

Belief in Human Rights: An Opportunity for Cross-Cultural Cognitive Science

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23.1 Introduction

Although belief is not a sufficient condition for the international legal system of human rights, it is a necessary condition, especially for the underlying culture. For without belief, there are little to no grounds for supporting distinct rights claims, for committing to rights collectively, or for engaging in discourse between the international and local sociolegal systems of rights (for a review, see Leicester, 2008). Belief is also a key concept behind the popular adages of “bottom-up support” for rights and of bridging that support with “top-down mechanisms” and “local culture.” Belief, in this sense, includes propositional attitudes, dispositions, and commitments to any potential state of affairs concerning the protection or privileges of a person or group with respect to the state. Belief is therefore an indispensable concept for human rights, whether it concerns the coherence of group claims at the level of particular cultures or, most critically, social support for rights in the international system. Yet belief is virtually absent from current scholarship on human rights (for exceptions, see Carchidi, 2020 and Mikhail, 2012). Thus, my goals in this chapter are, first, to advance an argument against the obstacles that prevent scholars from engaging with belief in human rights and, second, to highlight the opportunities that connect human rights and beliefs with the broader behavioral and brain sciences.

I do not mean just to raise doubts about the way human rights and beliefs are dealt with in current social sciences, but to offer a cognitive and evolutionary approach for conducting cross-cultural research. I first argue that critics of human rights often overlook the importance of local support for human rights, and that local support is increasing worldwide but there is currently no theoretical explanation for it. That lack of theory, I suggest, is due to social scientists avoiding the topics of universality and belief with respect to rights. Further, and most importantly, I propose that the

transdisciplinary study of belief points to ways of studying belief in human rights as aspects of evolved cognition and cultural attraction. To conclude, I briefly show how these developments present opportunities for studying human rights in cross-cultural cognitive science.

23.2 Support for Human Rights

At the historic World Conference in 1993, 171 of 195 nations adopted the Vienna Declaration and Program of Action (VDPA), advancing the proposition that human rights are interdependent and universal (Delaet, 2015, p. 11). Since 1993, nearly every nation has recognized the VDPA (Anthony, 2019), and either signed or ratified the nine core human rights instruments (Gragl & Fitzmaurice, 2019). Having made human rights customary or legally binding norms, the international system – comprising the five Charter Bodies and ten Treaty Bodies of the United Nations (U.N.) as well as their regional arms (see Delaet, 2015, pp. 26–44) – then oversaw a proliferation of protocols, statements, conferences, and modes of annual reporting. In so doing, the international human rights system (“international system,” henceforth) has attempted to hold nations accountable for human rights violations by “naming-and-shaming” and, in some cases, formalized mechanisms of justice (for a review, see Newman, 2019). Accordingly, perpetrators at the national or local-state levels are, in theory, liable for violating, or failing to protect, people’s human rights.

Since 1993, scholars have debated whether the international system has been a success in defending human rights or yielding a system of paper tigers (see Moyn, 2014, 2018). Despite some disagreements, many scholars and advocates alike express continued optimism, mostly because support for human rights claims worldwide have steadily increased in scale since the turn of the millennium (e.g., Council on Foreign Relations, 2009, 2021). Support for human rights includes governmental provisions for protecting human rights as legal claims, and culturally local social advocacy for holding nations, multinationals, and other would-be perpetrators accountable for violation. For example, since 2000, governmental provisions for rights have roughly tripled in every major world region (Roser, 2016), while a corresponding increase in formal complaints filed in regional bodies and informal claims against local violators have simultaneously augmented national efforts – and nation-scores – for upholding human rights (Fariss, 2019). Social support continues to grow worldwide among adolescents, educated persons, and victim communities

(Torney-Putra & Barber, 2011), and these trends complement survey data on cross-cultural attitudes toward human rights (McFarland, 2011, 2015; McFarland et al., 2019). Based on these findings, as communities become aware of governmental or multinational violations and develop a sense of connection with humanity, they are embracing ideas about human rights and likewise making more human rights claims.

