1 Human rights and human nature

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Introduction

Whether a viable account of human rights requires an accompanying account of human nature is a hard question. The assumption made by proponents of the international human rights regime has usually been that an account of human nature is neither desirable in its own terms, nor necessary for the task of promoting human rights. I want to suggest that both elements of this assumption are now highly contestable and contested and that the international human rights regime is under considerable strain as a result. This chapter is devoted to examining why so many people have been reluctant to associate human rights with a theory of human nature, why this reluctance has now become counter-productive and why we should now be prepared to re-examine the issue.

To tell a familiar story very briefly, from relatively modest beginnings in 1948 the international human rights regime now purports to grant very extensive rights to individuals; however, this expansion has been accompanied by criticisms to the effect that the regime represents a specifically Western, and perhaps masculine, vision of the world (Alston *et al.* 2007; Bauer and Bell 1999; Cook 1994). In support of this regime, international criminal law has also developed at high speed in the post-1945 period, and especially post-1989 with the establishment of special Tribunals and, in 2002, of the International Criminal Court (ICC) (Cassese 2008, 2009; Peskin 2009; Schabas 2007). But again, the actions of these courts are criticized because the standards of justice they promote are widely regarded as reflecting Western values and interests.

My aim here is not to justify these criticisms but to make the point that they stem from the fact that the international human rights regime has been established without the employment of a coherent account of human nature. Unlike the rights of the individual in a domestic legal system, which are clearly based in positive law, the international human rights regime appears to rest on an account of the good life for human beings, which is cast in universal terms – yet it is deeply reluctant to admit that this is actually the case, and this reluctance makes it vulnerable to those critics

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who argue that the advocacy or enforcement of human rights standards (whether in the classroom or in international courts or via "humanitarian interventions") is an act of cultural imperialism. Human rights advocates frequently describe rights as useful notions, perhaps useful fictions, but, of course, this begs the question – to whom are rights useful, and why should those who doubt their utility feel bound by them (Beitz 2009; Donnelly 2002)? Alternatively, the argument is that human rights are actually part of positive law insofar as they are created by created by international treaties – but again, this ignores the obvious fact that many states sign up to obligations they have not the slightest intention to honor, or, to put a better interpretation on such behavior, take on obligations they regard as aspirational rather than compelling in any legal sense.

What human rights advocates very rarely say is that the notion of human rights rests on a developed account of human nature, i.e. that humans have such and such a set of rights simply because that is what they need in order to be truly human – and yet it is difficult to see what other basis for the idea of human rights there could be. Arguments from human nature appear to have been de-legitimized in contemporary discourse. Of course, there are many people in the world today who have – and express – strong views about the nature of the human beings. For example, Islamic thinkers and those Christian theologians who employ an account of natural law in their theology have a clear account of who and what human beings are and what constitutes human flourishing, but both traditions are rejected by most secular Westerners and by adherents to non-theistic religions – and, of course, they contradict each other. Islam and Christianity are universal systems of thought grounded in clear views of human nature, but the claims they make are not recognized by each other or by third parties. Whereas once their kind of account of what it is to be human would have been widely accepted, now they are minority positions even in the lands of the religions of the Book. How did this happen?

How human nature became a myth

Telling the story here is difficult for a number of reasons. In the first place, one has to acknowledge that the story that comes out of the classical world and the religions of the Book is not one that would be recognized by Hindus, Buddhists, adherents of Chinese philosophies such as Confucianism, or of many African religions. For example, while they disagree amongst themselves about much else, common to classical Greece, the Roman heritage,

Jews, Muslims, Christians and modern secularists is the idea that, in this world at least, we have but one life to live, a position that is central to ethical thought in those traditions but is clearly contradicted by Hindu and Buddhist thinking. The implications of this contradiction will not be explored here, which is, of course, a serious omission and is justified, if it is justifiable at all, by the fact that the contemporary international order was shaped by, and still reflects, the "one-life" position. The key point is that it is a little misleading to talk of human nature "becoming a myth." There is a strong sense in which it has always been a myth, if by the term "human nature" one means a universally agreed account of what it is to be human. Still, within the West at least, there was once a fairly coherent account of what it meant to be human, and this account has gradually, over the last century or more, come apart at the seams.

