Trinity College
Trinity College Digital Repository

The Trinity Papers (2011 - present) | Trinity Publications (Newspapers, Yearbooks, Catalogs, etc.)

2022

The Duality of Empathy and Human Rights

Panop Phongpetra
Trinity College, Hartford Connecticut, panop.phongpetra@trincoll.edu

Follow this and additional works at: https://digitalrepository.trincoll.edu/trinitypapers

Recommended Citation
Phongpetra, Panop, "The Duality of Empathy and Human Rights". *The Trinity Papers (2011 - present) (2022)*.
Trinity College Digital Repository, Hartford, CT. https://digitalrepository.trincoll.edu/trinitypapers/113

Trinity College
HARTFORD CONNECTICUT

The Duality of Empathy and Human Rights

Panop Phongpetra

While it is clear that various forms of communication from art to literature to photographs fosters empathy for others and compels humans to identify with and consider others, the exact role such empathy plays in acknowledging, maintaining, and enforcing human rights is highly controversial. Indeed, questions concerning the degree to which the creation of empathy allows us to forgo declarations and the establishment of legal and social norms concerning human rights remain unanswered as scholars and politicians alike argue about the role of sentiment in creating and maintaining change. Although such media certainly has a role to play in creating awareness of human rights and generating social support for policies designed to protect human rights, taken alone it is not a sufficient means of ensuring that human rights are universally accepted; for, without transcultural norms, it is impossible to dictate *how one should feel about such media, to what extent there is universal agreement about what are human rights, and how such feelings should be translated into action.*

One of the key arguments for the use of sentiment as the primary tool for creating and maintaining universal human rights is that all humans have a biological predisposition for empathy (Hunt 2008, 39). While this claim is, for all intents and purposes, true, it is, for several reasons, not strong enough to withstand the assertion that empathy-producing media ought to be the first defense in protecting human rights. The human brain is inclined to many emotions including anger. Further, it is equally predisposed to act kindly as it is to act violently. Such predispositions are not only culturally and socially shaped, thus leading to a variety of actions in different circumstances but are also not explicitly linked to a particular code of moral behavior. In fact, without established norms and/or legal codes concerning human rights, media covering human rights abuses may not engender empathy in two entirely different cultures and even when it does, it may not lead to the same reaction. For example, while in a Western democracy, a narrative or photograph that demonstrates a human rights abuse such as workers

being forced to work for countless hours may lead to raising funds or protesting for those harmed, in other cultures, the lack of moral code equating such work with a violation of human rights would most ostensibly not lead to empathy or action.

Alternatively, while in different cultures a photo or narrative may evoke feelings of empathy, the resulting action may look wholly different. For example, take a video of a woman being violently raped. The video's violence would likely cause feelings of empathy in many people. While in a Western democracy, people would seek justice for what they would perceive as the man's violation of the woman's human rights (the US has internal laws against enacting violence upon women including sexual violence), in many Middle Eastern countries, people would lament the inability of the woman to avoid the situation by following proper moral codes, such as having a male guardian or staying home with family. The two culture's different understanding of proper behavior – the US largely favors an individualized autonomous secular way of life born out of the Enlightenment while the Middle East opts for a religious, collective way of living – would largely affect how the people responded to and acted upon their empathy.

Proponents of sentimental education also note the historical evidence affirming the use of empathy as a successful device for engendering and maintaining change. The new popularity of the novel, specifically the epistolary novel in the 18th century, preceded a growth in awareness and acceptance of human rights. Indeed, "the three greatest novels of psychological identification of the 18th century, namely Richardson's *Pamela* and *Clarissa* and Rousseau's *Julie* were published in the period preceding the appearance of the concept of 'the rights of man'" (Hunt 2008, 39). The process through which these novels raised awareness of human rights and allowed for the development of what Rorty calls a human rights culture was largely unconscious and reliant on readers' identification with characters such as Julie with whom they would likely never identify in real life due to class or national differences. According to Hunt, "what moved [the readers] was their intense identification with the characters" (Hunt 2008, 36). As noted by Alexis de Tocqueville, "human rights could only make sense when valets were viewed as men too" (Hunt 2008, 38). These novels allowed readers to see that everyone was a person with similar inner

thoughts, desires, and aspirations, in the process teaching "readers nothing less than a new psychology and ...lay[ing] the foundations for a new social and political order" (Hunt 2008, 39).