23.2.1 *Building an International Culture*

Recapitulating a vast amount of legal literature (for a review, see Robertson, 2012), the problem of belief in human rights can be summarized as follows. The international system is not finished but is still emerging. In particular, it is a system built – and still being socially constructed from – constituents, such as charters and bodies, as well as practices, such as legal fulfillments and prosecutions of perpetrators, that function to move all nations from a culture of unchecked national sovereignty, in which nations and their power holders can do whatever they want as sovereigns, to one that respects peoples' basic human rights. The process, and ultimate fulfillment of the international system, thus depends on agents, namely, national leaders, believing together that human rights have standing, ranging from *opinio juris* (the belief that human rights are normative) to *jus cogens* politico-legal implications (the belief that human rights are legal imperatives). Equally as important, the system depends on local communities also supporting those rights, otherwise the international system will continue to ebb and flow with regional powers or even collapse, as some predict (e.g., Moyn, 2014, 2018).

Despite recurrent violations of peoples' rights, the world as of now is seemingly moving toward an international culture of human rights. According to Kathryn Sikkink, since the 1980s, domestic support for prosecutions has increased worldwide by nearly six-fold due to “justice cascades” – that is, dramatic shifts in social support for human rights that ensue after any transitional justice movement. To illustrate, nations that implement a transitional justice measure, such as prosecutions, undergo a dramatic decrease in measured oppression (averaging a 3.8 percent drop per year on the oppression scale) (see Sikkink & Kim, 2013, pp. 279–280). A related finding is that after the sole creation of the International Criminal Tribunal for Yugoslavia (ICTY), the international system witnessed a six-fold increase in retributive modes of justice, in the form of criminal liability for state perpetrators (p. 273). Thus, Sikkink observes that despite the impression of worsening human rights violations since

1993 (which is mostly due to improved reporting mechanisms), “overall there is less violence and fewer human rights violations in the world than there were in the past” (as cited in Bettinger-Lopez, 2018).

While this shift involves many factors, one that is critically important but virtually overlooked is belief. Advocates, activists, and the communities that come to demand respect for human rights share certain beliefs: that without basic guarantees to civil and political or socio-economic protections, people cannot enjoy any right (Shue, 2020); that communities should have a voice and the opportunity to achieve their potential (e.g., Tésou, 1992); and that every person has inherent worth or dignity (Delaet, 2015). Noting these similarities, Amartya Sen (1997; see also Tésou, 1992) has argued that cross-cultural social support for human rights is the result of diverse traditions having similar belief systems about such things as the value of human life and freedom from wanton suffering. A critical observation in these and related conversations (e.g., Council on Foreign Relations, 2011, 2012; Delaet, 2015) is that communities, when making human rights claims, are doing so, in part, because of similar or shared beliefs (see also Len Doyal, 2001). If support for human rights involves beliefs, such as claims to what is self-evident or culturally relevant, then those beliefs – what they are, their nature and effects – are important for advocates and researchers. In short, neither the international system nor local practices of human rights can be fully understood without taking belief into account.

23.3 Rethinking Universality and Belief

Many social scientists, like cultural anthropologists in general, are nevertheless suspicious of belief as a concept that originates in the West and, in turn, gets imposed on other cultures. That is why, I think, many are more likely to embrace the locally focused ontological turn (Holbraad & Pedersen, 2017) than comparative cognitive approaches to belief. Yet, embracing the local has usually entailed rejecting belief entirely as a western concept that, if used to describe non-western cultures, overshadows native ontologies (e.g., Holbraad, 2012; Vivieros de Castro, 2014). This criticism, while laudable and notably applicable to early anthropology, seems difficult to maintain when it comes to describing people’s mental lives such as believing or rejecting some human rights claims. But many scholars have attempted to do just that – avoid the topic – by explaining belief as support for a local discourse, or a set of social or linguistic norms that govern relative behavior (Geertz, 1991, p. 459).

Similarly, many have followed cultural anthropologists in questioning the universality of human rights, arguing that so-called universal principles, even if characterized as rights, are actually stand-ins for neocolonial incursions (e.g., López, 2019; Soysal, 1994, 2012). Granted, the international system has used the idea of human rights, for example, to justify the exploitation of Africa (Clarke, 2009). But longstanding criticism is that “universal human rights” is a western construct that ethnocentric elitists use to assert their presumed superiority over others (e.g., American Anthropological Association, 1947).

