

## FINDING A CONSENSUS BETWEEN PHILOSOPHY OF APPLIED AND SOCIAL SCIENCES: A CASE OF BIOLOGY OF HUMAN RIGHTS

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### ABSTRACT

**This paper is an attempt to provide an adequate theoretical framework to understand the biological basis of human rights. We argue that the skepticism about human rights is increasing especially among the most rational, innovative and productive community of intellectuals belonging to the applied sciences. By using examples of embryonic stem cell research, a clash between applied scientists and legal scientists cum human rights activists has been highlighted. After an extensive literature review, this paper concludes that the advances in applied sciences proven by empirical evidence should not be restricted by normative theories and philosophies of the social sciences. If we agree on these premises that Human Rights are biological.**

**cooperation for social and applied scientists.**

**KEY WORDS: Human Rights, Biology of Morality, Stem Cells, Philosophy of Science**

### INTRODUCTION:

We realize this fact that at this stage, our ideas may be not coherent, but we strongly feel the

importance of exploring this area which stands at the junction of applied and social sciences and to look at human rights through the prism of biological, cognitive and behavioral sciences. We are writing this thesis with this cautionary proviso that our goal is not to provide any conclusive argument but to learn by exploring this relatively new domain of legal and political philosophy.

Scientists have reached to that extent where they are trying to find empirical evidence for a Universal Moral Grammar<sup>1</sup> as they have transcribed the whole human genome<sup>2</sup> and found a universal genetic grammar. Human have been spreading their genes through cooperation. Likewise, it is highly possible that ethics have also been spread through a biological or physical force. At least in the case of writing of IJN Declaration of Human Rights,

ation coming from biological factors like emotions. Using applied sciences for explaining ethics or some of the leading concepts of social sciences like Human Rights can help social scientists as well, to tackle the false dichotomies in contemporary legal and political philosophy. Four<sup>3</sup> natural laws of global ethics and law can be formulated based

on factual biological mechanisms – natural laws that have remarkable equivalents in religion and contemporary law.<sup>4</sup>

The idea that social and applied scientists can join hands to explain some of social phenomenon is not new. A number of established fields of knowledge stand at the cross road of social and applied sciences. Academia is becoming multidisciplinary. Cross-sectional, multidisciplinary studies which spread their tentacles on different fields of educations are considered of high quality and preferred by scholastic community. For example: Behavioral biology is a very progressive area of science which studies human nature from evolutionary prospective. It applies principles of biological sciences for the explanation of developmental mechanisms of human behavior. [It connects patterns of “genes through neural activity to brain circuitry and behavior. Behavioral biologists believe that the human brain evolved similarly to human physical characteristics, such as opposable thumbs and walking erect. In other words, the human brain evolved through natural selection “to make decisions that enhance reproductive success.” Likewise, “complex functional human psychological and behavioral traits are the results of adaption through natural selection.”]<sup>5</sup> In short, the evolutionary biologists try to explain human behavior by linking it to psychology and then to neurology and physiology.

In social sciences and even in humanities, there have been historic attempts to find a consensus between soul and body under the heading of dualism. For example, René Descartes did an attempt to give physiological explanations of human behavior. His main idea today referred as Reflex Arc<sup>6</sup> which is a pure biological concept. The underlying philosophy of “Reflex Arc” can

be seen in Descartes work where he mentions that we have some sort of preexisting knowledge and brain is the center of soul and mental processes. His idea that many mental and behavioral phenomena can be understood in terms of purely physical causes<sup>7</sup> lead to many advanced discussions which we are trying to conduct in this thesis.

Edwin Fruehwald in his article has done an extensive literature review to prove that there are empirical evidences showing that rights have not something but everything to do with physical body. He refers to different applied scientists and biologists and wrote: “Biological rights derive from neuro-cognitive universals that transcend cultures. These universals exist because “some designs [evolutionary adaptations] out reproduce others until they become universal in the population . . . .” Behavioral biologists have discovered hundreds of universals. Noam Chomsky has conjectured that there is a “universal grammar,” which underlies all human languages. Professor Raffaele Caterina has declared that “people from different cultures, and scientists, recognize substantially the same discontinuities in nature, demonstrating that classification of living organisms is not just a matter of cultural conventions.” Professor Donald Brown has uncovered hundreds of universals including classification, crying, daily routines, envy, etiquette, facial expressions, jokes, law, leaders, logical notions, play, and social structure. Even art is a universal.”<sup>8</sup> Without any exaggerations, there have been real attempts to find biological bases of law because order in the society was inevitable thus this order was discussed and explored seriously by the social scientists from all dimensions.