To many of its proponents, the novels' success in changing moral codes was largely dependent on the fact that the changes were unconscious, as "the novel... worked its effect through the process of involvement in the narrative, not through explicit moralizing" (Hunt 2008, 56). They noted that "one feels oneself drawn to the good with an impetuosity one does recognize … and experience[s] a disgust [one] do[es] not know how to explain," a statement which underscores that the visceral nature of people's responses has a longer-lasting and more potent effect than would a conscious reaction to explicit moralizing (Hunt 2008, 56). This idea of the power of an unconscious response stands in line with those supporting a universality to empathy. While examining photographs of war, Virginia Woolf "professes to believe that the shock of such pictures cannot fail to unite people of good will" (Sontag 2003, 8). Yet as aptly answered by Susan Sontag, the question still remains: "Does it?" (Sontag 2003, 8). It could easily be argued that the lack of conscious understanding impedes a rational means of ascertaining a proper behavioral response. In other words, outside of innate responses like fight or flight, most actions taken in response to emotion require reason as the primary means of determining the when, what, and how. Whether, as Woolf notes, seeing such photographs unites people of goodwill at least in spirit, it does not necessarily unite them in action.

Another issue with the idea of the universality of empathy is that empathy does not, in and of itself, necessarily answer difficult moral questions. As demonstrated by Skinner, the reporter knew that by buying a child, she could save a child from a life of slavery and physical and mental torture – clear human rights violations. Despite her empathy for the child, she ultimately decided against paying for the child because she felt it was morally wrong to give money to any slave trader (Skinner 2008, 36). Although in this instance both decisions could be morally justified, the complexity of the decision requires a moral code and not merely empathy to make a choice.

A clear distinction for proponents of the use of sentimental education is that while it is not a means of establishing a moral code, it is a way to develop a human rights culture which is, to them, a longer-lasting and more potent result. To Rorty "the ability to feel pain …[is] the universal basis of morality instead of reason" for a human rights culture makes us "self-conscious" and aware of our actions and allows us to focus on trivializing our small differences, which he finds a more practical way to confront the problems that lead to human rights violations (Hapla 2017, 40). Indeed, history is rife with instances in which emotional rather than logical awareness led to change. When abolitionists sought to overthrow slavery and gain rights for African Americans, they often appealed to the emotional rather than rational thought. For example, according to philosopher Roman Krznaric, who was discussing the situation of slaves in sugar plantations in the Caribbean during the 1780s, the empathy-based political campaign conducted by opponents of slavery was successful in changing the minds of thousands of individuals. By printing "tens of thousands of copies of a poster showing how many slaves could be squeezed onto a slave ship, publish[ing] oral testimonies of violence against slaves, and [getting] former slaves to give public talks about their ordeals," they accessed the empathy of different sections of British society (Krznaric). In combination with other factors, these campaigns played a major role in ending slavery in the Caribbean in 1807 and the eventual abolition of slavery elsewhere. Such examples support the idea that "sentimental education is, therefore [an effective] cultural, historical, and political project aimed at modeling the sensibility of societies and the age" (Hapla 2017, 43). Generations of Americans were moved by stories as disparate as Frederick Douglass to not only act against slavery but also, in later years, seek equality for African Americans in every part of civil and political life.

Yet several flaws exist in this reasoning. The first is that stories have been used by both those supporting and those opposing human rights with equal effectiveness. Historically, Hitler used stories in his book *Mein Kampf* to convince his people of the necessity of exterminating the Jews, a people he saw as the reason for his compatriots' woes. In his autobiographical manifesto, Hitler condemned how "the Jew is not the attacked" but rather the "attacker" who will stop at nothing to bring evil (Hitler 1969).

While photos of war, whose displays of horrific brutality, can engender feelings of empathy, they can also incite violence and hatred. Indeed, such photos were originally used by governments to rally their people around their cause and ensure their devotion to continued violence. As Sontag notes, how the question is framed by the person viewing the photograph largely affects the emotional response. Woolf and the pacifist to whom she was writing both framed their viewing of such photos in terms of their already established disagreement with war and violence. Had the question been, "[h]ow can we best to contribute to the defense of the Spanish Republic against the forces of militarist and clerical fascism?, the photographs might instead have reinforced their belief in the justness of that struggle" (Sontag 2003, 10).