Now, when these claims are extreme, they can result in surprising contradictions. For instance, Fernando Téson (1992), a human rights scholar of the global south, observes that when westerners claim that the universality of human rights is ethnocentric or elitist, they themselves commit the very sin they condemn: namely, denying the mental lives and rights of non-westerners. Building on Téson’s observation, I wish to offer two lines of defense in this section for clearing the way for investigations of universality and belief.

23.3.1 Retrospective versus Prospective Universality

We are right to be wary of assertions such as “all X are Y.” These, as they concern humankind, can venture into just-so stories about evolution (Hubálek, 2021) or oversimplified accounts of cultures (Sibeud, 2012). It is important to stress, however, that my interest – and those of many human rights advocates (e.g., Koinova & Karabegović, 2017) – is not in inferring anything about an international culture of rights based solely on our inherited biology or traditions. Such explanations are forms of “retrospective universality,” which can be problematic if based on limited data and entailing sweeping generalizations. Instead, my concern is whether communities are, in fact, moving toward a shared agreement about human rights. This forward-looking perspective is what I call “prospective universality” or the possibility of an international culture of human rights. Specifically, I am interested in beliefs arising from social situations that are multiply realizable given distinct underlying conditions shared across cultures.

The prospective universality of an international culture of rights based on beliefs is significant for advocates and scientists alike. To illustrate what I mean, communities throughout history have converged on similar solutions to local problems because of selective pressures, the adoption of comparable practices, and cultural diffusion. A good example is

mathematics: although natural selection endowed humans with cognitive modules for rudimentary mathematical thinking, cultural evolution augmented these with several communities developing similar systems, and these in turn provided feedback loops for each to develop local, and eventually diffused, solutions that became formal mathematics (Mercier, 2006). Thus, the prospective universality of mathematics, in which humans were converging on overlapping systems of knowledge, transpired in diverse cultures at marked points in history.

The same may be true for human rights today. If so, changing our perspective to prospective universality rather than retrospective universalism is important for advancing many debates in human rights studies today. Arguably the most important is the problem of overlapping consensus. In a nutshell, this problem is concerned with how diverse cultures could converge on a shared or family resemblance of conceptions regarding rights and justice (Rawls, 1985, 1987). As an important caveat, overlapping consensus does not mean the abolition of global diversity but instead, in this case, that the international system, which ensures the protection of human rights for all, is upheld by diverse traditions. For example, various communities such as secularists, Shia Muslims, Orthodox Jews, and so forth are likely to believe the international legal precept that people ought to be free of torture under all circumstances. And accordingly, these distinct communities would together exercise pressure on nations – individually or collectively – to uphold that right or take advantage of appeal processes in regional bodies when the right is infringed locally. But the particular background ideas, and likewise the folk systems underwriting their distinct beliefs, could vary drastically. Still, their bottom-up support would maintain or strengthen the international protection against torture and enhance the emerging global culture for ensuring rights not just in name but in practice. What overlapping consensus means, then, is that different communities will likely support comprehensive normative doctrines, such as those in human rights, but do so for different reasons and even inconsistent cultural concepts.

Borrowing from Rawls (see Mikhail, 2007), many argue that such a consensus in human rights is indeed possible, because of our shared nature and religious or moral traditions (e.g., Sen, 1997). These arguments, albeit popular, have been criticized for offering both unstable foundations and justificatory support for rights claims. Respectively, what one considers natural or “self-evident” does not extend easily beyond one’s ingroup (Klosko, 1993), while conflicting traditions undermine dialectical justifications (Delaet, 2015, pp. 45–50).

Yet most current proposals in favor of overlapping consensus are often looking backwards, engaging in retrospective universalism. And here, I reach one of the critical points in my argument. Granting that human rights includes the top-down international legal system and bottom-up support for rights claims (see also Stremlau, 2019), an overlapping consensus must involve distinct local cultures and the international system as well as a degree of horizontal agreement between cultures. As such, an overlapping consensus is not a theoretical matter centered on retrospective universality but an empirical question regarding the prospective universality of diversity upholding a possible international culture of human rights. This shift in perspective entails new questions for the field of human rights that are rather familiar to evolutionary scientists. For instance, what selective pressures, cognitive modules, and diffusion of practices contribute to convergence on human rights claims? To what degree do they cohere with so-called universal human rights? Is the landscape of cultural diversity regarding justice or peace creating new and arguably more enduring forms of rights on the ground? Do these new forms agree or disagree with standards of the international system? Is the universality envisioned by the VDPA even possible?

