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PLURALIST APPROACHES TO HUMAN RIGHTS

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Some anthropologists criticize United Nations “universal” human rights as ethnocentrically Western. But all sociocultural groups define some concept analogous to human rights, and multiple political and philosophical cultures have contributed to the evolving UN framework. This essay traces the four major sources of modern human rights (Western political liberalism, socialism and social welfare principles, cross-cultural rights traditions, and the UN instruments) and focuses on points of agreement in the evolving framework. The evidence is used to argue for a pluralist approach to human rights (rather than narrower universal, Western, or broader cultural relativist approaches) and suggests points for additional anthropological contributions.

INTRODUCTION

The United Nations (UN) was established in 1948 on a foundation of international, universal human rights. The Universal Declaration of Human Rights (UDHR) sets forth high-priority norms of behavior for everyone without discrimination. These rights were later codified in the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social, and Cultural Rights. Since then, human rights have expanded to incorporate demands for development and indigenous rights (Tomasevski 1989, 1993; Draft Declaration of the Rights of Indigenous Peoples 1994). Enlargement and refinement of human rights concepts are part of world transformations including the emergence of postcolonial states in Asia and Africa and an international struggle for human rights that has penetrated down to and risen up from grassroots movements (Messer 1995, 1996a, 1996b).

Cultural Relativism and Anti-Cultural Relativism

Anthropologists historically have opposed the universalist claims and many particulars of this UN framework for two reasons. On empirical grounds, they reject individual rights as self-evident universals. The 1947 American Anthropological Association “Statement on Human Rights” emphasized that “standards and values are relative to the culture from which they derive” (American Anthropological Association Executive Board 1947:542), and many African and Asian anthropologists reject the concept of “individual rights” as ethnocentrically Western (Legesse 1980:123). Anthropologists instead have argued for a human rights concept that commands greater respect for cultural (group) differences and specifically for greater protections of the rights of indigenous peoples.

Anthropologists also distrust the international human rights legal framework that entrusts protections to the very states that are principal abusers (see, e.g., Legesse 1980:129). In addition, many object to the human rights

implementation structure that sets up international (UN) human rights commissions and instruments as arbiters of global morality and that place international and national legal formulations above cultural community customs and values. They also are frustrated by legalistic interpretations that restrict the types of allegations or evidence that can be used to defend human rights but that sometimes are used by violators of human rights to pursue their own interests (see, e.g., Schirmer 1995).

Anti-cultural relativists (e.g., Donnelly 1985, 1990; Howard 1992, 1995) articulate many of these same concerns. They argue that the modern human rights concept is distinct from all other cultural rights traditions. They interpret it to be derived from natural law, to be concerned exclusively with the rights of the individual vis-à-vis the state, and to exist outside of any particular culture. To them, specific cultural expressions of moral or social rights, however worthy and protective of human dignity, are not "human" rights. Although they acknowledge that individuals may need to claim the protections of group affiliation to achieve fulfillment of individual rights, they view collective rights as logically and practically distinct. They accept the UN human rights legal system as creator and arbiter of a new post-World War II interstate moral order charged with guaranteeing peace and security for all individuals.

Both cultural relativists and antirelativists agree that UN human rights are the particular expression of an international-interstatist secular legal culture and that Western political culture is its main inspiration. They disagree over whether this particular expression of "a common standard of achievement for all peoples and all nations" (UDHR) is universal or adequate for all times, places, and peoples. In particular, they differ on where cultural notions of rights fit into international theory and practice and on the moral authority of human rights instruments.

**Pluralist Approaches**

Pluralist or evolutionary approaches to human rights, by contrast, emphasize unity-in-diversity in modern human rights. Four principal points concerning human rights are their multiple origins, their continually evolving specifics, the hard core of similarities and agreement among different cultural traditions of rights, and the imperative to advance human rights concepts and practices in ways that achieve adherence at all social levels. Pluralist approaches acknowledge that human rights have extralegal dimensions and that a grassroots grounding is necessary if human rights are to be achieved in practice (e.g., Alston 1990a; Rorty 1993). Anthropologists already contribute to pluralist approaches by linking community concepts and practices to international standards and instruments.