Any regulatory mechanism for the society, doesn’t matter law or human rights or cultural

norms have passed through an evolutionary process before being declared as a generally acceptable set of rules for populates. These sets of rules are motivated by the culture, practices and history of the people they direct. Similar to language, law has universals which lie much deeper than just history and culture. Noam Chomsky's attempted to find a universal grammar which has found many empirical evidences lately. His claim that all the human languages conceal with a common biological base that's why we have understanding of each other. We extend this idea to law as well that different types of legal mechanism are supervised by a common biological mechanism which makes it vivid for the persons from different legal bodies to understand if one's rights have been violated or not."<sup>9</sup>

Behavioral biologists claim, and this claim doesn't require any evidence because it is common sense that human brain is designed to detect social cheaters. For example, someone's facial expressions, tone of voice, body language and even body temperature can reveal if he is a cheater or not. The lie detection machine also works on this principle that there is a significant change in human's physiology when he tells a lie. The underlying emotions can easily be detected. Similarly, when cheaters cheat, the collective behavior of the society demands these cheaters to be punished. "People even punish cheaters when it is costly to themselves (altruistic punishment) because punishing cheaters promotes cooperation and is a fitness indicator for sexual selection. Further, it might be immoral not to punish cheaters, and the cost of punishment is reduced when undertaken by a group. Moreover, because culture is learned through observation and is passed from generation to generation, punishment becomes a behavioral-cultural norm, thus allowing "the

outcome of punishment to be learned without personal transgression." In addition, punishment and other law help to create trust within the group. In sum, law and punishment help maintain reciprocal altruism within a group when the opportunity for personal interaction is impossible because of the group's size."<sup>10</sup> One reason to base a theory of rights on biology is that it is easier to adopt a positive natural trait than to repress it since it is part of the human behavioral system."<sup>11</sup>

Looking at the evolution of human rights through the perspective of any filed of knowledge, we can see that human rights are a product of a culturally particular social construction<sup>12</sup>. Social construction of a particular culture can be the only explanation of the origin of the human rights. Human Rights can be natural, divine or metaphysical if they are not an evolved social construction. Human Rights in particular, and morality in general is of divine origin is a long historic unending discussion among normative philosophers and theologians. Some scientific like theoretical physicists have given metaphysical explanations of some of the social phenomenon. But the idea to find the origin of human rights in nature can be supported by empirical evidences. If we consider that human rights are social construction of a particular culture, then many other cultures could reject them being foreign. There is a need to find a local normative validity of the human rights<sup>13</sup>, so they must be adopted and respected. Moreover, a general local normative validity of human rights will ensure their universality as well. Benjamin Gregg developed a cognitive approach to any local culture and this cognitive approach distinguishes them from the normative one. The benefit of this cognitive approach is that it

allows advancement of human rights as rights internal<sup>14</sup> to any given community's culture.

Morality or Law and consciousness about Human Rights are some of feelings which are specific to the homo sapiens. These Feeling are natural and innate in their existence. Morality is pure receptive and part of human construction. The maturity of these feelings requires evolution, upbringing and experiences of the events from the outer world. The feeling about human rights is innate (in Kantian Terms<sup>15</sup>) and Natural (in Religious Terms). Human Rights have been developed through the same process of evolution and appreciation as some of the other innate human feelings like language and aesthetics. Morality was inborn which developed into an advanced form of human rights. An analogy can be the appreciation of aesthetic and beauty. The parameters of beauty were different centuries ago and today they are different. Likewise, the feeling of good and bad is biological and can be felt which became more sophisticated in the form of human rights. In simple words, the appreciation of morality is innate whereas the conceptualization of human rights is the product of linguistics and social evolution. Until, we hadn't had human rights in language, the meaning of morality was not completely perceivable for human, but it knew that there is something wrong with its moral code. Morality is sensory thus biological whereas it is being expressed through law and human rights which are the product of the evolution of human's society.

Hugh Gibbons and attorney Nicholas Skinner wrote a paper with the title "The Biological Basis of Human Rights"<sup>16</sup>. They argued that the idea of justice and morality is found in all the social structures and thus it is universal. The provided a theoretical prove for our case that human rights are biological and also tried to

explain the evolutionary process of human perception of human rights starting from the biological brain. They named their theory as the "Theory of Biological Jurisprudence"<sup>17</sup> to describe that how human rights emerges from human biology. Their first argument is same as of Descartes. "I think, therefore I am."<sup>18</sup>. They say that the brain causes mind. Our biological brain converts into a conscious mind which provides us a legal status. Death is a legal phenomenon which is related to the consciousness of human brain because our brain is the scientific basis of our mind which causes an impact on our world. Next, they said, "Mind Causes Wills". Which means that mind demands changes in the world. Mind imagines and then wants those imaginations to be converted into reality. These wills cause undertakings and undertakings causes risks. Risks cause duties and duties cause rights and these rights cause law.

