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Human Rights

Abdullahi A. An-Na'im

Human rights is not commonly accepted as a field in sociology, despite the clear overlap in subject matter and possibilities of mutual conceptual and methodological influence. In terms of the organization of this volume, for example, freedom from discrimination, as an overarching human rights principle, has obvious implications for fields in sociology ranging from citizenship and national identity to education, stratification and mobility, and health policy. Specific human rights, like freedom of speech and association, are clearly relevant to issues of political participation and labor. Gender, sexuality, children, and race are major themes among human rights scholars. The relationship between the state and civil society is central to the international articulation and national implementation of human rights in all societies around the world, and as such of interest to sociologists. Human rights considerations are also relevant to the mediation of competing claims to economic and social justice, identity, and communal autonomy, in global cross-cultural and comparative terms. These concerns join those of sociologists over such issues as globalization and postcolonial power relations, social movements, development, accountability of transnational corporations for labor relations, and environmental concerns.

To explore possibilities of collaboration and mutual influence between sociologists and human rights scholars, I begin with an overview of the human rights paradigm as the framework for the specification and implementation of rights through national politics and international relations. Since many of the main themes of human rights are commonly known in terms of constitutional or civil rights (subject to the crucial difference indicated later), sociologists might want to consider whether their familiarity with the working of domestic (national) civil rights could enable them to contribute to mediating what I call the paradox of international accountability for the domestic practice of

sovereign states. Mediating that paradox also calls for some understanding of the debate over the universality and cultural/contextual relativity of human rights, discussed in the second section. In the third section of this chapter, I discuss the need for complementary legal and social science approaches to the implementation of human rights as a framework for justice; and provide a brief review of some of the ways in which sociologists have addressed human rights issues.

The Human Rights Paradigm

Human rights, in a generic sense, can be seen as a framework for an adequate response to the profound social concerns of persons and their communities. This primarily procedural sense of human rights is about creating and maintaining "the space" for individuals and groups to achieve justice, personal security and well-being, general political stability and economic development, and so forth. At the same time, however, human rights norms do have a specific normative content that reflects a certain understanding of what these individual and societal objectives mean, and how they should be realized in practice. In a substantive sense, therefore, human rights have a clear ideological orientation to what it means to be human, and how social and political institutions should work in order to achieve certain ends. However, there is a tension between these two dimensions of human rights. To inspire and motivate people to take them seriously, human rights need to have significant and relevant normative content in each specific context. Yet this is likely to be resisted by privileged and powerful persons and groups in any society precisely because of the potential to change existing power relations. Aspects of this tension and its implications will become clearer after a brief explanation of what human rights are commonly understood to mean, and how they are supposed to work.

By the human rights paradigm I mean the idea that the protection of certain individual and collective/group rights, as discussed below, is a matter of international concern, rather than the exclusive internal affair of states. Paradoxically, as explained below, the same states control the processes of determining these rights at the international level, and applying them within national jurisdictions. Moreover, what the so-called international community may do about a state that willfully and persistently disregards its international obligations to protect those rights is also subject to a complex interaction of legal principles and practical considerations. For instance, the notion of "humanitarian intervention" to stop serious human rights violations within a country (as claimed by the NATO governments who intervened militarily in Kosovo in 1999 against the government of Yugoslavia) involves balancing such factors as human concern about the suffering of the victims, the risks of action or inaction for international peace and security, and the political and economic interests of the intervening state(s), as well as the short-and long-term implications of violating the sovereignty of that country.

Much of the normative, as well as the procedural, dimension of human rights is traditionally supposed to be provided for in national constitutions and laws

for domestic application by the judicial and executive organs of the state, as a matter of national sovereignty. Earlier attempts by some states acting collectively to extend such regimes into the boundaries of another state included international efforts to end slavery and to protect minorities during the nineteenth and early twentieth centuries. But the real launch of the human rights paradigm in the generally accepted sense came about around the middle of the twentieth century. The horrific events of the Second World War prompted strong agreement by the mid-1940s on the need to effectively check the serious failure of any state to protect the rights of all persons and groups within its territorial jurisdiction (Steiner and Alston, 1996, p. 59). That was the first time there has ever been such a broad consensus about the need to reconcile respect for the sovereignty of a state with the protection of certain human rights as rights due to every human being by virtue of his or her humanity, without distinction on such grounds as race, sex, belief, language, or national origin.