**PLURAL ORIGINS**

Narrowly, the UDHR has been alleged to represent "the human rights concept of one culture, namely, the culture of parliamentary democracies"
(Robertson 1982:8), and historical evidence does document outstanding Western precedents. But socialist traditions have also made outstanding contributions, and UN rights concepts resonate rights precedents in many non-Western cultures. UN human rights committees themselves have been establishing precedents in human rights with the result that UN human rights are distinctive with respect to the scope of rights, who is counted as a person, and the reference community and responsible institutions.

**Western Precedents**

The drafting of a common set of human rights standards began in 1946 in the aftermath of World War II and the Holocaust. The Nuremberg trials, in particular, intensified a desire by champions of Western parliamentary democracies to reaffirm concepts of natural rights and the rights of man and citizen (Zalaquett 1981). Western historians and advocates of human rights cite legal precedents in charters such as the Magna Carta (1215), the United States Declaration of Rights (1774), and the French Declaration of the Rights of Man and the Citizen (1789). They find political precedents in Greek philosophy, Roman law, Judeo-Christian tradition, Reformation humanism, and Enlightenment philosophy (Robertson 1982). These formative underpinnings for liberal democracies articulate rights of individuals in states and relationships between ruler and ruled. These Western precedents, however, represent an early, still incomplete concept of “human rights.” They are based not on the principle of full equality of all human beings, but on radically different concepts of personhood that elevate only certain categories of individuals (usually Caucasian property-owning males) to personhood and relegate others to the status of noncitizen or slave. They are also circumscribed in political space and time. They appeal to universals but “were in fact documents of internal law, whose aim was to protect the interests of certain classes and strata” (Bystricky 1968:83). Although the provisions of these precedents were revolutionary for their times, and French and U.S. diplomats in the 1940s continued to see their revolutionary accomplishments as fonts of universal human rights, African critics, including the Algerian Fanon (1963) and Senegalese Senghor (1964) rightly critiqued French universalism as tyrannical in its alleged love of man. Americans, Europeans, and Africans also criticized the racial (and gender) discrimination allowed in prior Anglo-American political traditions of freedom: “Love of freedom is universal. But so is man’s propensity to deny it to his fellow man” (Adegbite 1968:69). Broad extension of rights to everyone without discrimination constitutes a novel departure of the UDHR. This modern human rights concept is more egalitarian than its liberal political precedents, and as it considers group rights and self-determination, it is also less individualistic. Its international focus is an additional extension from its national legal precedents (see Nickel 1987).

Additional “Western” or international legal currents informing the UDHR and subsequent UN instruments included the antislavery movement, humanitarian (including refugee) law, and legal protections of minorities. An interna-
tional legal position on the abolition of slavery evolved over a 150-year period that included milestones in British colonial law (1807), the Brussels antislavery act (1890), and the League of Nations International Convention on the Abolition of Slavery and Slave Trade (1926). Although slavery had persisted over this period, the documents clarify that enslavement by Europeans was not to be tolerated, and at least (British) colonial interests expected that modern state economic practices would gradually cause slavery to disappear. These principles are incorporated in the antislavery provisions of the UDHR (1948) and subsequent UN Covenants against slavery (1957–1958).

Over approximately the same period, the International Red Cross, other humanitarian organizations, and the League of Nations advanced a body of humanitarian law, especially the Geneva Conventions, meant to protect the lives of prisoners of war and to bring relief into zones of armed conflict or other disasters (Messer 1991). Emergency movement of nutritional and health services was continued as part of the human rights mandate of UN agencies such as the Food and Agriculture Organization (FAO), the UN Children’s Fund (UNICEF), and the UN High Commissioner for Refugees (UNHCR).

International organizations after World War I also sought to protect minorities in multinational states, but minority “problems” were construed to be more particular than universal and so were left out of the Universal Declaration (Thornberry 1991). They received attention and legal protection in specific provisions of the International Covenant on Civil and Political Rights, the UN Convention on Genocide, and specific edicts of the UN Human Rights Subcommission on Prevention of Discrimination. In actuality, the UN was extending previous centuries’ “law of nations” protections for aliens to those ordinarily resident, but suffering discrimination, in particular states.

**Socialist and Social Welfare Traditions**

Essential human welfare guarantees constitute the second legal political stream in the UDHR; these made it acceptable to socialist states and “universal” in scope and content. Specific articles formulate guarantees to employment and fair working conditions; health, food, and social security; education; and participation in the cultural life of the community. Governments are obligated to fulfill these so-called positive rights to a decent standard of living to the best of their capacity as resources allow. In addition, Article 29 of the UDHR states, “Everyone has duties to the community. . . .”