Perhaps more important is a second difficulty, which is that the concept of "human nature" takes on different meanings depending on the broader assumptions about psychology and social theory adhered to by the user of the term. For some thinkers a scientific account of what human nature actually is (if such could be provided) would provide us with an account of how we should live our lives – would be, in effect, a theory of the good life upon which the idea of human rights could be directly based. Others argue that there is no link at all between a scientific account of human nature and a moral account of how we should live. A third position is that there is no direct, but a strong indirect, connection between human nature, the good, and human rights; our rational capacities (themselves part of our nature) allow us to determine how to live our lives but our nature is the starting point for this process. This position – which is broadly the one adopted here – follows the Aristotelian idea that human nature as it actually is needs to be transformed by practical reason and experience into human nature as it could be (MacIntyre 1981, 50).

The medieval Christian church held such a position, with "human nature as it actually is" and "how it could be" encompassed by the idea of "natural law," which was adapted from classical civilization and provided an account of what it meant to be human; this is where the story of how human nature became a myth begins. There were – and, in fact, still are, because this remains Catholic doctrine (Finnis 1979) – two components to this idea, the elements of which can be found in St. Paul's 2nd Epistle to the Romans, and that were developed by St. Augustine, St. Thomas Aquinas and the Scholastics. First, there is the notion that all human beings have an essential nature that dictates that certain kinds of human goods are always and everywhere desired; because of this there are common moral standards that

govern all human relations and these common standards can be discerned by the application of reason to human affairs. Many Greek and Roman philosophers would have agreed with this characterization (although not necessarily on the content of these "common moral standards") and some would have agreed that this nature was given to human beings by God, but they would have rejected the second component of Medieval thought on this matter, which fitted this account of human nature into a salvation history revealed to human beings by God, first in His Covenant with the Jews, then in the person of Jesus Christ.

Whereas all human beings were bound by those common standards that can be reached by the application of reason, Christians were held to a higher standard by their knowledge of God's will. In the Medieval worldview, Jews have a place as a group who had rejected Jesus Christ, but who would, eventually, be converted, and Muslims likewise could be seen as heretics and fitted into this narrative. Beyond these three groups, the existence of other human beings – sometimes with outlandish physical characteristics – was posited, and sometimes these groups were also given a place in God's plan, as humans who had not yet been exposed to Revelation, but were equally subject to those common standards referred to above (Cohen 1999; Friedman 2000). It is worth mentioning these latter groups because it is sometimes argued that the Medieval world was thrown off balance by the discovery of peoples in the New World who did not fit into the Christian scheme of things.

Still, the contact with the inhabitants of the New World did reveal something quite important about the worldview of Christian Europe, as Tzvetan Todorov's brilliant book *The Conquest of America: The Question of the Other* (1987) illustrates. Enlightened opinion, represented by some of the Christian theologians and priests who encountered the "Indians," argued that although they seemed alien in so many respects they were, at bottom, people like us, sharing our nature, our needs and our desires, and therefore potential converts to the one true religion. The other possibility (adhered to by most of the Conquistadors) was that they were genuinely different and definitely inferior – there was only one true way of being human, that of the European world, and these people simply did not measure up, weren't really "people" at all in the full sense of the term, and therefore could be subjected to slavery and were unsuitable for Christian proselytizing. The point Todorov drives home is that the available formulations for understanding the Indians were "essentially the same, and equal" or "different and inferior" – crucially, "different but equal" was not an available answer to the question of the Other.

This is a powerful piece of scholarship, which tells us something very important about the Western approach to Otherness ("Alterity") and thereby to human nature, and we can see its implications echoing down over the last half-millennium. Still, before looking a little more closely at how this has played out, it is worth making the point that this blindness to the possibility of "different but equal" is by no means confined to Europeans. The Chinese self-understanding as the "Middle Kingdom" and the Japanese sense of racial superiority are well attested. Tribal peoples generally think of themselves as the norm and everyone else as deviants – such names as "Cheyenne" or "Maori" usually translate as something like "people" or "normal people," as opposed, that is, to everyone else. In short, even the most tolerant of civilizations generally draw a pretty clear distinction between themselves (superior) and others (inferior). European guilt about the sins of colonialism, although certainly justified, should not blind us to the fact that the most distinctive feature of European approaches to the Other was not that the latter were often seen as inferior, but rather that they were sometimes seen as equal – this feature will later be of some significance when it comes to the idea of human rights.