But since the process of determining the nature and scope of these rights, and approaches to their international protection, was confined to sovereign states which were members of the United Nations (UN) in 1945, only four African states and eight Asian states were included. The rest of Africa and Asia was colonized at that time by the same European powers that were proclaiming the universality of human rights at the UN. Moreover, some basic ambiguities in the original concept continue to frustrate the prospects of its practical application. For example, these rights are proclaimed in general terms as belonging to all human beings, while their realization is strongly associated with citizenship of a specific country. Although some general principles of international law still apply to how a state may treat non-citizens who happen to be within its territory, the distinction between citizen and non-citizen is sometimes difficult to justify from a human rights point of view (Turner, 1993b, p. 495; 1997). To avoid these complex issues in this brief overview, I refer to persons under the jurisdiction of a state, instead of identifying them as its citizens.

The consensus of the mid-1940s was strongly reflected in the Charter of the UN of 1945, which is the most authoritative document of the present international order. According to Article 1 of the Charter, "The Purposes of the United Nations are . . . (3) To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion." While emphasizing this basic obligation in other Articles, the UN Charter left the task of definition and implementation of "human rights and fundamental freedoms" to subsequent developments.

That process began with the drafting and adoption of the Universal Declaration of Human Rights of 1948. But the Declaration is not binding as such because, according to the UN Charter, resolutions of the General Assembly are merely recommendations to member states of the organization. The drafting and adoption of detailed treaties, which are binding under international law, followed, to provide definitions of rights and their implementation. Moreover, some human rights norms can also be found in certain principles of what is

known as customary international law, like the prohibition of genocide, war crimes, and crimes against humanity. These norms are binding on all states, regardless of their ratification of treaties on those matters. Some human rights scholars argue that certain aspects of the Universal Declaration have become binding as customary international law. For example, the prohibition of torture is generally accepted as binding on all states as a principle of customary international law, regardless of their ratification of the specific treaties on the subject.

The treaties setting the international "legal" standards of human rights range in scope from earlier Conventions on labor rights (1930), genocide (1948), and slavery (1956), to the broad 1966 International Covenants, one on economic, social and cultural rights, and the other on civil and political rights. There is also a growing number of specialized treaties, like the Conventions for the Elimination of All Forms of Discrimination, on grounds of race (1965) and gender (1979), and the Convention on the Rights of the Child of 1989. Similar standards appear in the regional documents of the European, Inter-American, and African systems (Steiner and Alston, 1996, p. 563). This legal regime also includes principles of humanitarian law regulating the conduct of armed forces in conflict situations, like the four Geneva Conventions of 1949, and the 1951 Refugees Convention. Human rights standards have also been elaborated through several major international conferences. During the 1990s, for instance, human rights principles and policies were elaborated in such documents as the Vienna Declaration and Programme of Action (1994) and the Beijing Platform for Action of the Fourth World Conference on Women (1995). Human rights are integral to the mandate of specialized intergovernmental agencies like the International Labor Organization (ILO), the World Health Organization (WHO), and the United Nation Development Programme (UNDP).

As the increasingly wide range of local, regional, and global actors and processes envisioned by this complex web of documents and institutions clearly shows, the development of an international legal framework cannot mean that the implementation of human rights be left to purely legal approaches. The basic idea of the human rights paradigm is now firmly established in international relations, as well as in the national politics of the vast majority of countries around the world, subject to differing assessment of its efficacy or consistency of its application. Nevertheless, the basic paradox remains: *how to achieve effective international supervision of domestic human rights protection without violating national sovereignty as the expression of the right to self-determination, which is itself a collective human right under the first Article of the 1966 Covenants*.

From this perspective, I suggest, social science approaches would be extremely important for understanding the processes of legal articulation and implementation of these rights as the proper and legitimate exercise of the right to self-determination, rather than its negation. Sociological analyses are needed, for example, for understanding the processes of social construction of rights, whose interests are served by those processes, and the role of civil society and social movements in generating the political will to adopt and implement international

treaties protecting these rights. Such insights are essential for mediating the paradox of international protection of human rights through respect for sovereignty, instead of its violation, as explained below.