Given that these claims center on beliefs – not only about protections, potentials, and values, but relations between the self, the state, and community – then the question of overlapping consensus is as much about epistemology as it is about human nature or existing traditions. After all, if people in different cultures agree about a human right, then that agreement means that people believe certain things about the right in question. Hence, it is time for belief to be part of the human rights conversation.

23.3.2 *The Problem of Belief*

I suspect that one of the reasons scholars of human rights have failed to address belief is that they are skeptical about its ascription (see Holbraad, 2012; Vivieros de Castro, 2014, as cited in Streever, 2020, p. 134). This skepticism, which permeates many branches of social science, originated with the anthropologist Rodney Needham (1972, 1975), who famously argued that belief is a western concept, presumed by westerners to be a pre-linguistic inner state that generates thoughts and ultimately stands behind peoples' expressions. The concept itself, Needham contended, is acquired from a particular language game in the west, and thus its ascription to others is inappropriate, since it assumes an ontology associated with Christian dualism (Robbins, 2007) and deprioritizes natives' ontologies (Holbraad, 2012).

Joseph Streeter (2020), a critical scholar of anthropology, recently revisited Needham's seminal argument, and thereby discovered that it developed from Needham's interpretations of Wittgenstein; yet Needham got things wrong. For Needham, when we talk about belief, we implicitly posit a presumed mental state or essence that is internal to the believer and, he asserted, necessary from a western person's ontological standpoint for generating an expressed commitment. The problem for Needham is that this posited essence is unverifiable, since we can never know the internal mental state of others, and thus what they actually believe. When anthropologists or any scholars ascribe belief, the ascription says more about their ethnocentric biases than it does other minds (Streeter, 2020, pp. 135–140).

Contrary to Needham, Wittgenstein never endorsed the premise that belief emerges from an inner, hidden state that is to be discovered indirectly by the researcher, who can then go on to talk about another's beliefs in an elliptical way. Rather, talk of belief is simply reporting directly about others' minds in a functional way (Streeter, 2020, p. 140). Specifically, belief-talk is a fundamental way for humans to describe themselves and others, with respect to perceived commitments (p. 141). Thus, Wittgenstein's outlook is closer to contemporary brain and behavioral sciences than to contemporary cultural anthropology. The former attributes beliefs to our shared theory of mind (ToM), while the latter to relative ontologies.

Based on decades of ToM research (for a brief review, see Baron-Cohen, 1997; Barrett, 2020), Wittgenstein's assumption is warranted: Belief is a conceptual matter regarding the shared human ability to describe intentions rather than an empirical problem concerned with metaphysics. If so, then ascribing belief is not a problem after all. For there is no need to verify an internal state or ontology that accompanies another's commitments, attitudes, dispositions, or discursive practices. Instead, beliefs *are* those very things. Of course, people's beliefs are going to vary, but insofar as we express ourselves through such behaviors as commitments, attitudes, and dispositions, we share parts of our mental lives with one another. That we can come to know these matters, despite diversity, is why we attempt to understand other cultures in the first place.

To be sure, I am not arguing against contemporary approaches in cultural anthropology. As a cultural anthropologist myself, I find explanations by scholars of the ontological turn invaluable (especially in advancing valid critiques of overextending belief-ascriptions). Moreover, it is without question that descriptions based on the particularisms of ethnography are indispensable for developing anthropological knowledge. Rather, I wish to suggest simply that neglecting the concept of belief may render a blind

spot when it comes to questions regarding local and global relationships in the emerging culture of international human rights.