In the conclusion<sup>19</sup> they say that human rights didn't emerge as a result of constitutional amendments, advocacies or what law experts or theologians said about them. Human Rights emerged as a result of our actions. Our actions are the product of our minds. Minds which are conscious and that mind which causes actions under consciousness. This experience of causation is called as will. This consciousness is biological because it is the outcome of certain biological phenomenon taking place in our brains. Will is a conscious state thus it is biological as well. Our wills are sources of undertakings and these undertakings causes risks through the experiences of undertakings. Risks and undertakings causes duty towards others as we cannot fulfil our wills all alone in a social structure. These duties create rights towards others. If we will not fulfil our rights, we will be committing a wrong deed which is

not accepted by our legal systems. This is the biological basis of legal wrong. That is the step by step emergence of human rights from our biological self.

These biology-based laws offer several advantages<sup>20</sup>. For example, there is no need to create new rules and law beforehand if we know that what actor wanted to undertake and what were the risks? What he did about them and what was enough etc. The second advantage of biological based human rights can be seen in this age of informational technology and applied sciences advancements. A person from a nationality A is disturbed by a person B of another nationality through internet. There might be some legal complexities, but biology-based ricks are specie-wide, thus they are more seriously tackled under the foreword of human rights. Third, the enforcement of biology-based rights is highly decentralized. Just because of biology we can ignore the legal complexities of related to national interest and policies. Fourth, biology-based law is formative; it shapes and develops the individual's sense of responsibility, leading to responsible behavior in the future. Besides the weaknesses in the enforcement of law, the biological basis of rights can help the legal system to make quick and relevant decisions in positive law.

For our own ease, we simplify the above details is the following words. "Aggression is proven to be biological and genetic engineers have discovered the gene of aggressions.<sup>21</sup> Whereas morality is a complex process. For this, we need to identify a cluster of genes responsible for our moral behavior. Scientists are agreed that morality is biological<sup>22</sup> which triggers from our brain and encode itself in our cognition. This cognition can be seen into our behavior. Our behavior demands a social contract. This social contract demands perfection and smooth flow of the governance through legal, cultural or

political orders (laws and human rights). Any disturbance in these orders disturbs not only the greater layer of social contract but underlying smaller layers of behavior, cognition and biology as well."<sup>23</sup>

Human Biology is an active force in the production of Human Rights. Our approach is to prove the same point but by using the top down approach. From Skepticism to the origin of the human rights. If we do the reverse engineering of biological basis of morality, law and human rights, we can find an argument emerging in the favor of our case. Skepticism about morality, law and human rights can explain their origin as well because they provide an opportunity to investigate them in their full flagged form. For example: if we want to understand something better, we can become skeptic about it so that we can criticize and try to find loopholes in it. One thing is for sure that skepticism about something cannot be rational because emotions are unavoidable in the process of being skeptic. Whereas, skepticism itself is a biological process because its triggering components are purely of psychological nature. Thus, we claim that the explanation of something by defending its case against skeptics is not rational approach. If someone says that someone is skeptic about human rights, that's why we need to defend their case. But before defending, one needs to prove that he can justify human rights by defending them against skeptics. We argue that, first we must agree on this premise that arguing against skepticism is the best methodological approach to defend the legitimacy of human rights. If so, then we need to investigate this methodology (arguing against skepticism to defend human rights) as well. For example: If someone is skeptic about human rights which (Skepticism) is a biological mechanism, the same biological mechanism should be used in

understanding of human rights. Rational approach in this case would be, "If we accept that human rights have biological basis. And Skepticism has biological basis. Thus, there is a need to find a consensus between human rights and skepticism to justify their biological basis. If we don't believe in these premises that human rights have biological basis, we cannot use skepticism to justify the case of human rights which is a biological concept." So, we will see skepticism as a psychological concept and biological skepticism on human right separately. From a cognitive point of view, the concept of human rights contemplates study of its mental structures which include stereotypes and standard representations of the world of law noted for stability of structures, images and emotions: a cognitive approach focuses on a special role of a human factor in cognitive and verbal-thinking processes.<sup>24</sup> Likewise, just opposite to it, if a concept is fully developed, we can become skeptic about it to better understand it. We can use same sorts of images, emotions, human factors and verbal thinking processes to criticize a concept for its better understanding. It has been experienced that the study of biology has been used to understand the functioning of human body and the study of psychology is often associated with the cognition and development of human brain. In the following chapters, we have conducted an investigation about human rights and their biological origin by being skeptic about them. We have tried to demonstrate the articulation of biological concept into human rights discourse and futuristic approach towards skepticism about human rights. The purpose is not to prove that human rights are a useless effort at all but to highlight some of the difficulties and challenges for the modern rational scientific world. We claim that in order to sustain human rights, we need to take applied scientists in confidence and

it wouldn't be possible without spreading the tentacles of human rights discourse on applied sciences. We need to talk in the terminologies and scientific Jorgen used by applied scientists to overcome their reservations and convince them about the pragmatic importance of human rights. Moreover, human rights are a significant mile stone in the history of social sciences and they are still progressing whereas applied scientists have also achieved many significant mile stones in the last century. For social scientists, it is very importance to take in confidence these applied scientists, so they may have sympathy towards the emotions of social scientist and social scientist could get appreciation from the most rational community which are applied scientists.