It is true that, by ratifying treaties and subscribing to international human rights policy statements, states are indicating voluntary acceptance of human rights obligations as limitations on their national sovereignty. But that notion itself can be seen as entrenching, rather than diminishing, the underlying paradox, because it is the state that decides when, how, and to what extent to limit its own sovereignty. First, the structure and content of any human rights treaty are negotiated and agreed among the delegates of states, before the treaty is opened for ratification. Second, and regardless of its publicly declared position, no state is legally bound until it formally ratifies the treaty according to its own internal constitutional and political process. Moreover, subject to the requirements of the international law of treaties, a state has the right not only to enter "reservations" limiting the scope of its obligations under a treaty, but also to repudiate a treaty that it has previously ratified. Third, the state is also intended to play a crucial role in the interpretation and implementation within its territory of the human rights treaties it has ratified. Where national legislation is required to incorporate international treaties into national law, as in the United States and United Kingdom, the domestic normative content of a treaty is effectively determined by the way it is expressed in legislative language, and interpreted through the judicial process, of the country (Steiner and Alston, 1996, p. 26). In other words, domestic compliance with a state's international obligations to protect human rights can only be achieved by the official organs of the same state.

Thus, while intended to ensure the protection of certain minimum rights, international protection is dependent on the active cooperation of states in limiting their freedom of action within their own domestic jurisdiction. The paradox of self-regulation by the state of its own behavior is, of course, also true of domestic constitutional and legal protection of rights. The crucial difference, noted above, is that constitutional rights are the product of internal dynamics, whereas the human rights paradigm seeks to influence domestic situations in favor of upholding certain internationally recognized standards. In other words, the paradox is sharper for the human rights paradigm because it has to overcome internal opposition within the country in question, without having the power to impose its will on states which refuse to comply. The need to mediate this enduring paradox calls for a clear understanding of the nature and functioning of social and political forces and institutions within each country, and in its relations with other countries.

It is not helpful to simply call for formal limitations on state sovereignty, because that is neither practically feasible nor necessarily good for the protection of human rights in the long term. Formal limitations on sovereignty are not feasible because sovereignty is integral to the foundations of the present international order, as entrenched in Article 2(7) of the UN Charter and other international documents, and fundamentally affirmed by national constitutions around the world. Since states are the principal actors at both the international and national levels, they are unlikely to relinquish their own autonomy by

abandoning sovereignty or allowing other actors to achieve that result. Even if they were practically feasible, formal limitations might also be counterproductive because sovereignty is the essential expression of the fundamental collective right to self-determination, as the practical vehicle of domestic policy and the necessary medium of international relations.

A more realistic and desirable approach, I suggest, is to seek to diminish the negative consequence of the paradox of self-regulation by infusing the human rights ethos into the fabric of the state itself and the global context in which it operates. In that way, the protection of human rights becomes *the outcome of the free exercise of the right to self-determination, instead of being seen as an external imposition which violates that right*. This paradigm shift can best be achieved by upholding the universality of human rights as, in the words of the Preamble to the Universal Declaration, "the common standard of achievement for all peoples and all nations." Since external imposition will probably be resisted as a clear violation of sovereignty, while voluntary compliance with commonly agreed standards is likely to be seen as vindication of sovereign authority, the universality of human rights must reflect true consensus around the world. At a formal level, that is said to be achieved through agreement among states, as the representatives of their societies under international law. But according to the human rights paradigm itself, and as a matter of practical politics, international agreements are legitimate and sustainable only to the extent that they express the genuine consent of national societies and local communities.

The Quandary of Universality and Relativity

The issue of popular acceptance of the human rights paradigm is frequently discussed in terms of a binary of universality and relativity (Steiner and Alston, 1996, p. 166; Negengast and Turner, 1997), as if one has to either fully accept or completely reject the universality of certain rights for all human beings. At one end of this purported spectrum are said to be countries which claim cultural/religious relativity or contextual specificity to justify rejecting or qualifying certain universal human rights norms, in contrast to those which are supposed to fully accept the universality of all human rights, at the other end. Whereas some Islamic and East Asian countries are commonly placed on the relativist side, Western countries are commonly assumed to be universalist. Upon reflection, however, one can see that such a binary view of this issue is both misleading and difficult to substantiate or maintain in practice.