To return to the story, from one perspective, that of "natural law" and universal values, differences were denied or regarded as superficial; if only they knew it, all peoples were really like us, sharing our nature, our needs and our desires. The other possibility was that they were genuinely different but inferior – there was only one true way of being human, ours, and these people simply did not measure up, weren't really "people" at all in the full sense of the term. These two positions can be observed in action in different guises throughout the last 400 years. The first of these strategies accorded best with traditional Christian doctrine (although Christian justifications for slavery suggest that this identification should not be taken too far) and was continued by the dominant strand of Enlightenment thought, and by some powerful strands of post-Enlightenment thought. The second strand could be seen in the casual racism that accompanied European imperial expansion, the institution of slavery and, in the nineteenth century, in Social Darwinism and so-called "scientific racism" (Hawkins 2008).

The point to note here is that while these two positions point in radically different directions when it comes to guiding the behavior of states or individuals, both actually rely on a single account of human nature, in one case using such an account to buttress a superficially generous willingness to incorporate, in the other to support a decidedly ungenerous rejection of those who fail to meet the required standard. This underlying similarity is an important part on the story of the rejection of the idea of human

nature in the twentieth century, because the sins of a "different and inferior" conception of Otherness were also laid at the door of the "similar and equal" school. Admittedly, when the scientific racism of the nineteenth century left the classroom and joined the popular racism of the street to create movements such as National Socialism, or when the more genteel, but equally obnoxious, ideas of Social Darwinism and eugenics led to programs of sterilization of the allegedly inferior, the opposition to these trends could have been, and sometimes was, cast in terms that Las Casas and the Enlightenment would have recognized. Thus, many, perhaps most, of those who resisted Nazism and rescued its victims did so because they adhered to universalist positions such as those generated by traditional socialist ideas or Christianity (Geras 1995).

But while a reassertion of natural law and the idea of a universal human nature was one powerful response to the horrors of a "different but inferior" conception of human beings, an alternative approach was to revalue the idea of Otherness, and to oppose the idea of a singular human nature altogether – in other words, to get away from the dichotomy outlined so well by Todorov. Or, in a different context, one might abandon the idea that the social sciences require an account of human nature – rather than challenging or redefining the idea, one could simply regard it as irrelevant.

This latter strategy was adopted by many Marxists, and by Durkheimian sociologists. Even while Marx was alive, many Marxists set aside his early thinking about human "species-being" and developed instead his critique of bourgeois political economists who assumed that the laws of motion of capitalist society were universal – instead they argued that different modes of production did not simply generate different kinds of society; they generated different kinds of people (Cohen 2001). Many twentieth-century Marxists took the view that the very idea of human nature should be regarded as reactionary, a position still held by many on the left (on which see the controversy stirred up by evolutionary psychology (Sagerstrale 2000)).

Emile Durkheim's position, formalized in *The Rules of Sociological Method* (1982 [1895]), is that only social facts could explain other social facts, and the notion of human nature could have no explanatory power for social scientists. Arguments that attempted to explain social behavior in terms of individual characteristics were "reductionist" and to be rejected. Students of International Relations theory will be reminded of Kenneth Waltz's argument in *Theory of International Politics* (1979), reasonably enough because Waltz identifies Durkheim as a major influence on his thinking. In parenthesis, it is often thought that one of the ways in which Waltz differs from

the "classical" realists is in his rejection of a basis in human nature for his position, although I have argued elsewhere that the picture is a little more complicated than that (Brown 2009).