These economic, social, and cultural rights draw on Marxist-socialist and welfare state conceptions that citizens have rights in a state rather than against it. Precedents are cited in the Russian and Mexican revolutions and constitutions, which established people’s rights to land and socioeconomic well-being. Another precedent was the International Labor Organization (ILO) Convention of 1919, which articulated principles of social justice, just working conditions, and just wages (Jenks 1968). Western European and U.S. welfare state legal traditions, even though not always specified in national constitutional law, echo these state obligations to meet minimal standards of human welfare.
Unfortunately, socialist and nondemocratic states that embrace social and economic rights as priority rights sometimes argue that political rights are foreign to cultural tradition and therefore are not universal. Strictly speaking, socialist governments never accepted individual political rights, although they signed the UDHR. Within the UDHR framework, they then promoted economic, social, and cultural rights. Analogously, strict supporters of civil-political rights, such as the U.S., signed the UDHR but never ratified or implemented treaties on social or economic rights (Alston 1990b).

Leaders of African states with limited material resources also have identified with economic-social-cultural rights—sometimes to the exclusion of “Western” individual civil liberties. They have asserted that in African societies, “peoples,” not individuals, have rights and that individual freedoms may have to be sacrificed, at least in the short run, to support achievement of subsistence rights (“full bellies”) and economic development. The term “peoples” here is leveraged to mean nations, not component ethnic groups, collectivities that may not enjoy any special rights and may suffer discrimination in particular African national contexts (Messer 1993:227). As critics have pointed out, leaders offering this “full belly hypothesis” have not been notably successful in achieving freedom from hunger or other scourges of underdevelopment even as they trample individual rights, and political rights are a surer path to achievement of subsistence rights and development (see, e.g., Howard 1986).

Leaders of populous Asian states, such as China and Indonesia, similarly have argued that individual political rights are foreign to their Asian communal cultural traditions (see, e.g., Freeman 1995), and they too focus on meeting subsistence needs over civil liberties. This viewpoint has been put forth in their recent Bangkok Declaration (1993) that served as a counterpoint to Western allegations that their states violated the civil-political rights of individuals.

Such “either-or” conceptions of rights, whether directed toward philosophical or political ends, ignore the evolving human rights legal culture based on the UDHR that interprets civil-political and economic-social-cultural rights to be interdependent and indivisible and also disregard precedents and contributions from other cultures.

Other Cultural Precedents

Representatives of non-Western states and different religious cultures constitute a third source for human rights standards and principles and have been especially active in implementing evolving standards. Those from different legal and religious traditions agree that all societies and governments are built on some notions of rights and obligations that preserve the body politic and the public order, although they disagree on specific concepts of “human being” and “legal person.” Christian philosophers have struggled to find a theological and ethical basis to support human rights as a common, rather than competing, creed (Maritain 1943; Stackhouse 1984). Islamic scholars and diplomats have sought human rights precedents in their traditions and largely affirmed the UDHR, even though they rejected specific rights, such as that to
change religions or complete equality for women, and insisted divine law took precedence over secular legal discourse (see, e.g., Gellner 1992). Hindu and Buddhist thinkers have dialogued with human rights scholars to discover common principles of human dignity, even though they entertained very different notions of “human being,” duties versus rights, and principles of social hierarchy (Rouner 1988; Welch 1990).

UN history documents a continuing process of political consensus building by which multiple states have sought to claim human rights and make them their own. A volume celebrating the twentieth anniversary of the UDHR (Hersch 1969) draws on varied Middle Eastern, Asian, and other cultural traditions to find unity in diverse systems of contractual rights and obligations. Near Eastern political leaders and scholars have cited human rights precedents in the proclamations of Cyrus the Great, ancient Egyptian pharaohs, and the Babylonian Hammurabi’s Code. These societies, like their pre-twentieth-century Western counterparts, however, did not count everyone as a human being or full member. Notions of personhood for purposes of cross-cultural interpretation were collapsed into two schematic dimensions, ruler and ruled.

Similarly, certain African scholars and diplomats find precedents for individual rights in their traditions, even though traditional African societies that afforded basic rights and met the needs of individual members denied full rights to slaves, serfs, aliens, and sometimes to women. Members of the ruling group enjoyed full rights; others were treated as outsiders tolerated for their service, but they were never allowed full membership rights (Adegbite 1968; Deng 1990). Such individual rights claims coexist with African philosophical and political arguments that human rights are collective and that subsistence rights take precedence over political freedoms (Legesse 1980; see discussion in Messer 1993:227–28; Wiredu 1996).