A binary view is misleading in assuming either that human rights can be culturally and contextually neutral, or that a conception of human rights emerging within one culture or context can be accepted by other cultures for application in their context. To explain, I would first note that, as a normative system that seeks to influence people's behavior and direct the institutions which regulate their lives, human rights can only be the product of culture, to be interpreted for practical application in a specific context. In other words, human rights

norms can be neither imagined nor understood in the abstract, without reference to the concrete daily experience of the people who are supposed to implement them. As indicated above, the human rights paradigm is founded on the belief in the possibility of universal rights, due to all human beings, everywhere, as the basis for international concern about how people are treated in any part of the world. Yet, since any conception of human rights as a normative system is the product of some culture(s), a given set of these rights can be perceived as alien or unacceptable to other cultures. That is exactly the quandary of universality and relativity: namely, how to determine universally valid and applicable human rights norms, which would naturally tend to reflect certain cultural values and institutions, without expecting one society to submit to the normative system of another.

It is difficult to substantiate a binary view of universality and relativity of human rights because that would ignore the realities of power relations in the world, and oversimplify the positions and behavior of countries on both sides of this alleged divide. For example, the criteria and process by which the present set of international human rights was established in the first place were not as inclusive as they ought to have been. As noted earlier, the vast majority of the peoples of Africa and Asia were not represented at the UN, except by the same colonial powers which had for decades violated the basic human rights of colonized peoples. Upon achieving independence, African and Asian states had no choice but to at least pretend to accept the pre-established concept, structure, and content of the human rights paradigm as a condition of membership in the international community. That is to say, the balance of global economic, military, and political power relations in the postcolonial world has enabled the developed countries to raise the human rights paradigm they have established themselves as the condition for membership in the international community. This does not mean that this paradigm can never become universally accepted and applied. Rather, the point is that efforts to promote universality should be founded on a clear understanding of the issues from different perspectives.

It is profoundly problematic, in my view, to assume that the universality of human rights is "self-evident" or has been "established," and all that remains is to "pressure" a few ruling elites in developing countries to abandon their "opportunistic" denial of the obvious. This view, on the hand, encourages hypocrisy among the governments of developing countries who have to pay lip-service to human rights in exchange for favorable treatment by developed countries in such matters as development assistance, support for credit from international financial institutions, and/or the grant of special trade status. The nature of existing power relations, on the other hand, enables the governments of developed countries to raise the human rights paradigm selectively, in the service of their own foreign policy objectives (compare the US positions regarding China and Cuba), without regard to the integrity and credibility of this paradigm as a whole. The application of double standards in judging similar situations is possible because of the lack of an independent check on the alleged commitment of developed countries to the universality of human rights. Since these states dominate international relations, they are the primary judge of their

own behavior, as well as that of developing countries. In fact, developed countries have not shown consistent acceptance of the universality of human rights in their own national policies. This is reflected, for example, in the resistance of Western countries to accepting that economic, social, and cultural rights are actually human rights, as proclaimed by the Universal Declaration and numerous international treaties (Eide et al., 1994; Steiner and Alston, 1996, p. 256). For instance, Article 25 of the Declaration provides that everyone has a "right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services." Thus, these economic and social rights are as much human rights as the right to life, liberty, and security of person (Article 3), protection against torture, cruel, inhuman, or degrading treatment or punishment (Article 5), and freedom of opinion and expression (Article 19). No one would suggest that torture or suppression of freedom of expression be condoned or tolerated anywhere in the world today. Yet there is little objection to the denial of food, shelter, and medical care to the majority of human beings around the world, especially those living in developing countries. Western countries also find it difficult to accept the *possibility* of protecting any collective or group claim or entitlement as a *human right* within an existing state, although the first Article of both the 1966 Covenants provides for a collective human right to self-determination of "all peoples" (not nations, countries, or states). Since this Article clearly envisages political independence as a means to achieving such objectives as political participation, social development, and economic well-being, denying any group of people any of the essential elements of this right is a violation of the right itself.

