

Human rights?

On 9 April 2024 the European Court of Human Rights (ECtHR) ruled that the Swiss government's alleged (by the group *Klimaseniorinnen*, who brought the action) inaction on climate change violates human rights. The *Klimaseniorinnen* had argued that the state has a duty of care to protect the right to life (cf. the European Convention on Human Rights, ECHR, Section I, Article 2 (1)),¹ and that the Swiss government's weak climate policies are failing in this regard.

The ruling evoked consternation in the federal government in Berne. Former federal judge Brigitte Pfiffner (and member of the Green Party) considered that the ECtHR had overstepped its authority by overriding domestic legislation as well as direct democracy. Similar dissatisfaction with the ECtHR has arisen in the United Kingdom, where its rulings are seen as thwarting the Rwanda policy for sending asylum seekers arriving illegally in the country (mostly in small boats crossing the English Channel) to Rwanda for processing; successful applicants would then be offered residence in Rwanda.²

The new British government, elected on 4 July 2024, is headed by Sir Keir Starmer, who is by profession a human rights lawyer. One of his first actions as Prime Minister was to cancel the Rwanda policy of the previous government. It seems fair to say that “human rights” are very much in the spotlight. As another recent example, in August a landowner in Dorset ordered to demolish a house he had built for his family on his land but without planning permission has invoked the ECHR regarding his right to a private life and a home and not to be treated in an inhumane or degrading way.³

Amid this burgeoning recourse to the concept of human rights, which, seemingly, stand above the regular law of the land, it is timely and appropriate to ask what they actually are, and where they come from. Human rights are, it has been asserted, of “supreme importance” [3] and the apotheosis of humanity.⁴ At bottom, Gewirth

asserts, “the idea of human rights is a moral one”.⁵ The origin of morals has engaged some of the greatest philosophers—Socrates, Plato, Aristotle, Kant, Nietzsche, John Stuart Mill and others (Kropotkin gives an excellent summary [5]),⁶ and “the idea of human rights has been central to some of the most far-reaching developments of modern times” [3]. Gewirth sets out by asking “how it can be established that all persons do indeed have human rights and have them equally” (seemingly addressing the possibility that only certain persons have them), rather than asking *whether* it can be established that all persons &c. Indeed, the fundamental question is whether human rights are self-evident; that is, inseparable from our very existence; or whether they are merely human constructs (hence ultimately arbitrary), and this essay focuses on that question. It will be recalled that Bentham has marshalled very strong arguments in favour of human rights being a purely legal construct [7],⁷ and these arguments have been difficult to refute [8]. His interest in the matter arose after having observed the chasm of divergence between the lofty ideas in the *Déclaration des droits de l'homme* and the events of the ensuing Terror. But, as Kropotkin has pointed out,⁸ Bentham was himself a lawyer, hence can be expected to promote the supremacy of law. We need to look at the matter with more dispassionate eyes. The main problem in assessing human rights is to find their basis. If they are legal constructs, then the problem is solved, but it is then difficult to accept their supremacy above national and even international law, as the examples given at the beginning showed them having. Such supremacy only makes sense if human rights can be incontrovertibly derived from some fundamental attribute of humanness.

It is perhaps useful to begin with what is essentially an ostensive definition of human rights by looking at the various written declarations that have been made (Table 1). Clearly the latter part of the 18th century was particularly fruitful with respect to the conception of human rights. Coeval with those declarations was the publication of

¹ *Convention for the Protection of Human Rights and Fundamental Freedoms*, signed on 4 November 1950 by the 12 member states of the Council of Europe in Rome, and brought into force on 3 September 1953. We shall refer to by the abbreviation ECHR.

² For the history of Rwanda, see refs 1 and 2.

³ “Pensioner uses human rights law to fight home demolition”. *Daily Telegraph* (27 August 2024).

⁴ For those of a humanist persuasion, are not human rights the apotheosis of humanism? Probably not, because the essence of humanism is the human race, whereas human rights are very much focused on the individual. On the other hand, if human rights are a purely legal construct, and the law itself is indubitably a social construct, then there is a certain consistency of thought; ultimately, conduct in accord with human rights is normative, which brings us close to the position of Confucius, for whom there is a right conduct for every situation, which must simply be learned.