23.4 The Transdisciplinary Study of Belief

The lack of attention to belief in human rights is a problem for another reason. As Sam McFarland recently lamented (2015, p. 23), there is an evident increase in social support for human rights worldwide, but virtually no guiding theory to explain why. For sake of brevity, it is not my intention to provide a theory in this chapter, but to suggest that belief needs to be included in any theoretical explanation of McFarland's discerned problem of cross-cultural support. To that end, I draw from the transdisciplinary study of belief in this section to offer a working sketch of belief for scholars of human rights.

We can start from a common assumption in philosophy and take believing a human rights claim to be a propositional attitude or stance that a person or community makes about potential state of affairs about protections or privileges owed by the state to the individual or group. Disagreement will likely arise, however, over the nature of such belief, including what it would mean to conceptualize it if it were conjoined with other false beliefs or delusions (Connors & Halligan, 2015); the degree to which the belief can or should be held to be considered a commitment, and what constitutes its acceptance (Friedman, 2017). Another open question is whether ascribed beliefs represent propositional content, or simply occur if someone is disposed to act as if it is true. Although I am inclined to defend dispositionalism, a skeptical slant is still agreeable with empirical research – that is, that a belief attribution is instrumentally useful but ultimately non-factual (Schwitzgebel, 2006).

Of these, scholars inclined to investigate beliefs are likely to agree that when it comes to the mind, it is more pragmatic to emphasize its activities than to posit a mysterious link between mind and representational properties (Barrett & Kurzban, 2006). Further, as I will show below, methods in cognitive anthropology, which are robust for dealing with overlapping consensus, adopt the view that person P is disposed to belief Q in situation R, if it is the case that if R, then P, as if Q (Blackburn, 2005, pp. 102–103).

Closer to psychology, a dominant theory that complements either dispensationalist or instrumentalist outlooks on belief is functionalism. This is the idea that belief manifests in behavior, but is a mental state with potentially causal relations to other sensory simulations or actions (Schwitzgebel, 2006). Here, I wish to push back against the skeptic.

If scholars like Needham are right that talk of belief is mere folk ascription, then whatever an ascriber took to be the case would result only in descriptions and the alleged believer would, in fact, be following relative social norms. However, placebos – which involve the positive belief about a harmless medicine or procedure – influence deep circuitry for reward-prediction-error learning, including dopaminergic pathways and activity in the ventral striatum; brain errors that are vital to learning and decision-making (Gu et al., 2015; as cited in Porot & Mandelbaum, 2021, p. 2). In view of these effects, belief is both critical for third-person explanations of other people's actions and first-person engagement in an environment surfacing from deep brain activity.

Although several psychological theories would benefit human rights research (e.g., memory and belief inconsistency, see Bendaña & Mandelbaum, 2021; the role of belief in one's psychological immune system, see Quilty-Dunn, 2020; and Bayesian updating of beliefs, see Porot & Mandelbaum, 2021), no other theory is as conceivably important as theory of mind (ToM). Besides accounting for a spectrum of behavioral repertoires and the main diagnostic cause of autism (Baron-Cohen, 1997), ToM is the foundational human ability to predict and interpret others for social interaction (Barrett, 2020, p. 626). Critically, beliefs stemming from ToM are not equal when it comes to inferring details about other minds. For instance, factual beliefs about the self and others function to guide behavior with primary attitudes, while religious beliefs about supernatural minds involve secondary attitudes that resemble imaginings in context-sensitive settings (Van Leeuwen, 2017). Thus, related questions could be asked about belief in human rights: what is the nature of such beliefs, how do they vary across cultures, and how they influence behavior?

Answering these questions requires insights from cognitive science as well, where important discoveries include belief coherence (Thagard, 2000) and belief prediction error (Connors & Halligan, 2015). For human rights scholars, an important finding is the function of belief. According to cognitive scientists Connors and Halligan (2015), beliefs impart coherent and consistent representations of the self and the world as well as explanatory mental schemas for processing information, but they also calibrate lower-level modular systems such as attention, perception, memory, and language. Beliefs, then, yield an interpretive lens for predicting and making sense of experiences, and thus what anthropological functionalists, such as Malinowski (1961), have long suggested: a sense of community and security.