In the following pages, we have discussed in detail about Human Rights Skepticism and skepticism emerging from social science community. We have shed a light on the work of two social scientists to highlight, "How they pursue skepticism and categories it and how they tackle this skepticism?" In the next portion of chapter second, we have investigated one case from the applied sciences. The first case is about "Stem Cell Research" and how human rights activists are creating a hurdle for applied scientists in the area of genetic engineering. Genetic engineers want to conduct more research by using stem cells whereas legal and social philosophers are creating a hurdle for them while making an argument that it is against the human dignity.

### **BACKGROUND OF OUR CASE**

Our clear case revolves around this argument that without recognizing biological bases of human rights, we will always remain skeptic about them. Whereas human rights defenders refer to skepticism and recognize that it exists. This Skepticism is purely a psychological concept and that's why a biological concept

which functions at individual level. To be skeptic about things is a part of human nature. It is not something which emerges when human meet with other humans or in more formal words, skepticism is not which originates because of social contract. Skepticism is the outcome of Individual analysis of the events by everyone separately. That is the reason that some humans in the group are skeptic about something and others are not. It is impossible to address skepticism without addressing the other demands of human nature.

Besides this fact that Human Rights have got an unquestionable position as a notion in political and legal discourses, why we don't have a gut feeling that human rights have something intrinsic in them? Usually this is considered as a skeptic position towards human rights. Even for some progressive social scholars human rights are just a political jargon or linguistic acrobatics. Social scientists have done criticism on human rights from different dimensions, but the magnitude of human rights have reached to that extent that the criticism on human rights is often considered as non-serious, irrational rightist scholarship. Philosophically speaking, human rights are used as a reference to "realism" because of their reputation of being as an undoubted reality.

We stand with the line of scholars who believe in the pragmatic importance of human rights. Especially in those contexts where there was no moral code present before the introduction of human rights. Moreover, no one can deny the importance of human rights in their articulation in international human rights regimes and to maintain a globalized rule of law. By refereeing to this pragmatic importance of human rights, we are not justifying the metaphysical importance of human rights. In our thesis we will not discuss and evaluate the ontological and epistemological critics on human rights, but we

will use some philosophical terms as a reference to make certain point clear.

Scholastic studies of Human Rights skepticism have not been elaborated as compared to the counter skeptic studies. The main idea behind human rights skepticism studies is to answer the questions of skeptics but not to evaluate the grounds of their claims. In addition to that, the current counter skeptic studies cannot be projected in the future as their arguments are grounded into philosophy and encircle around the "sources of law" debate.

### **STEM CELL RESEARCH AND HUMAN RIGHTS SKEPTICISM**

Discovery of stem cells is the biggest scientific breakthrough of medical science. A single cell which has capability to convert into any other cell of any part of the body and then can further divide itself. Stem cells are a hope to treat many diseases including complex diseases like cancers and inherit diseases like congenital heart diseases. The treatment by using stem cells is referred as Stem-Cell Therapy. One of the wide spread method of treatment by stem cells is Bone Marrow Transplant. On one hand, stem cells have astonished the scientists, on the other hand, stem cell therapy has raised some controversies. Stem cell controversy has evolved when scientists started isolating and multiplying the embryonic stem cells to create stem cells using somatic cell nuclear transfer<sup>25</sup> and to create induced pluripotent stem cells<sup>26</sup>. This controversy of using stem cells in genetic engineering has led to many discussions in abortion politics and raised many questions on human cloning. From legal point of view, many biotechnological inventions were using human embryos to produce stem cells to be used for medical purposes. Number of companies and scientists had applied for the patents of inventions related to human embryos. The EU

parliament issued a directive to regulate the patents of biotechnological products<sup>27</sup>. A leading German scientist who specialized in stem cell research filed a case in European Court of Justice to get a patent for the invention made by using human embryo for the purpose of scientific research.<sup>28</sup> The court decision was to halt the patent process as it was considered against the dignity of human. Court decision didn't prevent scientist to stop their experiments on human embryos, but it stopped the patent of such invention which are a result of damage to the human embryo. If a scientist cannot patent his invention, he cannot produce his invention for commercial purposes. The use of human embryos for therapeutic or diagnostic purposes which are applied to the human embryo and are useful to it is patentable, but their use for purposes of scientific research is not patentable. The European court of justice' decision prohibited the process which involves removal of a stem cell from a human embryo at the blastocyst stage, entailing the destruction of that embryo, cannot be patented.<sup>29</sup>

Although such questions have long been discussed in under the heading of bioethics, but it was the first time, when European court of justice applied the concept of human dignity to the human embryo. The court took a step ahead and discussed the legal and more specifically the moral dimensions of stem cell research related to the human embryos. European court defined took the human dignity as intrinsic value regardless of its attachment with the persons concern. The grand chambers judgement took a stand in the favor of human dignity and gives two important clues. First, the human embryo projects the human dignity. Secondly, the human embryos which has dignity, cannot be destroyed for the purpose of scientific research. Now at this point, many legal scientists raised

the question and wrote commentaries on this decision. One of the most important argument against the decision is that this decision was motivated by the social conservative morality. The EU court should provide a room for the concerns of the person involved and shouldn't grant independent dignified status to the human embryo regardless of this fact that this embryo belongs to someone.<sup>30</sup> There is huge possibility that the destruction of human embryo for the purpose of scientific research can cure many diseases in general and can provide treatments to the disease of the person involved.