⁵ Haule has provided a useful outline of the relation between human rights and morality [4].

⁶ Freeman summarizes some of the 20th century contributions [6].

⁷ “Rights are, then, the fruits of the law, and of the law alone. There are no rights without law”.

⁸ Ref. 5, ch. 10.

Immanuel Kant's *Rechtslehre* [9]. The title of Kant's book reminds us that the word "right" can have different meanings. In French, German and Italian it is really synonymous with "law" (*droit*, *Recht* and *diritto* respectively), from which perspective Bentham's assertion seems wholly unexceptionable. In English it also has the connotation of normative behaviour, "the

right thing to do". Sensibly, the earlier Bill of Rights refers to "vindicating and asserting ancient rights and liberties", rooting them in tradition (i.e., the collective, social nature of humanity) and the law (which is itself a social construct). It is the 1787 US Declaration of Independence⁹ that first raises the notion of rights emerging from our very existence.

Table 1. A chronology of declarations of human rights.

Year	Document	Comments
1215	Magna Carta	King and government not above the law, which is a power in itself
1688	Bill of Rights	Vindicating and asserting ancient rights and liberties
1776	US Declaration of Independence	Men endowed by their Creator with certain inalienable rights
1789	Déclaration des droits de l'homme et du citoyen	Followed by the Reign of Terror, causing Bentham to reflect on the matter
1789	US Bill of Rights	Ratified in 1791—these are the first 10 amendments to the Constitution
1948	American Declaration on the Rights and Duties of Man	9th International Conference of American States in Bogotá
1948	UN Universal Declaration of Human Rights (UDHR)	
1950	ECHR (derived from UDHR)	Note subsequent additions
1998	Human Rights Act (HRA)	Led to UK discussion about a new Bill of Rights
2000	Charter of Fundamental Rights of the European Union	Latest version in the <i>Official Journal of the European Union</i> (26 October 2012)

A right is an entitlement, and "human" rights suggest automatic entitlement from birth.¹⁰ The question is whether that is a legitimate inference. "Self-evident" can refer to what is universally observed (cf. synthetic propositions), and here the US declaration gets off to a bad start because, manifestly, people are not born equal but differ greatly, especially in their abilities, as becomes abundantly clear in later life.¹¹ "Self-evident" can also refer to that which cannot be refuted (cf. analytic propositions), as in Descartes' "*cogito, ergo sum*" (its denial affirms both thought and existence). Every living thing has the self-evident right to life in the sense that denying it denies its very essence, and that of the denier. This naturally applies to all animals,¹² but actual observation brings difficulties. War and genocide engender large-scale, recurrent doubt about the right to

life. In some cases (e.g., the virtual extermination of the Circassians by Georg von Sass) the beings from whom life is to be taken are labeled subhuman to justify the action (it does not justify it at all because they are indubitably living). More pertinently for our own time, it is difficult to reconcile the continuation of motoring (which results in, each year, about 40,000 deaths from traffic accidents in the USA alone) with the right to life.¹³ Yet another difficulty with this right is the inevitability of death [13], from which no human agent can ultimately deviate.

It is fairly obvious that a right (in the sense of an entitlement) is meaningless if not justiciable. The right to life (existence), the most fundamental of rights (and perhaps the only one that is truly self-evident) is only justiciable in the sense that the law provides a deterrent to violating it, hence reinforcing Bentham's view, but the

⁹ "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed".

¹⁰ Nevertheless, most of the provisions in the various statements of human rights apply exclusively to adults. For the rights of children, see refs 10 and 11.

¹¹ Apart from the genetic endowment of a child, the environment during the first three years of life plays a particularly crucial role, in cognizance of which much more could be done than is actually the case to equalize life chances [12].

¹² Cf. Albert Schweitzer's "reverence for life", and the teachings of Buddhism and Jainism. A biologist also considers that plants are living but, as the words for "plant" indicate in many cultures (e.g., Hebrew, Russian), plants might be considered merely as growing things (cf. *nővény* in Hungarian—but then a woman is also simply a *nő*).