Relatedly, cognitive scientists have identified how beliefs are formed. After a sensory perturbation, the mind enacts a search for meaning by

drawing from memory and culturally shared representations, providing a working mental account of experienced phenomena (e.g., Sperber, 2009). The mind then engages in evaluation, where competing mental precursors, such as former and developing beliefs, interact and heuristics and motivational factors, such as emotions, influence the criteria and scrutiny for evaluating new, proto beliefs (Connors & Halligan, 2015, pp. 9–10). Finally, there is the consequence of holding a belief such as (re)configuring memories, perceptions and actions, and motivating behaviors (p. 10).

Based on these findings, we might ask how human rights scholars can study beliefs. A field that provides applicable theories and methods at the intersection of cognitive science and the social sciences is cognitive anthropology. From its investigation of folk systems in the 1950s to its current focus on the distribution of cultural models, the paradigm has been schema theory (D'Andrade, 1995). The main idea here is that much of cognition operates on schemas, or units of knowledge, such as mental scripts, maps, or archetypes, that are shared in a community and represented, theoretically speaking, as neural networks in the brain. Whether that representation is literally true, schemas are critical for guiding attention and learning new information, insofar as recent studies of schemas show that people are more likely to remember and, consequently, attain knowledge that coheres with already acquired schemas (e.g., Kentridge & Heywood, 2000). Correspondingly, schemas can be adaptive in helping individuals coordinate with others, which is critical in new or rapidly changing environments such as those in moments of transitional justice (e.g., Kalyuga, 2006).

To investigate schemas, cognitive anthropologists use a research method known as cultural consensus analysis, and it lends itself almost perfectly to the problem of overlapping consensus. As a replicable method, cultural consensus measures and quantifies agreed-upon propositions or response-patterns to a particular domain of knowledge that can be extrapolated as schemas. For example, aggregate pooling or data fusion of culturally appropriate answers to questions using factor analysis (e.g., Matthias, 2015) is now a widely used method for cross-cultural cognitive science. A partial extension thereof is cultural epidemiology, which examines how widespread a cultural consensus, and thus a schema, is (e.g., Atran, 2002). These methods are appropriate for determining the degree to which cultures share schemas and likewise an overlapping consensus in beliefs about human rights.

Evolutionary psychology is similarly useful for investigating these matters. When it comes to belief, a consensus is that it functions along the

dual-processing system of cognition that evolved because it effected an organism's fitness, rather than generating true belief in all circumstances (Barrett, 2005). What this entails is that human rights beliefs may not be truth-fixing per se, but pragmatic outlooks or even mental shortcuts for predicting and coping with an environment. For if the brain is a prediction machine, beliefs in human rights – regardless of veridicality or involving attitudes for factual or supernatural claims – may allow subjects to recognize patterns, reduce complex information, and evaluate information to act efficiently. If so, beliefs may also contribute to organismic homeostasis as much as to collective action, if they provide cognitive equilibrium (Lewis, 2018, pp. 3–4).

These possibilities would say much about the function of human rights beliefs in their environment – for instance, inaccurate beliefs or misbeliefs that do not immediately endanger or inflict costs on individuals may remain unchanged or widely shared nevertheless, because they satisfy psychological or social needs and are energetic to change otherwise (e.g., McKay & Dennett, 2009; Von Hippel & Trivers, 2011). Further, if evolutionary psychologists are correct and the mind is a dual-processing system (Kahneman, 2011) operating on (1) quick, intuitive, automatic, and implicit processes (System 1) and (2) slow, deliberative, reflective, and explicit processes (System 2), then human rights beliefs will involve the following. They will involve both intuitive expectations that guide behavior for maximizing fitness (Cosmides & Tooby, 1992) and reflection driven by social relevance rather than truth (Tooby & Cosmides, 1992).

23.5 Toward a Cross-Cultural Cognitive Science of Belief in Human Rights

The argument, so far developed, postulates that support for human rights, which emerges from local practices that involve ideational variants of various rights claims, are analyzable as beliefs. Moreover, these beliefs include intuitive expectations and reflective attitudes that can be studied using methods from and building upon the transdisciplinary study of belief. Finally, the study of cross-cultural support for human rights has been limited to survey research with mostly college students in a few countries (e.g., McFarland, 2015). In what remains of this chapter, I want to suggest three ways to conceptualize and, by those means, to investigate human rights beliefs.