It is true that some economic, social, cultural, and/or collective "interests" are substantially provided for within the national jurisdictions of developed Western countries through the normal political and legal processes of each country; sometimes with special constitutional or legal protection against easy violation. But the essence of the human rights paradigm is to ensure that such interests are safeguarded against the contingencies of national politics and legal processes. In fact, the idea emerged from the experience of Western countries which sought, through constitutional protection, to place certain fundamental civil liberties beyond daily politics. That is, recognition of a specific entitlement as a human right is supposed to enhance the prospects of its practical implementation more than can be expected from the normal political and legal processes of any country. To the extent that they do in fact respect and protect economic, social, and cultural rights, or collective rights, developed countries have nothing to fear from accepting those rights as human rights. Conversely, such acceptance is necessary whenever those rights are not sufficiently respected in the manner and to the extent required by international human rights standards.

It is true that economic, social, cultural, and collective rights are presently difficult to specify and enforce in the same way one can do with civil and political rights. For example, since the right to work cannot practically mean an obligation on the state to actually provide work for every person, the question is: what should be the content of this right and how can it be implemented?

Collective rights raise issues of human agency in determining membership and boundaries of groups, or more generally the dangers of elite appropriation of the collective voice of groups and communities. However, difficulties are only to be expected because formal recognition of these rights is much more recent, in comparison to civil and political rights. Moreover, these rights need not necessarily fit the model of civil and political rights to qualify as human rights. The processes of concrete definition and implementation of these rights, which require social scientific analysis as suggested here, are not likely to make significant progress unless they are taken seriously as *human rights*, rather than simply objectives of public policy.

The real reason for Western resistance to accepting these rights as human rights, in my view, is ideological or cultural. Subject to national and regional variations, the liberal ideology/culture of these countries tends to hold that economic, social, and cultural benefits or services should be provided for through the normal political process, instead of being given legal sanction as rights. Because of its emphasis on individual autonomy and privacy, against other social entitlements as well as the state, the liberal mind finds it difficult to conceive of collective entities or groups as bearers of rights. Liberals may see their views as obviously valid to every reasonable person, but that is exactly how ideological or cultural conditioning of human behavior works everywhere. In other words, liberal societies tend to resist accepting economic, social, and cultural rights or collective/group rights as human rights because that is the position of their own ideology or culture. If ideology or culture can exempt Western countries from accepting these rights as human rights, non-Western countries can claim the same regarding such human rights norms as equality for women or protection of freedom of expression.

Moreover, the persistence of some Western governments in asserting chauvinistic notions of national sovereignty can fairly be described as relativistic. For example, the United States is notorious for seeking to fashion international human rights treaties to fits its own ideological views and social institutions during the drafting process, only to fail to ratify and incorporate those treaties into its domestic law for application within the country itself. This is true from the 1948 Genocide Convention, which took the United States more than forty years to ratify, and only subject to reservations, to the 1989 Convention on the Rights of the Child, which is now ratified by every country in the world except the United States and Somalia. Since Somalia has had no government since 1992, the United States stands completely alone in refusing to ratify this Convention. It is difficult to see a significant difference between the position of the government of the United States and those of countries like China, Iran, and Saudi Arabia, as all of them are refusing to allow their own domestic practice to be judged by agreed international standards. Moreover, the position of the USA is especially damaging for the human rights paradigm, not only for its failure to live up to claims of global leadership in this field, but also because its economic and military power enables it to play a paramount role in shaping international relations, as well as influencing the domestic policies of other countries around the world.

Instead of insisting on a sharp dichotomy between universality and relativity, it is better to perceive the issues in terms of a constant mediation between the two poles. The realities of enduring cultural diversity around the world, on the one hand, and global multifaceted interaction and interdependence, on the other, challenge both the theoretical validity and practical viability of a framework of universality and relativity as polar extremes. An example of mediation between the excesses of both extremes can be seen in the doctrine of "the margin of appreciation" in the European human rights system – allowing states a degree of discretion in the interpretation and implementation of their human rights obligations (Steiner and Alston, 1996, p. 601). But as elaborated elsewhere, it is also important to strive to achieve wider and more sustainable global overlapping consensus on human rights norms through internal discourse within different cultures, and cross-cultural dialogue between them (An-Na'im and Deng, 1990; An-Na'im, 1992).