Stem cell are cells of human which are undifferentiated which means that they can from any type of body cells and can convert into any type of human tissues. Like human at embryonic stage is composed of stem cells which later form the whole human body which is composed of different types of cells and tissues. The ability of stem cells to be undifferentiated give them an upper hand over other cells to be used in crafting in genetic engineering and thus to cure a number of diseases which cannot be cured by other conventional methods of treatment. Moreover, it is recommended that a fatal disease should be cured as soon as it is diagnosed at early stages in order to stop its spread to the other parts of body or to harm furthermore to the organ in which it is present. The early stage of a disease can be cured by suing stem cells. As a result, the stem cell and the related techniques and tricks used by genetic engineers to facilitate the medical science are considered as cutting-edge technologies. It is important to know that the stem cell research involves adult stem cells as well. The branch of genetic engineering which uses embryonic stem cells is more controversial as compared to the branch which deals with adult stem cells. As opposite to the embryonic



stem cells<sup>31</sup> which are already differentiated, the adult stem cell goes into a de-differentiation process before being used. The embryonic cell can be directed directly. In this process, scientists only manipulate the chemical culture in which the embryonic cells are grown or directly alter the genetic content of the cells. This is the heart of main ethical debate that if it morally right to destroy a human embryo for using it in medical treatment?<sup>32</sup>

The conservative position which is supported by legal scientists and implemented by different courts including European court of justice is that the destruction of human embryo, regardless of its benefits in advancement of medical science should be prohibited. Whereas liberal position is that the cluster of cells from which stem cells are extracted cannot be magnified to the extent of full human in dignity. The benefits of such experiments exceed to the moral stigmas attached to stem cell destruction. The embryonic stem cell is not entitle to benefits of having human rights as a full human is. That is the reason that Bush administration scrutinized the funding to research involving stem cells where as President Obama revoked the funding and gave go-ahead through an executive order to scientists.<sup>33</sup>

Opponents of embryonic stem cell research which include some of scientists as well take the position that we cannot undermine the dignity of human life just because of the other life. The benefit of stem cells in research cannot exceed to the extent where we can allow to kill another life in the form of human embryo. Here this argument become the classic debate related to abortion. That human embryo has same characteristics as of human itself, so abortion is not allowed. In the case of stem cell destruction, conservative take the same position and make the same claim that the stem cell at the

blastocyst stage possess same characteristics as of human, therefore destruction of such embryo is just equal to killing a human. A more moderate conservative position is that the people opposing stem cell research don't oppose all sorts of stem cell research, but they oppose only those type of researches which lead to the destruction of human embryo. Their claim comes from the fact that, at present, stem cell involving human embryos is at initial stages and genetic engineers and medical scientists are unable to quote a successful case where a patient was recovered by using embryonic stem cells. Thus, opponents claim that the production and then destruction of human embryo at any stage violates the fundamental human rights granted to all the humanity.<sup>34</sup>

The legal dimension of the controversy revolves around the domination of one right over the other. Conservative side consider that the unborn embryo has same rights as of a living human. By using stem cell into research, we need to manipulate the cell and thus we are violating the right of life of this unborn. The liberal side argues that each person has a right to live a healthy life. This healthy life included cure from the diseases. If a person requires stem cell therapy in order to practice its right to health, he can compromise on the right of life on an unborn cluster of cells. The right of life of unborn comes in contest with right to health of an adult in the legal arena.<sup>35</sup>

We are not concerned with the ethical debate related to the protection of embryo as well as the ethics of stem cell engineering is not our matter of concern. We are concerned about the human rights protection of human and the question, which things qualifies as a human and which don't. We will talk about the legal status of human embryo. Like there is no definition of child and who qualifies as a child is open to legal

interpretation and depends on the contexts. Similarly, it is ambiguous that what qualifies as right to life and what are the criteria to consider something as living. The human rights and legal regimes took the safe side and decided to give legal protection to human embryo in order to avoid its abuses by medical scientists and genetic engineers. A legal status of something ensures its existence in legal terms and provides protection. Different legal and human rights regimes like European Union and United Nations have given various recommendations and even crafted declarations to provide protection to the unborn and minimizing the misuse of genetic engineering and biotechnology. Recommendations of the European Council regarding the protection of the fetus and prevention of the abusive use of the genetical manipulation, as well as The Convention for the human rights and the biomedicine are some of the examples of these legal instruments. The final stance of the legal scientists and most of the human rights activists in this particular case of human embryo is that they give the credit to the human embryo of being as human. They consider that the embryo has full potential to be a full human at later stages, thus, it should be enjoying same rights as of a full human including the right of life. During the gestation period, the embryo is part of another body, more precisely part of the mother`s body. Therefore, it does not have a legal personality distinct from the mother`s, although in some of the situations the law acknowledges some of its rights. At present, there is no unitary position towards the legal status of the embryo, an elaboration of provisions that are precise and with real legal force being necessary. But one thing is clear that the law sides with the right to life and the whole area of dealing with human embryo is controversial.<sup>36</sup>