Asian human rights commentators also claim precedents for human rights notions in their ancient traditions, such as the wisdom of King Asoka (Coomaraswamy 1992), or contemporary customs (Khare 1991), even as they distance themselves and their societies from modern individualistic and egalitarian human rights notions that they consider to be ethnocentrically Western (see, e.g., Welch and Leary 1990; Tang 1995). In contrast to Western contractual precedents, they focus more on state social welfare guarantees, such as minimal subsistence, and on duties of the individual to the community or state (see discussion in Messer 1993:229–30). These are rights that are also part of the UDHR, but they are not the focus of Western liberal political philosophies or government. All contribute to the pluralist institutional culture of human rights that characterizes the UN human rights framework.

**Human Rights Institutional Culture**

Over the past fifty years, the evolving UN human rights legislative, monitoring, and judiciary machinery has itself become a fourth source and reference point for modern notions of human rights. The UDHR has been accepted as “universal” because it incorporates at least some points that all can agree...
on. No single point of view has prevailed, and humanity has currently organized itself into states. In a stronger or weaker sense, states obligate themselves to protect rights, internally and externally, individually and through international cooperation, in order to arrive at a world order of internal peace and international coexistence (Bystricky 1968).

Since the UDHR, the dominant secular legal-expert culture has been able to offer formulations for specific economic-social-cultural and civil-political rights. And it has added emergent development and collective (especially indigenous) rights. Concerns over forty years have shifted from the original mandate, which was to protect individuals within states and emerging states from colonial abuses, to protecting emerging nations (“peoples”) from the ravages of the international political economy and indigenous peoples from the violations of states. The UN human rights framework has added hundreds of legal instruments and a discourse to clarify the scope and content of political and socioeconomic rights. It has also sought ways to formulate “development” or “solidarity” rights that address (1) peace and disarmament, (2) environment and natural resources, (3) a just economic order, and (4) freedom from extreme want (see, e.g., Zalaquett 1984) and to bring them into consonance with civil-political and economic-social-cultural rights. African writers who reject the so-called universalism of civil-political rights as ethnocentrically Western (e.g., Zvogbo 1979; Legesse 1980) interpret these development rights as a logical corollary to political rights of self-determination; international lawyers, promoting the human rights framework, pragmatically interpret the formulation of such rights to be a logical corollary of the diversity and dynamics of international law and society that characterize the UN system (e.g., Alston 1990a). The same pragmatic reasoning characterizes legal acceptance of collective or group rights that increasingly have been a demand of indigenous and other oppressed peoples.

**Evolving Specifics of Human Rights**

Pluralist approaches view the evolving human rights framework as accurately reflecting the flexibility and responsiveness of the UN system and the four concepts of political, economic, development, and indigenous rights as interrelated and evolving (Eide 1990). Cross-cultural national, regional, and international evidence supports this view.

*The Interdependence of Economic-Social-Cultural Rights and Civil-Political Rights*

Many Western diplomats and scholars still view civil-political rights, which guarantee individual political freedom of expression, movement, and person, as priority rights. They give precedence to them over economic-social-cultural rights that are associated with the “East” in the historical “East-West” conflict, and they tend to dismiss development or collective rights as derivative rights that compromise and gut the individual human rights concept.
(Donnelly 1985, 1990). From philosophical and practical points of view, they view all rights other than political rights as difficult to formulate or fulfill, as particularistic, not universal, and therefore not as “human rights.” To counteract this view, those supporting pluralist interpretations cite the following historical, national, regional, and international evidence.

Economic-social-cultural rights are protected in the UDHR; some Western philosophers frame essential subsistence rights as “high priority” rights equivalent to the political right to freedom from violence (Shue 1980; Nickel 1987), and legal advocates view the goal or requirement of meeting basic subsistence needs to be no more “utopian” and impractical than creating a judicial system to guarantee personal freedom from violence or discrimination or the right to due process. Although emphasis on subsistence rights is often associated with nondemocratic, Marxist political doctrine, its roots are found also in English social welfare philosophy (Robert Owen), U.S. liberal democratic values, U.S. legal argument (Cardozo, Holmes), and U.S. citizen lobbies on behalf of the impoverished and hungry. The Russian Revolution and constitution are either hailed or despised as precedents, depending on political persuasion, but other precedents are the Mexican Revolution and constitution, the German Weimar constitution, and Irish and Indian legal charters (Jenks 1968, discussion). In all these national legal and cultural settings, economic-social-cultural and civil-political rights coexist and are interdependent. Non-Western regional caucuses that have debated the priority of civil-political or economic-social-cultural rights often reach similar conclusions.