If Durkheimian sociology and Marxian political economy were major intellectual opponents of the idea of human nature, at the popular level the influence of the work of social anthropologists was more influential. The role of anthropologists – especially those who were the pupils of Franz Boas – in the first half of the twentieth century seemed to be to produce evidence in support of the view that features of what had been thought of as human nature and universal were in fact the product of modern, Western, industrial societies (Boas 1995). In terms of popular impact, but also as an iconic work within the profession, Margaret Mead's *Coming of Age in Samoa* (1928) is a core text. Her thesis – based, or so it was believed, on extensive fieldwork – was that the kind of traumas associated with sexual awakening and the preservation or loss of virginity that characterized adolescence in the West were absent in Samoa. These traumatic experiences, far from being human universals, were the product of bourgeois society and their alleged absence in Samoa illustrated the dangers of reductionist argument even more dramatically than Durkheim's studies of suicide. This position was later fleshed out and expanded by other writers, who argued that even the most basic notions of "color" and "time" are not constants (Brown 1991, 9–38).

These studies were quite explicitly used to spread a message of tolerance in a world where racism and intolerance were rampant. The aim was to undermine the notion that white, European men and women were in any sense the end result of human evolution; the idea that non-Europeans were different and therefore inferior was to be replaced not by the old idea that all human beings are essentially the same, but by simultaneously acknowledging and revaluing difference. People (and peoples) were not the same – different societies had different mores, different standards of right and wrong, different understandings of the most basic human ideas – but this radical difference was to be welcomed, and in any event there is no basis upon which a judgment of the value of difference could be made. In the Wittgensteinian formulation set out in Peter Winch's *The Idea of a Social Science and its Relation to Philosophy*, "forms of life" simply have to be accepted as a given, there being no standard against which they could be judged (Winch 2007 [1957]). Winch in this very influential book declares that there is no objective reason to believe that Western notions of science are superior to witchcraft beliefs of the Azande in West Africa – to judge

the latter against criteria chosen by the former would be as inappropriate as judging the former by criteria chosen by the latter.

The purpose of this work was to combat intolerance and racism, although it might be argued that this project is self-defeating if by undermining the universal account of human nature one simultaneously undermines the reason for thinking that intolerance and racism are unacceptable – paradoxically, the very unwillingness to tolerate intolerance suggested that some universal values are actually, indeed have to be, present in this work. Still, the apparent self-contradiction here seemed not to enter into most people's consciousness, and as European political control of the non-European world receded, post-colonial theorists have demonstrated the ways in which Western "universalism" privileges certain kinds of reasoning, certain mental categories that act to legitimate imperialism and oppression (Williams and Chrisman 1993). And feminist theorists point to the role of traditional concepts of human nature in providing support for an account of traditional and oppressive gender roles as natural rather than as social creations and so for patriarchy (MacKinnon 2007).

In summary, as the social anthropologist Marshall Sahlins put it, in a short but powerful summary of a lifetime's work, the Western notion of human nature is an illusion, and a dangerous and undesirable illusion at that (Sahlins 2008). Those who use the concept are either ignorant or, more likely, involved in throwing a smokescreen over something that would otherwise be recognized as undesirable. Putting all this together, the case against a rigid account of what human beings are seems compelling, and it is quite understandable that human rights advocates have shied away from using such arguments to buttress their position, resorting instead to the idea that human rights are a political construction, a fiction that provides a valuable ethical template for the living of a good life. On this account, human rights are to be seen as, at root, a valuable human construct, similar to the idea of a "social contract"; just as no one nowadays understands the idea of a contract as anything other than a useful thought experiment, so the idea of rights has to be understood in similar terms. The problem with this ungrounded idea of human rights – as noted above – is that it has little to say to those for whom rights are not a useful fiction and who reject the terms of the thought experiment. For this reason it is important to ask whether it is possible to tell a story about human nature that is less rigid, more plastic, less open to manipulation in the interests of the powerful, but still with serious content. I think it is, and a good place to start to construct such a story would be at the very beginning of Western thought on identity and difference.

Darius, the Hellenes and the Kallatiai

As noted above, classical Greek thought did not offer a single conception of the good life or what it meant to be human, but there was one related notion to which nearly all Greeks subscribed, namely that there was a pretty fundamental difference between Greeks and non-Greeks. The latter were described as barbarians (*barbaros*); originally the term was probably onomatopoeic, a reference to the babbling sound that foreign tongues made for the monoglot Greeks, but later it came to be a term that denoted inferiority. Greek was understood to be the language of rational thought, and it did not require much of a leap to assert that those who didn't speak Greek were barely capable of achieving rationality. Unsurprisingly, such an attitude is seen by some post-colonial theorists as the source for many of the worst features of European thought over the last four centuries. Todorov's classification of ways of handling Otherness as oscillating between "the same and equal" and "different and inferior" could, apparently, have been designed for the Greeks rather than the Spanish Conquistadors.