It is very important to mention a real scenario to illustrate the legal side of dealing with human embryo. A married couple which was not able to bear a baby by all-natural means, they decided to take the advantage of science. They produced three test-tube embryos through the process called as in vitro fertilization in which the egg and sperm taken from male and female are fertilized outside of the woman`s body. When one of these embryos are introduced in the woman`s body, it failed, and the woman could bear a child again. They decided to freeze two other embryos for future. Soon after this, both husband and wife got killed in a plan crash. The legal questions raised. Weather these two embryos have right to life or they can be destroyed? Do these embryos have human rights or not? Should they be implanted to another woman and brought to life or they are useless now? If they are born, then who will take the responsibility as their legal parents? And if they have inheritance rights.<sup>37</sup> These are some of the questions where human rights activists have a stance which is different from the legal scientists and both of these opinions are different from the medical scientists.

By above discussion, we want to make certain claim. First, it is wrong assumption that as science is progressing, human rights are dominating. We have seen that in the above-mentioned cases that the human rights are becoming more controversial. Human rights activists advocate for the abortion and consider it a matter of personal choice but on the other hand, they consider that there is a right to life of unborn which should be protected particularly in the case of human embryo transplant and stem cell therapy. We would say that it is wrong to consider that human rights progress has something to do with the progress in science. They can come in front of each other and can take defensive positions.

Secondly, medical scientists which are considered as the most rational people and they believe in the evidence-based learning and inventions. These are the people which are an authority on stem cells research. They can see the benefits of stem cell therapy not only by their own eyes but can provide scientific evidences in favor of benefits of stem cell therapy. Human rights activists consider it a very dangerous topic. They want it to be stopped because they have some moral concerns about the progress in this area of medicine. They consider that the destruction of human embryo is the destruction of human and the clear violation of right to life. Not only the human rights violation but it is legal violation as well. Human rights position is that the stem cells therapy is more beneficial to the rich people and poor people cannot afford it. Thus, rich people are exploiting the human embryo on the name of medical research. It is also a violation of right of equality when whole population cannot get benefit of some scientific research and this research is limited to a specific group of people. "The human rights stance is that the development of technology and knowledge as it is, embryonic stem cells are not even likely to be used at all, as there have been no successful clinical studies with embryonic stem cell treatments, and the development of induced pluripotent stem cells addresses the problem of limited differentiation. In order to prevent the moral degradation into taboos like cloning, we need to give up on embryonic stem cell research."<sup>38</sup>

Such position of human rights activists and the law made by legal regimes to protect the human embryo and to restrict the medical research, makes the scientists more skeptic about human rights. They feel that their work has greater magnitude in the long run and they are serving the humanity. They have instruments of applied sciences and they can see the results in the labs,

but these human rights and legal scholars are creating hurdles for them. They are limiting their scope of research and are not to direct them as per their desires which are not backed by any applied scientific method. Medical scientists position about human rights is more skeptic than anyone else who has some ideological differences with human rights activists. Because scientists have empirical evidences and human rights activists have emotional arguments.

The advancement in medical sciences and the applied science in general is also concerned about the ethics of research. Each scientist is aware of the ethical issues attached to his research. Moreover, there are some areas of applied research which are generally being considered as unethical. These include the use of chemical and biological weapons and using some elements (Uranium) for creating destructive materials and instruments. But there are some other areas with which the future of humanity is attached, and scientists have real hope from them. One of these areas are stem cell research. At this point when stem cell research is at its beginning, scientists require a free hand in experimenting in their labs because they have surety of its success. The human rights and legal regimes are creating hurdles for them without any evidence. This position of human rights activists is making applied scientists more skeptic about the human rights in general. In future, the scientists which are the most rational people of our society with real inventions on their credits can be the biggest opposer of human rights and scientists are trying to progress but human rights are pulling their legs.

## CONCLUSION

In our conclusion, we demand that there is need to define "human body" by social scientists to prove its sanctity. Moreover, if we have a biological framework of cooperation, then we

don't need an international one or at least put in a way that this international framework is biblical. Even international framework demands cooperation and negotiations which is basically a call to stimuli the biological traits of humans. (It is our nature that we prefer negotiations). The whole peace building process and conflict resolution mechanism at some stage demand for negotiations in which they make people realize the importance of peacemaking and living in cooperation. At biological level, there is a social contract between atomic and sub atomic particles and inside cell. The rebellion cells are encountered by leucocytes and sometimes they become cancerous. Between these lines, there a possibility of a fruitful discussion about the biological, cognitive and behavioral science foundation of Human Rights which cannot be ignored and can be very helpful for applied and social scientist to understand each other.