**African Approaches.** Anticolonialist African leaders, who made significant contributions to early human rights debates and served as a check of conscience on the moral claims of Western European powers pressing for civil-political rights (Adembite 1968), were in fact promoting civil-political rights beyond the claims of Western leaders. They viewed political and economic freedoms as tied together. They helped realize the innovations involved in the UDHR: that rights apply to everyone because they are human beings.

The next generation of African national leaders, who insisted on putting economic and social rights and “development” first at the expense of political freedoms, have been countered by internal and external critics, who find precedents for both individual freedoms and socioeconomic rights in traditional African cultures (Deng 1990; Cohen and Odhambo 1989) and who insist development will only be achieved when human rights, broadly conceived, are universally respected. A framework of solidarity, development, and (national) peoples’ rights has been advanced alongside demands by individuals for rights and by indigenous groups for control over territory and resources. Development rights also have provided the background for eloquent testimony by African jurists on the interdependence and indivisibility of civil-political and economic-social-cultural rights (e.g., Okoth-Ogendo 1993). African scholars and politicians continue to debate the relationships of individuals to communities, peoples to states, rights to duties, and traditional institutions of reconciliation to modern institutions of legal confrontation (e.g., Mbaya 1992).
all are recognized to be dimensions of pluralist African approaches to human dignity and well-being.

Asian Approaches. Asian political leaders, who have been inclined to privilege social and economic over political and civil rights, have been confronted by other Asians who cite Asian precedents for individual rights (Coomaraswamy 1992), and Asian individuals and groups regularly appeal for redress of violations (Rubin 1990). Democracy movements in Asia, as in Eastern Europe, demonstrate that individual or community human rights priorities shift rapidly according to political circumstances; both economic and political rights have been considered human rights concerns. In different subsets of national populations, among both “elites” and ordinary citizens, both classes of rights need emphasis and improvements (Baxi 1991). In Asia as in Africa, oppressive regimes sometimes have claimed that their citizens enjoy human rights because they have more equitable access to food than in capitalist democratic regimes (Thompson 1980). Yet there is also movement toward individual political rights, as individuals and groups struggle for land and control over resources and seek an end to violence (McCarthy-Arnolds, Penna, and Cruz Sobrèña 1994).

In sum, diverse elements within African and Asian national, political, and religious cultures accept human rights but insist on making the notion their own: “The human rights culture is no longer Western. It is no longer a matter of agreement among state elites. It is a global political-economic movement” (Freeman 1995:16).

Latin American Approaches. Latin American human rights advocates are concerned about terrorism, abuse of civil-political rights, and social structural violence but also are occupied with violations of economic-social-cultural rights, especially nonfulfillment of “basic needs in the Americas” (see, e.g., Crahan 1982). In intergovernmental and nongovernmental contexts, they condemn and interrelate both classes of rights and their violations (e.g., Shue 1980; Lernoux 1980; Messer 1995). Advocates of the human right to health explicitly tie economic and social rights abuses (measured by excess mortality) to civil and political rights violations analogous to apartheid (Heggenhougen 1995). Indigenous peoples and their allies also frame rights (and abuses) in both civil-political and economic-social-cultural terms.

Public and Private Sector. Both political and economic abuses have become reference points—standards against which to measure and criticize the performance of governments and nongovernment actors (see, e.g., Clay 1989). Both classes of rights also are incorporated into many national constitutions and laws, and international lawyers are working with intergovernmental and nongovernmental institutions to clarify language and obligations so that both political and economic rights may be realized in practice. Differences persist between those who support claims for market-related capacities, such as private property, and those who support claims related to fundamental needs, such as the right to adequate nutrition. But both are finding a place in non-Western political economies and cultures. Nevertheless, a narrower conception that only political rights are human rights has persisted largely as a result
of selective interpretation by Western, especially U.S., individuals and institutions.