In conclusion for this section, I would emphasize the need to understand how the political will to uphold human rights is generated within civil society, or in response to its demands. State action is more likely to happen when human rights are accepted as culturally legitimate than when they are perceived as an alien imposition. It is also important to address the economic dimensions of the effective implementation of human rights, as underlying causes of violations as well as in the allocation of resources for practical implementation of rights. Even so-called "negative" civil and political rights, like freedom of speech or protection against torture, where the state is required to refrain from certain actions, still entail the deployment of material and human resources to implement the necessary policies. In any case, legal protection has to assume voluntary compliance as a general rule because no enforcement regime can cope with massive and persistent violations. Social scientists can make crucial contributions to addressing all these and other aspects of the human rights paradigm.

Complementary Legal and Social Science Approaches

In view of the complexity of effective response to a wide variety of possible human rights claims in any society today, one should always consider as many approaches to the implementation of these rights as possible or advisable in one setting or another. Many factors affect the implementation of human rights, such as the level and quality of political commitment to the implementation of administrative, educational, and other policies, allocation of economic resources, and civil society activism. These and related factors cannot possibly be effectively addressed through purely legal approaches, though the latter will remain indispensable. In this final section, I offer an evaluation of legal approaches, followed by a brief review of how some sociologists have approached human rights issues.

The early emphasis on legal approaches to the protection of human rights will probably continue for the foreseeable future because of the universalization of European models of the state through colonialism, with its centralized powers

over political processes, economic activities, social relations, provision of essential services, and so forth. As those models of the state persisted into the postcolonial world, thereby entrenching the central role of the state in national politics and international relations, the human rights paradigm adopted a legal approach for the protection of human rights. Indeed, the whole human rights system has generally emerged from the liberal approach to individual civil rights, as judicially enforceable limitations on the powers of the state in order to protect certain vital interests of the population. Accordingly, the judicial enforcement of these rights as a legal entitlement became the basis for the credibility of administrative, political, educational, and other policies and processes, as the source of operational definitions of each human right and as the mechanism for the mediation of competing claims of rights. But the limitations of purely legal approaches to constitutional rights at the national level are even more constraining for the international protection of human rights because, as noted above, the latter has to overcome domestic resistance without having the power to impose its will.

Generally speaking, the legal protection of rights assumes the prevalence of a certain conception of the rule of law, independence of the judiciary, and executive compliance with judicial determinations. The legal enforcement of rights also requires a certain degree of political stability for the proper development of an independent and credible judiciary, as well as a legal profession that is willing and able to represent all human rights litigants before the courts. These prerequisites are frequently lacking, especially when legal protection is most needed. For example, the legal systems of most African countries suffer from serious problems of poor legitimacy and accessibility, as well as lack of human and material resources (Ake, 1994). The complexity and procedural formality of postcolonial legal systems make it difficult for most Africans to have effective access to legal remedies. Structural and contextual difficulties include prolonged and complex political instability, economic underdevelopment, lack of independence and technical resources for the judiciary, and the inadequacy or poor quality of legal services. Under such conditions, it is not surprising that people will simply abstain from resorting to the courts for the legal enforcement of their rights.

This is not to say, however, that all prerequisites must be present at once before people begin to use the courts to vindicate their human rights. On the contrary, it seems to me, there is a synergy between the requirements of legal enforcement, on the one hand, and public confidence in the process, on the other. Since people will probably resort to the courts whenever there is the slightest chance of obtaining relief and justice, even a low level of public confidence may contribute to the development of an independent judiciary, and attract the necessary legal advice and representation, which may enhance public confidence further, and so forth.

But, as already indicated, even the best system for the legal protection of human rights will not be sufficient because the implementation of human rights requires different approaches. The mandate of the human rights paradigm in general is to simply provide effective redress, not only legal remedy, for every

violation of human dignity and the rights of any person or group. Article 28 of the Universal Declaration provides that "everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized." It is difficult to see how this original broad vision can materialize without substantial contributions of sociologists and other social scientists. The preceding analysis may have already suggested some ways in which social science approaches can make such contributions. As a human rights lawyer, I will now try to envisage how sociologists can improve our understanding of a set of interrelated issues of shared concern, by way of illustration, without presuming to speculate about specific ways in which they might do that.