More recently, one can look at North Korea and its treatment of Otto Warmbier, a man who, to almost every American, had his human rights violated by an overzealous and brutal regime. This reaction as evidenced in the Woolf example is largely dependent on *how* Americans frame issues of civil rights as questions of individual rights, including the right against physical violence, trials without representation, and/or freedom of speech. To those in North Korea, however, who have created internal stories about his detention and subsequent medical problems, he was, like any other criminal, a man who chose to break the law and as a result received due punishment. To them, the question should be framed in terms of a different moral code, one largely dependent on obedience to authority as a means of cementing the stability of society.

The effectiveness of stories from both sides underscores the largest problem in the use of stories as the primary means of enforcing human rights. Such stories, while creating empathy, fail to define *what is proper behavior?* And *how should it be encouraged and enforced?* Invoking empathy does not itself tell us what is the moral decision. A real-world example serves to explicate this idea. In the Middle East, a region in which Islam is the dominant religion, the correctness of behavior is largely established by the *Koran*, a book written entirely by God. To those who believe, God's words are law and the purpose of much of their lives on Earth is to ensure their entry to heaven after death. As such, while sentimental storytelling and/or photographs can invoke an emotional response, how one acts upon that response is

predetermined by a moral code established by God. Such a code, especially as dictated by Sharia, can encourage behavior like public whippings and stonings, actions which are largely considered human rights violations in the Western world.

Contrarily, much of Western moral norms are dictated by the ideas established during the Enlightenment. The Enlightenment emphasized "individual autonomy" or the need to think for oneself as the foundation of legitimate political self-governance (Hunt 2008, 60). It moved society away from following religious law and forced individuals to redefine for themselves concepts such as ethics and morality. Yet it simultaneously left a void where the moral codes supplied by the Church had previously acted. While individual autonomy allowed a new form of choice in which individuals could determine what it meant to be human and how we should behave towards each other, it simultaneously threatened societal cohesion. Still, even those such as Thomas Jefferson, whose writings spoke heavily to the importance of empathy in forming a community, “recognized that while empathy opened the path to human rights, it did not ensure that everyone would be able to take that path right away” (Hunt 2008, 68).

Sentimental education undeniably has a place in creating awareness of human rights and encouraging actions. In many of the world's most unjust tragedies such as slavery in the US and torture in the Abu Ghraib prison, the use of stories, photographs, and oral testimony led to real societal change and at least some measurement of justice for the victims. Yet, how the question of human rights is framed remains critical. As evidenced by many people's reactions to the horrors that occur outside of their own regions such as famines caused by civil war in Africa or human rights violations due to authoritarian governments in Asia, empathy can often only extend to those with whom we identify. As Sontag aptly recognizes, photographs and stories about tragedies outside of our zone of identification only serve to "nourish belief in the inevitability of tragedy in the benighted or backward-that is, poor-parts of the world" (Sontag 2003, 56). Without legal codes and declarations, we will remain in a moral abyss, often certain of our sentiments but largely unsure how to act in furtherance of transcultural universal human rights.

Bibliography

Hapla, Martin. “Taking Stories Seriously: Richard Rorty and Human Rights.” *The Argumentation 2017: International Conference on Alternative Methods of Argumentation in Law*, 2017, pp. 39–51.

Hitler, Adolf. “My Struggle.” *Mein Kampf*, Houghton Mifflin, 1969.

Hunt, Lynn. “Torrents of Emotion.” *Inventing Human Rights: A History*, W.W. Norton & Co, 2008.

Krznaric, Roman. “Welcome to the Empathy Wars.” *OpenDemocracy*, https://www.opendemocracy.net/en/transformation/welcome-to-empathy-wars/. Accessed 13 Oct. 2021.

Skinner, Benjamin. “The Riches of the Poor.” *A Crime so Monstrous: Face-to-Face with Modern-Day Slavery*, Free Press, 2008.

Sontag, Susan. “Chapter 1.” *Regarding The Pain of Others*, Picador, 2003.

---. “Chapter 4.” *Regarding The Pain of Others*, Picador, 2003.