¹³ The assertion of this right also raises knotty questions such as whether a human being who deprives others of life thereby forfeits his own right to it; and if so, since the ultimate punishment can only be enacted once, is there not an inherent bias favouring multiple murders?

victim has no redress. And life itself, as a minimal right, can be pretty miserable, hence the accrual of auxiliary rights such as the right to health, welfare &c. Kropotkin has drawn attention to the pointlessness of addressing what one might call “higher” rights, such as healthcare and education, before more basic needs have been satisfied [14]. Yet, as Beetham has pointed out, economic and social rights are generally considered as inferior to the political and civil rights constituting the cores of US and French declarations [15].¹⁴

After life, the US declaration then asserts two additional rights, of liberty and of the search for happiness. The latter falls so clearly into the eudemonistic branch of moralology that is, notwithstanding Alexander Pope’s “Oh happiness! our being’s end and aim!” [21] suggesting that it is indeed a quintessential characteristic of humanity, difficult to justify from a fundamental viewpoint [5] that we shall not consider it further. It should

also be noted that it is not found in the French *Déclaration*, nor in any of the 20th century declarations.

That leaves the question of whether the right of liberty, which we take to mean freedom of action, is fundamental. The US declaration asserts that man was endowed with such freedom by God—this is the inference from the picturesque story of the expulsion from the Garden of Eden (Genesis ch. 3). At that time the authority of religious principles was already in decline, hence Article 2 of the French declaration asserts that the rights of “la liberté, la propriété, la sûreté, et la résistance à l’oppression” are “naturels et imprescriptibles de l’homme”.²⁰

Liberty is synonymous with freedom, which implies free will [22]—the ability, or power, to act in one way or another. Hart concludes that there is at least one natural right—to be free [23], which all men have if capable of choice. But before addressing the question of the origin(s) and implications of freedom, let us look at the

¹⁴ A powerful, practical reason for their inferiority is often stated to be the impossibility of according such rights, and indeed Bentham drew attention to a common confusion: “to confound the existence of a reason for wishing that we possessed a right, with the existence of the right itself, is to confound the existence of want with the means of relieving it” [7].¹⁵ But is it reasonable? Do governments really lack the wherewithal to minister to basic needs? The present population of Earth is 8.2×10^9 and the total land area is 510 million km²; since about 33% is desert and 24% mountains only 43% is habitable, implying that 26,743 m² (i.e., a plot 163 × 163 m, or 2.5 hectares) is available per person.¹⁶ The daily energetic equivalent of food consumption amounts to 2000 food calories (i.e. kcal), i.e. 8.4 kJ, or 3 MJ per annum. It would appear that this can easily be grown on the available land (neglecting differences in insolation, rainfall and temperature). Furthermore, given the solar constant of 1.36 kW/m², of which a third is immediately lost by reflexion, we might expect the output from a modern photovoltaic panel to amount to 250 W/m², amounting to a few GJ/m² per annum. World energy consumption is about 5×10^{20} J per annum, or an average of about 77 GJ per person per annum. Hence of the order of 10 m² of solar panels should suffice to cover the non-food energy needs of one person.

The ineluctable conclusion is that, even with a world population that is now unsustainably large [16], resources are easily sufficient to provide everyone’s basic needs. But only in principle. What we see around us is the result of a lengthy evolutionary process,¹⁷ even if we only consider developments since the end of the hunter–gatherer era. There are enormous inequalities in land ownership, for example. They could be abolished and the land redistributed. Evolution would then continue, and similar or new inequalities would arise.¹⁸ In order for redistribution to be effective, it would have to be continual, along the lines of the biblical jubilee,¹⁹ for example. Inheritance tax is a kind of modern equivalent. Another possibility is to take all land into common ownership, as was done in the USSR. But someone still has to decide what to do with the land, in effect exercising the rights of ownership. In theory those exercising such rights were under democratic control and could be removed if their performance was unsatisfactory; in practice the system precluded such removal; it evolved such that those with rights of ownership could continually enhance their situation, and in the USSR this process reached its apotheosis with its dissolution and the takeover of nearly all the assets of the country by a small group of the most active and able of the former nomenklatura, who now constitute the oligarchs of the Russian Federation (see some comments on this in ref. 20).