First, belief in a human rights claim is partially the result of an intuitive sense of justice. This key insight was first made by legal scholar John Mikhail

(2007), who argued that the study of human rights, including the language of key international legal documents, should start from the assumption that rights talk is an extension of moral cognition (p. 57). Pivotal to Mikhail's argument (see also 2012) is the observation that despite moral disagreements, humans can reach a moral consensus through deliberative reflection that taps into our moral intuitions such as Rawls' notion of the original position. The capacity for moral reflection – or an equilibrium such as an overlapping consensus – is rooted in our universal moral grammar (UMG). For Mikhail (2007, 2011), UMG is an evolved mental system driving our intuitive moral judgments about basic social transgressions that would have confronted human ancestors in the evolutionary environment of adaptation (EEA). In this way, UMG is similar to universal grammar (UG) in linguistics, where a presumed innate mental faculty for language organizes linguistic stimuli independently of the subject's reflection, and thereupon generates potential linguistic competence (Mikhail, 2007, p. 145). Moral intuition from UMG, Mikhail hypothesizes, is like language from UG, insofar as both emerge during the normal course of human development and involve a cognitive device that is designed for distinct situations. UMG yields foundational intuitions for moral competence and allows for the acquisition and performance of a particular moral system relative to a culture (see Carchidi, 2020, pp. 68–69).

Provided that human rights claims are moral judgments and widely agreed-upon principles, they must agree with the intuitive processes of UMG (Mikhail, 2011, p. 83). This is a bold suggestion for a number of reasons. For one thing, it challenges an entire literature known as the discourse school in human rights studies (Dembour, 2010, p. 4). In particular, it implies that the core intuitions behind basic human rights claims, such as people should be free from torture, are not entirely relative to the west. It also implies that more complex principles in human rights law that require conscious reflection, such as extensions of basic rights (see Shue, 2020), may nonetheless be a better fit with our innate moral intuitions than many other cultural systems of morality. In short, if human rights are closer to UMG than other systems, it would predict their becoming more attractive than others (which I return to below). Still, these are open questions, to be sure.

Be that as it may, there are reasons to believe that Mikhail's suggestions are true. According to Vincent Charchidi (2020), most people make deontic judgments in moral situations that are formed with few, if any, previous moral experiences or education (which supports the "poverty of stimulus analogy" to UG, see Mikhail, 2007, p. 145). Additionally, human

communities appear to structure claims about moral situations in terms of agents, intentions, and consequences, all of which cohere strongly with law (Dwyer, 2006, as cited in Charchidi, 2020, p. 78). In sum, claims about ensuring human rights and holding agents accountable for their intentions and consequences are beliefs that would result from constraints imposed by UMG.

A second but related proposal is to investigate the interaction of human rights claims and heuristics. Heuristics are decision-making rules that address a narrow range of information in order to reach a preferred decision such as “If information X, then decision Y” (Petersen, 2012, pp. 45–46). Not only are heuristics a distinct type of belief, they are often beneficial if they provide accuracy while saving time and energy for information processing (Lewis, 2018, p. 2). For instance, by learning an effective culturally-specific heuristic, such as a cognitive map (or schema, see D’Andrade, 1995, pp. 141–148), one can compensate for a lack of extensive knowledge and, thus, reduce cognitive load for the task. Yet many heuristics emerge during the course of normal development independently of culture. These adaptive heuristics are themselves representational systems that allow for inferences in situations that would have been recurrent but predictive during human evolution (Petersen, 2015, pp. 56–57; see also Petersen, 2015). To offer a relevant illustration, adaptive political heuristics include beliefs about desert (e.g., people are motivated to help innocent victims and therefore extend aid to persons who have experienced bad luck, rather than those who are seen as lazy); punishment (e.g., individuals are apt at detecting and wanting to punish cheaters); and leadership (e.g., people prefer a strong leader during times of uncertainty).

It seems to me that considering human rights beliefs requires taking stock of political heuristics. For the above studies hint at political leaders and power holders in the international system relying on heuristics when making top-down decisions about human rights (Stolwijk & Vis, 2020). In a similar way, communities making bottom-up claims in regional arms of the international system, or informal claims in their communities, depend largely on cultural and adaptive heuristics. Investigating these at the international or local levels would break new and important ground in human rights studies.

