience shows that we do not decide how to act based solely on reason, if reason is understood in the Kantian sense of being universal and apart from emotion. Eighteenth century philosophers Hume and Hutcheson, among others, understood the role of feeling and perception in the formation of ideas about moral behavior. Moral distinctions, they said, do not depend on reason alone. Rather, people reflect on their feelings and form sentiments that, in turn, help to formulate moral judgments. Hume does not ignore the role of reason. He saw reason, however, as serving the "passions" by helping to resolve contradictions and to foresee consequences of alternative actions. Action, then, is based on sentiments that come from reflections on the "passions."

American philosopher and pragmatist Richard Rorty believes that the emergence of the human rights culture owes everything to hearing sad and sentimental stories rather than to increased moral knowledge that comes from reason.<sup>11</sup> Stories are, after all, an important source of meaning. Since referring to something inherent in human nature seems to have pragmatic value in the world only under certain circumstances, Rorty suggests that there is little point in asking whether or not people have certain rights. Rather, he says, we should concentrate our attention on sentimental education, rather than reason, as the basis of moral philosophy.

The task of an education influenced by the sentiments of the human rights culture is to increase our ability to feel similarities between ourselves and people unlike us. But sentimental education should extend beyond humans to include other species and the natural world more generally. Sympathy and empathy have the capacity to influence attitudes and behaviors not only toward other humans but to the world more broadly in ways very different from reason that is devoid of emotional attachment. Whom and what we care about matters.

In *In a Different Voice*, Carol Gilligan describes the struggle of individual girls and women as they come to terms with the "paradoxical truths of human experience—that we know ourselves as separate only insofar as we live in connection with others, and that we experience relationship only insofar as we differentiate other from self."<sup>12</sup> Gilligan finds that women, unlike men, tend to experience a non-hierarchical vision of human connection that creates tensions and requires further refinement as girls grow up. From this vision, an ethic of care emerges that sustains the web of connection. Central to this image is the relation of parent and child where, despite inequalities of power, the child is cared for. Although Gilligan addresses an ethic of care only as it relates to human interactions, the sentiment(s) from which it arises can easily extend to

other species, rivers, forests, and the like. Human behavior is likely to vary considerably, depending on whether a hierarchy or interconnected web is the predominant image that guides moral reflection on the place of people in the world.

Educator and ecologist Mary O'Brien concludes that Rachel Carson's particular skill in *Silent Spring* was to bring the reader into sympathy and empathy with wildlife that had been harmed by widespread use of pesticides.<sup>13</sup> Carson's readers were given the underlying science, but they were also given a story with meaning that resonated with an ethic of care.

Philosopher Annette Baier makes a case for trust, rather than rights or obligation, as central to moral behavior.<sup>14</sup> She emphasizes the similarities rather than the differences among us and the need for more than justice. Of course, these similarities can extend to other species as well. People are not the only organisms with potential and a natural history dependent on relationships with others. We trust people to keep promises, to take care of our children, and to act in good faith. When we do this, we are vulnerable; trust can be betrayed. We do not, however, according to Baier, arrive at a rich understanding of the complexity of relationships by narrowing our focus to a minimal set of rights and contracts.

An ethic of care, trust, respect, and reciprocity, along with abhorrence of greed, arrogance, and hubris, is more in keeping with the reality of a world of complex relationships. This ethic is based on sentiments that result from reflection on feelings, and it widens the scope of moral conversation. As Rorty suggests, however, its development depends on improved sentimental education.

## DO WE NEED A NEW ETHIC?

The idea of human rights has evolved in many ways over centuries, but continues to give special status to humans, as if a person somehow transcends biological nature and exists in an autonomous space from which relationships with other people and other species are freely chosen. Out of this image come contracts and laws that institutionalize this special status. Yet, the social and psychological sciences demonstrate that people simply do not have the potential to grow and mature outside their family, community, and social structures. Similarly, the ecological sciences show how intimately species are interconnected and interdependent for survival. From an ecological perspective, it is difficult to know where the self begins and ends. Yet, we persist in granting special status to individual humans in spite of new understandings.

The language of rights focuses on individuals, encourages universal application only to people, and relies on the capacity to reason, to the exclusion of sentimental attachments that people regularly form to other than

humans. Put simply, a rights-based approach to moral behavior falls short on two counts: 1) It fails to reflect current understanding of the dialectic relationships among humans, other species, and the physical world more generally, and 2) it is unlikely to serve as the basis of action that will meaningfully respond to the essentially new world in which, collectively, people degrade the ecological systems on which they and other species depend.

Our task is to draw on the ecological, psychological, social, and biological sciences and develop moral stances that reflect current understanding. A human-rights perspective serves an important purpose, but it is too narrow to serve as a central focus of moral consideration. A language of rules, contracts, and legal negotiations may be necessary, but it is not sufficient. Attempts to extend the reach of rights-based arguments may be tempting, but the limits inherent in this approach are clear. Moreover, these attempts may be counterproductive if they divert attention from the way people collectively mistreat the world and from recognizing the value of moral sentiments as motivations for action. Linking rights with a deep sense of responsibility and an ethic of care, trust, respect, and reciprocity is lacking but essential in today's new world. Ironically, an emphasis on human rights that is uninformed by sentimental attachments may make it impossible for rights to be realized, if the social, biologic, and ecologic systems in which people can flourish are further diminished.

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