One must also ask what exactly “in order for redistribution to be effective” means. Effective at doing what? If the goal is to create a civilized society, in which knowledge and understanding increase, it might or might not be effective. At any rate, it does not look attractive as a goal in itself. One must bear in mind that the technology and innovation that created photovoltaic panels (and other means of harnessing energy resources) doubtless required considerable inequalities, as well as some other features that we shall come to shortly.

¹⁵ More succinctly, “want is not supply, hunger is not bread”.

¹⁶ There is much variation in the quality of land classified as “habitable”; certainly the given area might not always be sufficient to ensure self-sufficiency of an individual or a family. On the other hand, given the context of our heavily mechanized industrial age, such a general distribution of land is not meant to imply a return to an individually self-sufficient subsistence existence. Everyone would be free to use their land as they thought fit. Some may merely extract and sell valuable minerals, buying all their food using the profits. Others may construct multi-storey buildings for cultivation (“vertical farms”), and still others may specialize in making the materials and providing the construction services for those who need them. Big projects, such as the construction of electricity generating stations, would require the coöperation of many individuals.

¹⁷ Ref. 17 ch. 6 & ref. 18 ch. 6.

¹⁸ Ref. 19 ch. 5.

¹⁹ Leviticus ch. 25.

²⁰ Note that the existential “right to life” is absent from the French *Déclaration*, which is also more sensible regarding equality, merely asserting that people are born with equal legal rights (Art 1). Equality *tout court* goes back, in the West, at least to the jurist Ulpian (170–228 CE) (*quod ad jus naturale attinet omnes homines aequales sunt*).¹⁸

remaining articles of the French *Déclaration* and the various 20th century declarations. Taken in isolation, the former is eminently sensible and remains very modern in spirit. It is worth noting that some of the articles have only recently entered into law. For example, Art. 14.—“Tous les Citoyens ont le droit de constater ... la nécessité de la contribution publique ...”—recalls the Freedom of Information Act enacted in 2001 in the UK; and similarly with Art. 15.—“La Société a le droit de demander compte à tout Agent public de son administration”.²¹

The absence of any specific right to life (existence) from the admirably concise 17 articles of the French declaration belies the vigorous and informed debate that went on at the time of the Revolution in the *Comité de Mendicité* [24].²² Alleviating indigence was seen as a duty of *society*, and it was clear that the right to exist implies rights to good health &c.—in other words economic rights. As far as health is concerned, this right is established in the UK by the National Health Service (NHS). What is less frequently discussed is the concomitant duty of citizens, insofar as it is within their powers, to maintain themselves in good health. This duty is embodied in the concept of health citizenship [27], general acceptance of which would doubtless suffice to transform the NHS from an organization suffering from ever-growing waiting lists and other deficiencies despite continually increasing budget allocations into a smoothly functioning service with decreasing annual expenditure. The concept of reciprocal duties was included in the American Declaration of the Rights and Duties of Man, which, as the first modern declaration of human rights, preceded the UDHR, but these duties have not been carried into the UDHR, ECHR &c. The duty of maintaining health is not explicitly included in the American declaration, but other duties, such as the duty to work (if able-bodied) are. It must have already been apparent at the time of the French Revolution that even the right to equality before the law (Art. 2 of the French *Déclaration*) requires something approaching economic equality in order to be meaningful.

Let us now turn to the UDHR. Article 1 asserts “All human beings are born free and equal in dignity and rights” (essentially Art. 1. of the French *Déclaration*), and that they “are endowed with reason and conscience and should act towards one another in the spirit of

brotherhood”. This complicated article mixes various categories. We shall deal with freedom later on. “Equal dignity” is an expression of human solidarity (that is, the “spirit of brotherhood” mentioned at the end of the Article), about which there will also be more later. The endowment with reason and conscience (which might be considered to be two facets of mind) can be taken as a reflexion of empirical observation and, as we shall see, is closely bound up with freedom. “Should act” is actually an implicit duty. It was perhaps an oversight that *remaining* free and equal in dignity after birth is *not* explicitly stated, unlike Art. 1. of the French *Déclaration* (but see Article 3).