Still, there is another side to this story. The most interesting way in which the categories of Greek and barbarian play out is evidenced by Greek attitudes to Persia. The Persian Wars were the formative experiences that led to the idea that the Greeks were different from and superior to Asiatics, but for my purposes their importance is that they produced a superb commentator, the so-called Father of History, Herodotus. Soon after the defeat of Xerxes, Herodotus traveled around the then-known world putting together his history of the wars; this involved a great many diversions and the provision of an extraordinary amount of wholly irrelevant, but very interesting, detail. Herodotus was fascinated by the differences between the Greeks and their various others; he was a perceptive and tolerant (albeit occasionally somewhat credulous) observer, fascinated by human nature in all its forms.

In the course of his history, as part of a long digression on Egypt, he tells of the Persian Great King Cambyses, who openly mocked the religious beliefs of his Egyptian subjects. This is seen by Herodotus as a sign of insanity; Herodotus thinks that all peoples will believe that their own customs are best and in support of this position tells of a thought experiment conducted by one of Cambyses' successors, Darius:

> During his reign, Darius summoned the Hellenes at his court and asked them how much money they would accept for eating the bodies of their dead fathers. They answered that they would not do that for any amount of money. Later, Darius summoned some Indians, called Kallatiai, who do eat their dead parents. In the

presence of the Hellenes, with an interpreter to inform them of what was said, he asked the Indians how much money they would accept to burn the bodies of their dead fathers. They responded with an outcry, ordering him to shut his mouth lest he offend the gods. Well then, that is how people think, and so it seems to me that Pindar was right when he said in his poetry that custom is king of all. (Herodotus 2008, Book 3: 38, p. 224)

Mary Midgely and Steven Lukes – two of the many commentators who have retold this story – complete the message of the anecdote by noting that Darius the Persian would have been quite sure that the correct way to honor the dead is to expose bodies on high towers to be eaten by vultures, a practice still employed by Parsees (present-day Zoroastrians) in Mumbai in India (Midgely 1991, 78 cited in Lukes 2003, 4ff.).

This is a popular story because it is open to many different interpretations. Herodotus and Darius seem to be suggesting that what we have here is a radical incommensurability – there is nothing we can say about these practices except that custom is king. This is a more tolerant and generous approach to the matter than Cambyses' approach displayed; he mocked those who did not believe as he did, and he did this in the name of nature – he would have regarded non-Persian ways of treating the dead as "unnatural." With the approval of Herodotus, Darius in the story is (or, better, as Great King behaves as if he is) a relativist in the sense that he denies the existence of relevant criteria for distinguishing between these customs; "forms of life" have to be accepted; there is no way to tell which of these behaviors is natural.

However, I want to suggest that a different story can be told using the material Herodotus gives us; the key here is to identify the correct level of generality. Exposing the dead to the elements, eating them and burning them are radically different ways of expressing respect, but it is clear from the story that they actually *are* all ways of expressing respect – if this were not the case then there would be no reason for one group not to accept the customs of the other. The reason why neither the Hellenes nor the Indians will give up their customs is because to do so would be a form of sacrilege, horrifying to the gods and unacceptable to any dutiful son. There is a basic similarity of attitude at work here.

The parallels with twentieth-century debates on human nature are, I hope, obvious; respect for "difference" and a generous tolerance produce a more attractive politics than any attempt to impose one particular "form of life" on all others, but such a desirable outcome need not be arrived at at the expense of any notion of human nature. At the right level of generality, it may still be possible for human nature to do some important work.