Human Rights are significant for the mankind whereas the pragmatic importance of advancement in applied sciences can also not be neglected. To find the origin of Human Rights in biology will bring enormous benefits as well as appreciation from the scientific community. The current human rights debates and documents being produced as a result of these debates are creating hurdles for the progressive scientific world. When it comes to genetic engineering or humanoid robotics, we can observe a clear defensive position of human rights activists against applied scientists. There is a need to find a consensus between social and applied scientists at least at the junction where human rights and biology meet. These advances in applied sciences proven by empirical evidences should not be restricted by normative theories and philosophies of the social scientists who often take part in drafting of the legal documents such as UN Declarations. The innovation in applied sciences demand a progressive, liberal and democratic approach

towards them, with an accommodating attitude from the side of legal scientists and human rights activists. Especially when considering to propose, draft and adaptation of a human rights document in the form of declaration, specialists of the field should be consulted and take into confidence.

## BIBLIOGRAPHY

- 1) Alison Brysk, (2017), "21st Century Global Dynamics, The Future of Human Rights". Accessed at <http://www.21global.ucsb.edu/global-e/january-2017/future-human-rights>
- 2) Ariel Conn, (2017), "Podcast: Law and Ethics of Artificial Intelligence", Accessed at <https://futureoflife.org/2017/03/31/podcast-law-ethics-artificial-intelligence/>
- 3) Benjamin Gregg, (2010), "Deploying Cognitive Sociology to Advance Human Rights". *Comparative Sociology* 9, Pages 279-307
- 4) DIRECTIVE 98/44/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 6 July 1998 on the legal protection of biotechnological inventions.
- 5) David Margolick, (1984), "Legal Rights of Embryos", Accessed at <https://www.nytimes.com/1984/06/27/us/legal-rights-of-embryos.html>
- 6) Daniel J. Taylor, (2014), "Evolution of the Social Contract", PhD Thesis Submitted to University of Bath, Accessed at [www.cs.bath.ac.uk/~jjb/ftp/Taylor-PhD.pdf](http://www.cs.bath.ac.uk/~jjb/ftp/Taylor-PhD.pdf)
- 7) Edwin Fruehwald, (2009), "A Biological Basis of Rights." *Southern California Interdisciplinary Law Journal* [Vol. 19], Page 198, Accessed at <https://gould.usc.edu/why/students/orgs/ilj/assets/docs/19-2%20Fruehwald.pdf>

- 8) Gommer, H. (2014). "Biological Foundations of Global Ethics and Law". Archives for Philosophy of Law and Social Philosophy, 100(2), 151-175.
- 9) Hugh Gibbons and Nicholas Skinner, (2004), "The Biological Basis of Human Rights". Public Interest Law Journal, Accessed at <http://biologyoflaw.org/Downloads/BiologicalBasisOfHumanRights.pdf>
- 10) Harold J. Laski, (1940), "The Rights of Man, London: Macmillan", (First Edition) [Macmillan War Pamphlets 8] Summary Accessed at <https://gutenberg.ca/ebooks/laski-rights/laski-rights-00-h.html>
- 11) International Encyclopedia of Philosophy, "Michel Foucault: Feminism", Accessed at <https://www.iep.utm.edu/foucfem/>
- 12) John Locke, (1690), "A Essay Concerning the true original, extent, and end of Civil Government", Converted to HTML by James A. Donald. <http://jim.com/2ndtreat.htm>
- 13) John Mikhail, (2006), "Universal moral grammar: theory, evidence and the future. Trends in Cognitive Sciences". Volume 11, Issue 4, April 2007, Pages 143-152
- 14) JUDGMENT OF THE COURT (Grand Chamber), 18 October 2011. Accessed at <http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d2dc30ddadf1bd00435f45ebb0cdf70aff3f0957.e34KaxiLc3qMb40Rch0SaxyNch10?text=&docid=111402&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=521180>
- 15) Judgement of the Court in case Oliver Brüstle v Greenpeace e.V., 18 October 2011, C-34/10. Accessed at <https://www.ieb-eib.org/en/document/judgment-in-case-oliver-brustle-v-greenpeace-ev-embryo-research-271.html>
- 16) Li, J; Liu, X; Wang, H; Zhang, S; Liu, F; Wang, X; Wang, Y (2009). "Human embryos derived by somatic cell nuclear transfer using an alternative enucleation approach". Cloning and Stem Cells. 11: 39-50. doi:10.1089/clo.2008.0041. PMID 19196043.
- 17) New EU Parliament, "Robots: Legal Affairs Committee calls for EU-wide rules", Accessed at <http://www.europarl.europa.eu/news/en/press-room/20170110IPR57613/robots-legal-affairs-committee-calls-for-eu-wide-rules>
- 18) Orya Maqbool Jan, (2015), "Hijab And Corporate Morality". Translation Accessed at <https://defence.pk/pdf/threads/hijab-and-corporate-morality-orya-maqbool-jan.369746/>
- 19) René Descartes, Accessed at <http://users.ipfw.edu/abbott/314/descarte.html>
- 20) Rebecca, (2013), "Defining a Life: The Ethical Questions of Embryonic Stem Cell Research". (Revised), Accessed at <https://my.vanderbilt.edu/almosthuman/2013/04/defining-a-life-the-ethical-questions-of-embryonic-stem-cell-research/>
- 21) Schadt, E. E., Edwards, S. W., GuhaThakurta, D., Holder, D., Ying, L., Svetnik, V., Shoemaker, D. D. (2004). "A comprehensive transcript index of the human genome generated using microarrays and computational approaches". Genome Biology, 5(10), R73. <http://doi.org/10.1186/gb-2004-5-10-r73>
- 22) Shemtob, Z. (2010), "Human Rights and Wrongs: A Critical Overview of Contemporary Human Rights Skepticism." Critical Criminology Common Sessions, Hamburg, Germany.
- 23) SHERYL GAY STOLBERG, (2009), "The New York Times, Obama Lifts Bush's Strict Limits on Stem Cell Research", Accessed at <https://www.nytimes.com/2009/03/10/us/politics/10stem.html>