We find the existence right in Article 3. Article 4 prohibits slavery, but this is surely encompassed within the right to liberty included in Article 3. The following block (Articles 8–11) deal with equality before the law. Successive articles 12–15 concern various civic rights. Article 16 confers the right to parenthood (cf. ref. 27a), but without any concomitant duties towards children after their birth (cf. ref. 11). Article 17, like Art. 17 in the French *Déclaration*, asserts property rights. Articles 18 & 19 concern freedom of thought and expression, which are already encompassed within the general right to liberty. Article 21 is notably weaker than the corresponding Arts 13 & 14 in the French *Déclaration*. The remaining articles concern mainly social and economic rights. Regrettably, Article 29 ¶3 contradicts the freedoms conferred in Articles 18 & 19 (“These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations”). That the “right to education” (Article 26 ¶1) also includes compulsory (elementary) education opens the door to the right to be indoctrinated and also appears to be in opposition to Articles 18 & 19.

The ECHR (SECTION I & PROTOCOL) is by no means a mere copy of the UDHR, but covers more or less the same ground.²³ It is laudable that the right to education (Article 2 of the Protocol) is stated much more circumspectly than in the UDHR, merely asserting that “no person shall be denied the right to education” and explicitly securing the rights of parents regarding the education of their children *vis-à-vis* the State. In both of these documents, one can discern indications of then-recent events having inspired the wording.²⁴

²¹ We emphasize that Bentham’s scathing criticism [7] was, above all, engendered by the Terror and numerous other abuses that followed the promulgation of the *Déclaration*. See also Thomas Paine, *Rights of Man: Being an Answer to Mr. Burke’s Attack on the French Revolution* (Part 1, 2nd edn). London: J.S. Jordan (1791); Part 2 (1792).

²² Their deliberations are recorded in ref. 25. Even before the Revolution the Duc de Rochefoucauld-Liancourt was a particularly strong and eloquent supporter of the right to existence and all it implied. Indigence was widespread in 18th century France, hence the problem was very real. Many of Liancourt’s proposals are echoed in much later developments, such as those embodied in the Beveridge plan [26].

²³ I have not examined the more recent accretions.

²⁴ The same can be said of the *Charter Of Fundamental Rights of the European Union*,²⁵ albeit that it covers more ground and is

These are not static documents, but are sometimes updated. For example, in 2023 the UN General Assembly declared access to a clean, healthy and sustainable environment to be a universal human right (in the same year the Clean Air Bill was introduced into the UK Parliament, but does not appear to have progressed beyond the 1st reading); noting that Beard & Wertheim published their paper “Behavioral impairment associated with small doses of carbon monoxide” in 1967 [30], these are encouraging developments.

Many of the articles of the 20th century declarations are written in a somewhat legalistic fashion, and few would dispute that the juridical, civic, political, workers’ and property rights are, *pace* Bentham [7], legal constructs. Given that the right to life is indisputably self-evident, what else does it entail? Air would appear to be the primary necessity, but there is, *pace* Maslow [31], a quasi-endless hierarchy of needs and the boundary between those to which one ought to have a right and those which are optional has to be arbitrary.²⁷ The answer is that it is for society to decide. Primarily from empirical observation, Kropotkin concludes that sociality is an essential feature of survival [32], and hence inseparable from human nature.²⁸

We now continue our consideration of freedom. Unlike the French *Déclaration*, neither the UDHR nor the ECHR assert that it is a natural and inviolable right. To a determinist, the concept is meaningless; all our actions “sind molekelstosse nur” (Schrödinger).²⁹ Fundamentally, determinism is the idea that all events are determined by prior causes. Max Planck has proposed, very reasonably, that an event is causally conditioned if it can be predicted with certainty, and goes on to show that the law of causality can be neither generally proved nor generally disproved [34]. Other grounds for rejecting determinism include the lack of empirical support with respect to human behaviour. Furthermore, it leads to the

so-called Paradox of Moral Responsibility [22]—a person is morally responsible only for those of her actions that are willed autonomously, but according to the determinist a person has no autonomous (i.e., free) will. This contradicts Article 1 of the UDHR (“All human beings ... are endowed with reason and conscience”—conscience being the ability to distinguish between right and wrong, with the implication that beings lacking conscience are not entitled to human rights). The concept of a (human) right implies some kind of independent “self”, capable of actions not attributable to inheritance, environment or chance, to whom the right accrues.