The universal people

An anecdote recounted by Herodotus doesn't of course constitute an argument (and wouldn't even if it were a true story, which it probably isn't). Still there is at least a prima facie case for thinking that, if one can get the level of generality right, there is scope for the view that all human beings have a lot more in common than some variants of conventional wisdom would have us believe. Herodotus' story concerns post-mortem customs, which is the sort of issue that social anthropologists focus on, so it may be helpful to look a little more closely at their findings. Certainly in the first half of the twentieth century the environment ("nurture") was stressed at the expense of nature as the key to understanding how humans behave and think. Influential studies, the most famous of which was the aforementioned *Coming of Age in Samoa* by Margaret Mead, portrayed societies that were unworried about adolescent sexual experimenting and other allegedly modern taboos (Mead 1928). The nuclear family was likewise seen as culture-specific; institutions such as the Kibbutz were as effective ways of raising children as male–female pairs. And, reacting to the horrors of twentieth-century warfare, it became a point of principle for many anthropologists to insist that so-called primitive societies were less violent and troubled than industrial societies. In such societies war is largely a symbolic affair; violence had to be seen as learned behavior and learned particularly in modern capitalist states. This latter position was formalized in the so-called "Seville Statement on Violence" in 1986, later adopted as official doctrine by UNESCO (UNESCO 1989). These positions were held to be "scientifically correct," to use the Seville phraseology; the "bad sciences" of Social Darwinism, Eugenics and Scientific Racism were to be driven out not by a "good science" of human nature but by the scientific rejection of essentialism. Like Darius, the anthropologists who produced these propositions wanted to show that custom was king, although the current preferred terminology had a more scientific ring to it.

But well-meaning liberals are as capable of producing bad science as racists, and this anti-essentialist position has been pretty much demolished over the last quarter century. Thus, it now seems clear that Margaret Mead was the victim of what was essentially a practical joke, her informants having made up tall tales that they did not expect to be believed – coming of age in Samoa was every bit as stressful as it was, and still is, in modern industrial societies (Freeman 1983, 1999). The reversal of opinion on violence in pre-modern societies has been equally dramatic; here the issue has been a question of interpreting rather than challenging the data. The

central point has been statistical – warfare in "primitive" societies may only lead to the occasional death, but in small societies one death can have an impact greater than tens of thousands in modern mass societies (Keeley 1996). In fact, the probability of violent death for young men in primitive societies is higher than in any civilized society at any time period, including the twentieth century, which experienced the two most destructive wars in human history. Modern industrial societies are actually the least violent of any societies of which we have knowledge.

One could go on; contra one popular misconception, the Hopi have much the same notion of time as Western (and every other) society, and Inuits don't have lots more ways of describing snow than others do – but although this sort of anthropological work is valuable in undermining the naïve anti-essentialist position it doesn't establish a positive account of what human beings are like. Donald Brown does tentatively provide such an account in his description of the "universal people" (UP) synthesizing the work of other anthropologists (Brown 1991, 130–141). He begins with features of language and grammar – including the use of metaphor and metonym – goes on to look at features of human psychology that are universal – distinguishing self and others, recognizing the self as both subject and object – and then describes universal features of social arrangements – including commonalities in child-rearing, the division of labor, social stratification, play, ritual, notions of justice, a theory of mind, and the presence of a worldview. His full account runs to around 6,000 words, packing in far more detail than can be conveyed here.

Interestingly, to a great extent, the features of the UP are discerned in the same way that the commonality behind burial practices can be discerned by a reading of Herodotus, that is by pointing out social customs that are so basic that their similarity is often lost. Similarly, the process involves an ability to get beyond surface meanings; to acknowledge, for example, that the UP "practice magic, and their magic is designed to do such things as to sustain and increase life and to win the attention of the opposite sex" (Brown 1991, 139) requires us to drop the notion that "magic" is something only associated with primitive people, and recognize that our own behavior often rests on beliefs about the world that can only be described as magical, even though we try to dress them up in different clothing.

Brown bases his account of the UP on a synthesis of work by other anthropologists; what is the standing of such a synthesis and what work can it do? One might describe what he has done as establishing by induction a kind of lowest common denominator for cultural arrangements, true by definition but unhelpful for precisely that reason (in the same

way, for example, that the biological needs of the human body, although obviously important, tell us little about the social arrangements needed to meet them). If this is simply how things are *and had to be* then there is very little else to be said. But the most interesting fact about the common features of the UP is that they could have been different; the human need for food, water and a breathable environment is a given – a "human being" who did not need sustenance would not actually be a human being – but the features of the UP are not true simply by definition. Given that they could have been different, it makes sense to ask why the UP are as they are.