- 24) Takahashi, K; Yamanaka, S (2006). "Induction of pluripotent stem cells from mouse embryonic and adult fibroblast cultures by defined factors". *Cell*. 126 (4): 663–76
- 25) T A Faunce, (2005), Will international human rights subsume medical ethics? Intersections in the UNESCO Universal Bioethics Declaration, *Global Medical Ethics*, *J Med Ethics* 2005;31:173–178. doi: 10.1136/jme.2004.006502
- 26) The Economic Times, "Scientists develop humanlike biological robots", Accessed at <https://economictimes.indiatimes.com/news/science/scientists-develop-humanlike-biological-robots/articleshow/57248848.cms>
- 27) The Guardian, "Ganges and Yamuna rivers granted same legal rights as human beings", Accessed at <https://www.theguardian.com/world/2017/mar/21/ganges-and-yamuna-rivers-granted-same-legal-rights-as-human-beings>
- 28) Thomas Hobbes, *Leviathan: The Matter, Forme, & Power of a Common-Wealth Ecclesiastical and Civil*, (The Floating Press, 2009).
- 29) Universal Declaration on the Human Genome and Human Rights, (1997), Accessed at [http://portal.unesco.org/en/ev.php-URL\\_ID=13177&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13177&URL_DO=DO_TOPIC&URL_SECTION=201.html)
- 30) UN Declaration on Human Cloning, (2005), Accessed at [https://digitallibrary.un.org/record/541409/files/A\\_C.6\\_59\\_L.27\\_Add.1-EN.pdf](https://digitallibrary.un.org/record/541409/files/A_C.6_59_L.27_Add.1-EN.pdf)
- 31) UN Declaration on Bioethics and Human Rights, (2005), Accessed at [http://portal.unesco.org/en/ev.php-URL\\_ID=31058&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=31058&URL_DO=DO_TOPIC&URL_SECTION=201.html)
- 32) Zerkina N., Kostina N., Pesina S., (2014), "Concept «Human Rights» and its Cognitive, Discursive, Contextual and Historical Characteristics". 2nd Global Conference on Linguistics And Foreign Language Teaching, Linelt-2014, Dubai – United Arab Emirates, December 11 – 13, 2014. Accessed at <https://www.sciencedirect.com/science/article/pii/S1877042815035442>
- 33) Younas, Ammar, Human Rights and Wrongs: Biological Skepticism Towards Human Rights (June 28, 2018). Available at SSRN: <https://ssrn.com/abstract=3205098> or <http://dx.doi.org/10.2139/ssrn.3205098>
- 34) Younas, Ammar, Examining the Social Contract Theory: A Case of Refugee Crisis (March 15, 2017). Available at SSRN: <https://ssrn.com/abstract=3142303> or <http://dx.doi.org/10.2139/ssrn.3142303>
- 35) Younas, Ammar and Younas, Rehan, Sustainability of Artificial Intelligence: Reconciling Human Rights with Legal Rights of Robots (April 26, 2018). Available at SSRN: <https://ssrn.com/abstract=3164535> or <http://dx.doi.org/10.2139/ssrn.3164535>
- 36) Younas, Ammar and Younas, Warda and Mumtaz, Mahrukh, Biological Argument in Favour of Human Rights: A Case of Stem Cell Research (April 10, 2019). Available at SSRN: <https://ssrn.com/abstract=3374155> or <http://dx.doi.org/10.2139/ssrn.3374155>