Deterministic materialism reduces the brain to the mindless motion of molecules. However, it lacks empirical support—while consciousness is correlated with certain patterns of chemical and electrical activity in the brain, there is no evidence for actual *identity* between thoughts and physically measurable neural events in the brain [35].³⁰ Furthermore, there are undoubtedly many thought processes that are noncomputable [36]; one infers that human understanding lies beyond computation. Although at first sight this feature makes consciousness even more mysterious, it actually offers a pathway to “rescue” determinism: Penrose and Hameroff have proposed that the non-computational actions are a result of large-scale quantum coherence within the microtubule cytoskeleton of neurons [36]; such (presumably deterministic) cytoskeletal activity may constitute the molecular origin of free will. A great advantage of locating its origin in the cytoskeleton is that it is—at least in principle—possessed even by “simple” protista such as *Paramecium*, microscopic observation of which certainly gives the impression that it is acting autonomously rather than entirely heteronomously. Possession of a brain—a neural network—is not, therefore, a prerequisite.³¹ Be that as it may, undoubtedly there is still a great deal to be discovered regarding the

more detailed (and prolix). One wonders what mechanism is in place to make these rights justiciable. For example, Article 13 states that “Academic freedom shall be respected”. Given that, increasingly, it is not, one wonders what channels of redress are available. Have national laws been adjusted to ensure alignment with this Charter? If so, then there should be no problem. It is also disconcerting that there is no right to healthcare as such, but only (Article 35) “the right of access to *preventive* health care”, which is a very different matter [28], encompassing the possibility of unacceptable intrusion into the private sphere, including compulsory mass medication [29].²⁶ The right to education asserted in Article 14 “includes the possibility to receive free compulsory education” (¶2), which is rather puzzling.

²⁵ 2012/C 326/02; see the Official Journal of the European Union (26 October 2012).

²⁶ Citizens of Neom are promised preventive medicine “to keep them healthy”.

²⁷ It has even been voiced in some quarters that one has the right to receive television broadcasts and be connected to cellphone networks!

²⁸ These observations decisively refute Hobbes’ assertion that “man is a wolf to man”, which also indicates profound ignorance of the actual nature of wolves, an ignorance later found in Herbert Spencer’s analogous assertions regarding primitive tribes.

²⁹ See also ref. 33.

³⁰ Mackay’s Principle of Logical Indeterminacy renders deterministic materialism untenable. It states that there does not exist any specification of our cognitive mechanism unknown to us with a unique and unequivocal claim to the assent of everyone if only they knew it [35].

³¹ Neuron signals are clearly classically determinate, and with fixed synaptic connexions the brain would act as a computer.

mechanisms of consciousness (mind), awareness, understanding and intelligence. Once it is realized that determinism can encompass actions that are noncomputable, it might turn out to be compatible with free will, which can be considered as active consciousness; the Paradox of Moral Responsibility would be thereby resolved.

We can confidently assert that in order for human rights to exist, free will is necessary. Without free will, the idea of the person as a morally responsible, autonomous being makes no sense. There is no need to adopt a position with respect to idealism versus materialism. But it is illuminating to ask how free will has arisen in human beings (and possibly other living creatures as well). Thanks to our possession of the concept of evolution, this might not be a difficult question. Before we answer it, we note an important corollary: if noncomputability is necessary to evoke awareness, which is a prerequisite for free will, in turn a prerequisite for rights, then artificial devices working entirely computationally (such as all present computers) cannot have rights.³³

The ingenious idea of evolutionary epistemology was developed by Konrad Lorenz at the University of Königsberg, (where he was a successor to Immanuel Kant): the Kantian *a priori* categories that human pure reason brings to the sensible world arose as *a posteriori* cognitive acquisitions by interaction with the phenomena of the sensible world; what is *a priori* for the individual is *a posteriori* for the species; those whose brains developed “wrong” ideas fail to survive [39].³⁴ The beauty of the evolutionist approach is that it sufficiently “explains” the presence of free will without the need to delineate precise molecular mechanisms, provided that the steps that would be needed are compatible with present knowledge (as is the case with the Penrose–Hameroff proposition, bearing mind the significant extant gaps in quantum theory).