Conclusion: rethinking human nature

It seems to me to be pretty clear that the answer to this question has to be consistent with, and shaped by, the findings of evolutionary psychology. Admittedly most evolutionary psychologists eschew the notion of a human nature, regarding it as little more than a very crude and rather misleading piece of shorthand; it implies a constant whereas their thinking rests on the idea that while some things are certainly constant they are so at a much more disaggregated level than is implied by the notion of human nature. Instead the product of evolution is seen to take the form of multiple mechanisms – formed *ex hypothesi* in the ancestral environment, the 1.5 to 2 million years of the Pleistocene Era when the human brain is believed to have evolved – which, taken together, and combined with the environment, produce actual human behavior (Dunbar and Barrett 2007).

This is not the place to summarize the findings of this new discourse, which are, in any event, still to be regarded as highly provisional, but there are one or two things we can say with some confidence. To summarize Steven Pinker's summary, it seems that human beings have evolved to be rather selfish and violent animals (Pinker 2002). We are biased in favor of our kin and immediate circle of friends, and are potentially ethnocentric, violent and domineering. Cooperative behavior is kin-based or based on reciprocity; more extended systems of cooperation rely on a degree of coercion to minimize free-riding, and, contrary to the myth of the peaceful "garden," beloved of the counter-culture of the 1960s and perhaps today, the existence of authoritative and coercion-based political institutions is central to minimizing interpersonal violence. Incidentally, Pinker is often seen as a controversial figure, but his account is consistent with Brown's account of the UP, and would only lead to reactionary conclusions if adopted by

someone who holds the view that a scientific account of human nature leads directly to a moral account.

This suggests that one good reason to think of humans as rights-bearers is that we need the protection from each other that rights provide, but there is also a less Hobbesian basis for rights; apart from producing the dark side of humanity, there is good evidence that mechanisms have evolved to facilitate cooperation and altruism amongst humans. The most thoroughly researched of such mechanisms focuses on the capacity of human beings to understand social exchanges and, in particular, to spot individuals who "cheat." Since many accounts of altruism stress reciprocity, it seems plausible that the capacity to identify people who do not respect promises they have made would be selected for, and experiments conducted using variants of the Wason Selection Task give evidence that it has been (Cosmides and Tooby 1992). This is a logic problem designed to test how good individuals are at identifying a "material conditional";[1] the answer is, not very, when the Task involves the manipulation of abstract symbols – but when exactly the same Task is described in terms of social relations (a classic example involves spotting whether the age rules on drinking alcohol are being observed) people do much better. The hypothesis is that we have no inherited capacity to solve logic problems, but we are extremely good at spotting whether rules are being followed. This is a mechanism that is selected for, but, conversely, there was no advantage in the ancestral environment associated with being able to spot a "material conditional" in an abstract problem.

Alongside this finding, writers such as Ken Binmore and Herbert Gintis employ game-theoretic reasoning to argue that such mechanisms can be deployed in support of a stable moral theory that argues that humans have evolved to follow rules of "natural justice" (Binmore 2005, 2009; Bowles and Gintis 2011; Gintis 2006). This work is in its infancy, but it does suggest that the idea of "human nature" as the basis for human rights is worth developing – for the time being it is not clear how far this development will go and in what direction, but we already know enough to suggest that there are some elements of the idea of human rights that can be divorced from their Western origins and associated with the nature of the human animal.

The twentieth-century rejection of human nature was a reaction to Social Darwinism and the political implications of notions of scientific racism,

[1] In the formal version, four cards are laid on the table. Each has a letter on one side and a number on the other; visible cards show E, G, 3, 4. The rule is that if a card has a vowel on one side, it must have an even number on the other side. Which cards do you have to turn over to see if this rule is being followed?

but there is good reason to think that the genuinely scientific study of the human animal will not lead to such reactionary conclusions. Essentialist accounts of human nature need not be anti-progressive. In short, returning to the initial question posed in this chapter, a viable account of human rights does require a theory of human nature, and such a theory is becoming available.

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