The third research possibility is to identify the causal factors by which the micro effects of individuals – namely, human rights beliefs – scale up to create the macro phenomena of local or international culture. If such culture persists or spreads, it is because of cultural attraction. A cultural attractor is any social item, such as an idea, norm, or artifact, that is

relatively frequent and stable within or across populations over time (Buskell, 2017, p. 164; see also Sperber, 1996). For instance, cultural attractors include the prevalence of supernatural beliefs such as big gods (e.g., Willard & Norenzayan, 2013) or transmitted social traits such as memorial modes of storytelling or communication (Hyafil & Baumard, *in press*). To see how this would help human rights scholars, allow me to step back and explain why cultural attraction is a critical missing piece in bringing together much of what has been discussed in this chapter.

Cultural attractors (CA) have four common factors (see Buskell, 2017). First, they exemplify psychological attraction so far as they have common underlying cognitive or affective processes that enable certain ideas or practices to develop and stick. Second, CAs are brought about by cultural trains of information or public productions, such as behaviors or technologies, that are learned and shared across cultures through parallel patterns, or by cultural diffusion. Third, common motivational factors propel the transmission of social items due to common human experiences. Fourth, the spread of a social item is influenced by ecological factors, such as natural barriers, that can influence the range and transformation of the item, often leading to variants that share a family resemblance.

Given this much, cultural attraction could explain the growth in support for human rights worldwide, especially in communities dealing with injustices or witnessing transformational justice. It could also address Mikhail's suggestion that the idea of human rights may appeal strongly to our shared moral intuitions and likewise have more attraction than some other moral systems. Even so, the transdisciplinary study of belief indicates that belief in human rights beliefs must also involve reflective, deliberative ideas and norms. The social construction thereof will be culturally local tokens of the same cultural type, namely a variable but relative version of human rights influenced by the horizontal transmission of beliefs and the vertical relationship between the local and the international system. Nevertheless, human rights have been, and remain, highly problematic in the international system, including its regional arms and bodies, because at that level international politics imposes limits on the realization of rights. An important implication, then, from cultural attraction theory, is that human rights will never be not static, since they are part of an evolving international system as well as evolving local cultures. Beliefs about rights will therefore change across cultures and transform as evolving social items, and thusly cluster together uniquely in different communities, given prior cultural beliefs and practices. Investigating these variants and their stochastic relationships would be a novel development in human

rights studies. As a final point, there are fewer barriers to learning about human rights today, and how people come to learn and believe certain things about human rights is an equally important area of research.

23.6 Conclusion

Whether support for human rights continues at local levels and whether the international system develops into something truly geared to preventing harms and dealing with grievances remains to be seen. Notwithstanding such developments, investigating human rights beliefs among and across communities would help us understand numerous issues such as the possibility of an overlapping consensus, the nature of moral judgments and political decision-making, and the cultural attraction of rights claims. These issues are ripe for the emerging field of cross-cultural cognitive science (CCCS) and its exploration of interpersonal and moral cognition (for a summary, see Barrett, 2020). What this burgeoning field has discovered thus far is that moral cognition is plastic, cultural learning varies between “tight” and “loose” societies, and morality may not center on intentions in all cultures (Barrett, 2020, pp. 626–628). Examining how cultures vary in their beliefs about human rights and how these relate to the aforementioned topics would not only shed light on important features of cognition for law and activism, but also our understanding of humanity in the current transnational era. CCCS is also fit for human rights studies because the latter, when investigating support for rights claims, has utilized only surveys of college students in industrial societies. Yet CCCS finds that to understand humanity, we must include the beliefs of peoples who are not WEIRD (i.e., western, industrial, educated, and democratic) (Barrett, 2020, p. 620). By drawing from theories and methods from the transdisciplinary study of belief, scientists can investigate human rights as a form of moral cognition and cultural evolution. Likewise, scholars of human rights can gain an understanding of what human rights beliefs mean for different cultures and whether those accord or conflict with the international system, and thus engender or diverge from the long-envisioned culture of universal human rights.

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