It is not, however, wholly satisfactory as an explanation because it does not contain any clue about what are the “right” and “wrong” ideas. For insight into that, we must turn to Kropotkin and his insistence that sociality is the key to understanding human nature [5],

and that it is essentially a zoölogical rather than a distinctively human feature, while being inseparable from human nature, as anthropology has revealed time and time again. The ethical problem is how to synthesize the individual struggle for survival with the equally fundamental desire of unity and mutual sympathy. Kropotkin realized more strongly than Darwin (cf. ref. 40) that sociality is a very powerful weapon in the struggle against the hostile forces of nature (and the failure to realize this was a colossal error in the thinking of Hobbes). Mutual aid leads to justice, which leads to morality,³⁵ and the notion of human rights represents, above all, the desire to codify *justice*. In that sense human rights are indeed innate, as a result of an evolutionary process. But codifying them can never fully capture the grandeur of human solidarity that is justice,³⁶ a grandeur that evokes the feeling I had when I flew over the Pacific Ocean for the first time and realized that every water molecule in it is linked to every other one through a vast network of hydrogen bonds.

Nevertheless, despite Kropotkin’s insistence on synthesis rather than compromise, as soon as man organizes himself into societies, an irreconcilability between freedom and justice for the individual and law and order for the body politic needed for a civilized communal life emerges, as Machiavelli eloquently revealed [41,42]. Perhaps that is why Kropotkin advocated anarchist communism as the way for human beings to live together [43]; it is certainly a more attractive solution than Hobbes’ Leviathan. The other way, as Stent has pointed out,³⁷ is to adopt the Chinese practice set out by Confucius, who starts with the premiss, *pace* the argument of Kropotkin, that people are social and achieve a refined civilization through rules to regulate social life, what we might call etiquette;³⁸ these rules must be learnt and followed rather than relying on autonomous choice and responsibility.

What of the future? Does the inexorable growth of so-called artificial intelligence (AI [44]) pose a threat to human rights, as is now increasingly being discussed (e.g. refs 45–47)? As already mentioned, no machine relying solely on computation can be conscious, a prerequisite for

Nevertheless, even very simple cellular automata (of which the brain is a very complex example) can display irreducible complexity (class IV behaviour) [37].³²

³² See also ref. 38 for notes on determinism and free will.

³³ This does not preclude devices capable of noncomputational activity being constructed in the future.

³⁴ See also ch. 12 of ref. 22.

³⁵ Ch. 2 in ref. 5.

³⁶ Cf. the substitution of Nolan’s rules for chivalry (ref. 18 ch. 4.); cf. the idea of ubuntu (see ch. 4 of J.K. Khomba’s PhD thesis “Redesigning the Balanced Scorecard Model: An African Perspective” (University of Pretoria, 2011)).

³⁷ See ch. 3 in ref. 22.

³⁸ The importance of etiquette in the West seems to have been generally underestimated, although note William of Wykeham (sometime Bishop of Winchester, Chancellor of England and the founder of New College, Oxford and Winchester College)’s motto “Manners makyth man”. Stent [22] has a good chapter on etiquette.

having rights. A much greater danger comes from juridical persons; that is, companies or corporations, which have now existed for several hundred years [48,49]. Despite—presumably—not having a conscience (cf. Article 1 of the UDHR),³⁹ companies have many of the rights listed in the various declarations, including the right to own property and to proliferate. The calculation of land distribution in footnote 14 would be completely upset by allowing companies to own land. They could, indeed, own the entirety of land leaving none for individual human beings. Legislation permits the unlimited creation of juridical persons alongside human persons. Presumably it is a human right encompassed within the various declarations to be allowed to create a company. These juridical persons have several advantages over their human counterparts—such as limited liability and immortality, and instant euthanasia without let or hindrance. However strong the assertion of human rights, their force can be diminished to an infinitesimal level in any given situation simply by numerically overwhelming natural persons by juridical persons, and this possibility is already extensively exploited.⁴⁰ It is closely related to the possibility of the unlimited creation of money via credit [51], one consequence of which is that corporations can typically access vastly greater financial resources than individuals in judicial proceedings. A practical limit is imposed by the requirement for companies to have human directors, but already some people hold dozens of directorships, and AI will greatly increase this limit, a trend doubtless welcomed by techno-libertarians, whose ideal is a technology-driven world free from all government constraints, as embodied, for example, by the city of Próspera in Honduras.