Selective U.S. government interpretation continues to reify the notion that civil liberties are what “count” as human rights, even though U.S. foreign policy selectively ignores violations of civil-political rights by “friendly” market-oriented governments. U.S. politicians also have ignored or pointedly rejected the legacy of economic and social rights, or social welfare guarantees, that are part of U.S. legal history. They do not wish to enshrine “freedom from want” as a legal obligation. The right to access social services, such as supplementary food programs, has been argued on the civil-political rights principle of equal access to social welfare programs, not on a foundation of economic and social rights (Melnick 1994). Deep philosophical and political opposition to economic rights principles can be seen in the consistent U.S. refusal to ratify the Covenant on Economic, Social, and Cultural Rights (Alston 1990b), which would obligate the U.S. government to meet basic human welfare needs of all within its borders. It would also be obligated to review, and where necessary change, its patterns of external economic cooperation and assistance. In addition to its inadequate domestic rights performance, the U.S. government also faces allegations that it is a chief abuser of (economic) human rights abroad. U.S. “free-market” trade and foreign aid policies allow debt and unbridled pursuit of profit to dictate priorities that often result in (economic-social) human rights abuses (George 1992). Disavowing economic and social rights allows the U.S. government to sidestep criticisms that inadequate U.S. social welfare policies violate the human rights of impoverished residents.

These U.S. government attitudes also influence the political agenda of the nongovernmental human rights community. The largest and most influential international human rights nongovernmental organizations (NGOs), such as Amnesty International (AI) and the Human Rights Watch committees, define their missions to address civil-political rights exclusively. Although this more limited political agenda makes their human rights activities more feasible, and more politically acceptable within the U.S., the wide visibility and impact of NGOs diminish attention to economic-social-cultural rights that are not defined within their missions and reinforce the impression that only civil-political rights are human rights and subject to protection (see Alston 1990a). AI does, however, address indigenous rights in the course of addressing violations of civil and political rights. NGOs thus are moving in the direction of addressing collective rights, even as they waver on social, economic, and cultural protections (see, e.g., Amnesty International 1992).

**Collective versus Individual Rights**

The UDHR proclaims rights for everyone as human beings and does not specifically protect group rights. But as Durkheim and other Western philosophers argue, individuals are completely human only as social beings and as members of cultural groups. Individuals are socialized and achieve human dignity and significance in sociocultural contexts, and politics and ethnic groups
are inseparable (Doob 1985). In addition, groups intermediate between the individual and the state are often the main protectors of human rights; cultural collectivities are essential for human survival. Collective rights are therefore closely tied to the fulfillment of individual rights, although some cultural practices and principles of social exclusion come into direct conflict with the rights of individuals (see, e.g., Stavenhagen 1990, 1992; Crawford 1988).

Minority Rights. The UN Commission on Human Rights has established special commissions to address the rights of collectivities. Minority and indigenous rights were not dealt with effectively in the UDHR in part because these were viewed as diverse and particularistic, not "universal" (Thornberry 1991). The UDHR proclaims all "peoples" of colonized states have a right to self-determination. But collective entities within states may need special protections in order that all individual members enjoy basic human rights (see, e.g., Van Dyke 1985:15–16). In addition, many cultural groups want to preserve their separate identities and insist on special protections, including local control over resources, to maintain distinctiveness. The UN Subcommission on the Prevention of Discrimination and Protection of Minorities explicitly addressed both dimensions in 1949: "prevention of any action which denies to individuals or groups of people equality of treatment . . . or a measure of differential treatment in order to preserve basic characteristics which . . . distinguish them from the majority of the population" (The Main Types and Causes of Discrimination, UN Doc. XIV.3, p. 2, cited in Van Dyke 1985:10).

In additional documents, international lawyers have attempted to move from the protection of particular groups to norms of a universal character. With precedents in customary law, the UN Convention on Genocide attempts to establish a "right to existence" to complement the above "rights" to nondiscrimination and identity which receive formal recognition in the Covenant on Civil and Political Rights. In addition, the "right not to be discriminated against" was developed through UNESCO and European human rights writings on race and in UN condemnations of apartheid.