Only a very few North American sociologists, like Rhoda Howard (1995), have consistently and systematically addressed human rights issues in their work in the past (Reynolds, 1998). But stronger interest seems to be emerging more recently, including efforts to examine the reasons for the earlier lack of sociological analysis of these issues in other parts of world as well. For example, Bryan Turner draws attention to the silence in sociology about human rights, and finds it puzzling, given the interest of sociologists in such subjects as social movements, social membership, and the general themes of globalization and mobilization (Turner, 1993b, p. 490). A discussion of Turner's outline of a theory of human rights, and the debate that followed (Waters, 1996b; Turner, 1997), is beyond the scope of this chapter. The point here is to note the sort of interrelated themes Turner is suggesting for analytical connections between sociology and human rights issues. For example, recalling that the human rights paradigm seeks to protect rights at the domestic level from an international perspective, without the power to impose its will over national sovereignty, one can appreciate the crucial role of social movements for and against this paradigm in different societies. However, while sociologists are familiar with the role of social movements in relation to domestic constitutional rights, as noted above, they now need to consider the impact of what is commonly known as "globalization" on the possibilities of international protection of human rights in the domestic context.

As the means for achieving and safeguarding the interests of their members, social movements have traditionally been engaged in the negotiation of competing claims among themselves, and in relation to the state as a hegemonic political institution. Some social movements succeed in substantially influencing the state, in pursuit of their own objectives. With the universalization of European models of the state through colonialism and its transformation of the postcolonial world system, as noted above, human rights non-governmental organizations (NGOs) have become the operational arm of social movements throughout the world, at both the national and international levels (Steiner and Alston, 1996, p. 456).

Social movements or groups, however, tend to perceive the human rights paradigm as either supportive of or antagonistic to their values and social objectives to varying degrees. All social actors need this paradigm for the "space" it ensures for them to organize and advocate their view, through freedoms of opinion, expression, and association, as well as the support it might give

to their normative claims, such as freedom of religion or the rights of ethnic or cultural groups, and so forth. Yet social actors often try to claim the benefits of the human rights paradigm, while rejecting aspects of it that they deem to be contrary to their own values and objectives. This common inconsistency is at the heart of the universality/relativity debate discussed above, in that while all social actors would welcome the human rights paradigm to the extent that it affirms their own values and facilitates their own work, very few are willing to accept the totality of this paradigm and its implications, at least regarding matters they deem to be fundamental to their own position.

In their analysis of these social process at the domestic level, sociologists should also consider the international dimensions of the present age of multi-faceted globalization (Woodiwiss, 1996; Axtmann, 1997; Merry, 1997). The dynamics of social movements and NGO activism are increasingly influenced, if not shaped, by transnational forces and global processes. This is as true for the advocates of the rights of women and indigenous peoples as it is for those concerned with development and environmental issues. The human rights paradigm is contested by all these and similar social actors at the international as well as the national level. Indeed, since globalization itself is not a neutral phenomenon, as it tends to enhance existing power relations, sociologists should seek to apply their conceptual and methodological insights to the working of global forces and processes at the local and national, as well as the international, levels (Cheah, 1997; Bauman, 1998).

Concluding Remarks

By the very nature of its subject matter, and the dynamic processes of the articulation and implementation of its normative content, the human rights paradigm offers sociologists and other social scientists a very rich and useful research agenda. As it seeks to negotiate the relationship between the local and the global, the human rights paradigm can benefit from sociological analysis at both the national and international levels. Moreover, the human rights paradigm raises questions about the conceptual possibility of the universality and validity of cross-cultural moral judgment. From a sociological perspective, these types of questions relate to such issues as the meaning and implications of personhood and human dignity in interpersonal or communal relations, gender and child–adult relations within the family and wider community, questions of race, ethnicity, and religion within and between communities, the nature and role of religion in public life, and the nature of the state and its institutions in relation to society at large. Sociological analysis is also necessary for mediating the tension between procedural and substantive aspects of the human rights paradigm; that is, their role in ensuring "the space" for struggles for justice, as opposed to being specific expressions of substantive justice in individual and communal relations, including questions of affirmative action or positive discrimination.

In conclusion, however, I wish to emphasize that even when judged on its own terms, the protection of human rights is only part of the answer to the major

issues of social justice facing all societies. Other theoretical approaches and practical strategies for the realization of justice will of course always remain necessary. Accordingly, the invitation here is for sociologists to contribute to the further development and clarification of the human rights paradigm as a major component of the framework for justice within and between societies throughout the world. As sociological issues become increasingly transnational and globalized, it is clear that human rights are too important to leave to lawyers and a few political scientists.