The reliance of computers on computation may seem like a weakness of AI *vis-à-vis* conscious human beings, but it is also a strength. Every computer has basically the same architecture, hence programs can be copied from one to the other almost instantly.⁴¹ In contrast, transmitting information from one human being to another entails an onerous process that Hinton calls “distillation”, because every brain has a different architecture (i.e., a different set of neural connexions), and information can only be conveyed by somehow persuading the recipient to align his or her thinking with

that of the giver of the information. The combination of companies and AI could turn out to be numerically overwhelming. I call it “the strategy of the slugs”, recalling how, in the past few decades, many semirural locations in Europe (by which I mean country gardens) have experienced a rapid decline of formerly abundant “higher” species such as *S. salamandra* and *Angus Fragilis* (slow worm) and their replacement by vast numbers of *Arion rufus*. And, as Hinton has pointed out,⁴¹ even if computers have no direct agency, AI has the possibility to influence human agents by feeding them persuasive text.

Such trends could of course be held in check by a vigorous humanity. But the 20th century declarations of human rights do nothing to foster it. On the contrary, with their emphasis (particularly noteworthy in the EU Charter) on a life recalling that espoused by the Church of England, “[we] being defended from the fear of our enemies may pass our time in rest and quietness”,⁴² they encourage effeteness. It would be far better to guarantee the right to work (cf. ref. 52), especially with one’s hands, and the right to think.

It was found that the 1797 French declaration could be succinctly summarized as “liberté, égalité, fraternité” (Figure 1). Liberty is the freedom to act, underpinned by free will; equality means justice—equality of rights;⁴³ and fraternity is innate human solidarity.⁴⁴



Figure 1. The *Mairie* of Valdoie, near Belfort, emblazoned, as is typical for many public buildings in France, with the 1789 *Déclaration des droits de l’homme* reduced to the three words expressing its essence.

³⁹ A possible exception was Google with its “Don’t be evil” motto—formerly part of its corporate Code of Conduct—but abandoned not later than 2018. Many firms, however, aspire to much less. Recent examples of corporate depravity (Arconic, Celotex and Kingspan) are documented in ref. 50.

⁴⁰ For example, liabilities, anyway limited, can simply be offloaded onto specially created juridical persons acting as debt sinks.

⁴¹ Geoffrey Hinton, Two paths to intelligence. Lecture given at the University of Cambridge on 25 May 2023.

⁴² From the second Collect at Evening Prayer.

⁴³ Cf. ch. 5 in ref. 19.

⁴⁴ In the last century or so it has been greatly weakened by systematic efforts, on an industrial scale, to destroy the idea in order to train soldiers to be more effective [53].

The elaborate panoply of declarations of rights that has emerged since World War II do not improve upon the basic principle of human solidarity, much as no system of ethics can actually improve upon the Golden Rule.⁴⁵ Legislated rights—that is, the extant corpus of law—backed by common law, is surely sufficient to regulate civilian life (provided that all have equal access to it).

Let us finally return to the story with which we began—criticism of the actions of a government to combat climate change. Such criticism is almost unlimited in scope. One could argue that any heat-releasing or carbon dioxide-releasing activity promotes global warming and should, therefore, be curtailed if not essential to human survival. Such a stricture would prohibit fireworks, aerial acrobatics and almost every kind of purely ceremonial activity. Is that the kind of world people want? Maybe, and if it is it will happen, but it should not be imposed through deference to principles wrongly supposed to be “self-evident” or irrefutably inherent in our world. In fact, “rights” have that elusive quality captured in William Blake’s poem “Eternity”:

He who binds to himself a joy
Does the wingèd life destroy;
But he who kisses the joy as it flies
Lives in eternity’s sunrise.

J.J. RAMSDEN

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⁴⁵ Cf. Kant’s “Handle äusserlich so, dass der freie Gebrauch deiner Willkür mit der Freiheit von jedermann nach einem allgemeinen Gesetz zusammenbestehen könne” [9]—das oberste Rechtsprinzip.

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