Indigenous rights have presented a special case, because indigenous peoples may not be minorities, and a principal dimension of indigenous rights demands may be legal sovereignty and claims to traditional lands, control over resources, and self-determination. Indigenous rights vis-à-vis states have gone through a process of change and clarification moving from notions of paternalistic protection, to "progress," to a focus on collective rights and self-directed paths of human development. Early legal and political rhetoric (e.g., the International Labor Organization [ILO] Convention on Indigenous Rights 1957) stressed the backwardness and isolation of indigenous groups and sought social improvement and integration whereby indigenous peoples might better contribute to the optimal development of the natural resources they controlled. In contrast, recent indigenous rights rhetoric stresses indigenous groups' rights to be different and to decide their own course, even as they argue for special protections and assistance. A common dilemma in both areas has been representation of indigenous groups: given that cultures are not homogeneous or
static and involve multiple and competing interests (Jackson 1995; Messer 1995), which leaders or factions should negotiate with states and decide on essentials of cultural continuity amidst change (Thornberry 1991)? An additional challenge has been to protect indigenous rights in ways that do not alienate the states responsible for implementation (see, e.g., Torres 1991). “Voluntary” and “flexible” norms may be harder for states to violate, but they fail to satisfy many who look to the UN for strong leadership, guidance, and protections.

Another troubling dilemma is how to adjudicate between claims of cultural group rights and the rights of individuals. Cultural group customs of gender discrimination, corvée labor, or preference for education in the local language all potentially come into conflict with individual choice and rights protected in the UDHR and associated covenants (see, e.g., Stavenhagen 1992). The question of which rights take precedence is usually considered on a case-by-case basis. Anthropologists often try to resolve dilemmas by appeal to intracultural diversity and change: a trait in question is analyzed as to whether it is really essential for cultural identity or continuity, or rather is a historical artifact or a trait which serves some special factional interest. These pragmatic approaches begin to address the criticisms and challenges raised by anticultural relativists and opponents of collective rights such as Donnelly (1990). Opponents demand convincing formulations of cultural and group rights before they will accept them as human rights; they interpret some collective rights to be social rights or the rights of individuals acting as members of a social group (Donnelly 1990:44, 46, 49). They agree that cultural identity should be protected, but they anticipate protections will emerge from strengthening civil-political rights, not from a difficult-to-formulate “right to cultural identity.” They find it hard to imagine a universal standard against which state conduct could be measured and for which states could be held accountable (Donnelly 1990:59). Such human rights advocates also fear that collective rights, whether indigenous or development rights, water down the concept: “The needless proliferation of human rights . . . risks devaluing the very idea of human rights and thus subtly weakening all human rights” (Donnelly 1990:59). Others note that it is hard to define “people” in the rights equation and that many groups of human beings may declare themselves a “people” for purposes of putting forth human rights claims (Baehr 1990:106). In this perspective, people’s rights are more political than philosophical, but they still may be acceptable for the purpose of promoting human dignity and well-being.

Collective rights, especially of indigenous people, are the most recent of four concepts of human rights and are the avenue through which human rights commissions are attempting to accommodate new information and demands at multiple social levels. Commissions try to resolve problems of political and cultural diversity by opening channels to new voices and by formulating economic-social-cultural rights in manners vague enough not to excite opposition. Two weaknesses of this approach are that human rights remain more philosophical than imperative, and economic-social-cultural rights and collective rights remain vague; a broad formulation makes such rights broadly ac-
ceptable, but it does not provide enough clarification to direct policy and evaluation. Specific obligations remain open to wide interpretation of measures of fulfillment and who qualifies as a “person” eligible for protection. Along with anthropologists, human rights lawyers, philosophers, and advocates have attempted to address these issues by seeking common ground on moral minima.

SIMILARITIES VERSUS DIFFERENCES

Cultural relativists and antirelativists agree that all cultures have notions of rights and wrongs. “Freedom is understood and sought after by people having the most diverse cultures” (American Anthropological Association Executive Board 1947:543), and “despite divergences in conceptions of what constitutes the substance of human dignity there seem to be certain shared commonalities across cultures and political systems” (Pollis and Schwab 1979:15). Although widespread disagreement persists on specific rights, their fulfillment, and definitions of “persons” and “peoples,” a core of similarities in concept and practice can be identified across cultures and political systems.

Similarities versus Differences in Concepts

All cultures appear to set limits on sanctioned violence (An-Na’im 1992; Renteln 1988, 1990) and to contain principles of basic subsistence as a human right, even though they may differ on the specific substance of fulfillment. Empirical evidence from diverse cultures allows cross-cultural comparisons of commonalities as well as differences in judgments of fairness, permissible behaviors, or minimally acceptable standards of human welfare (Cohen 1989, 1993; Mead 1950, 1964). Scientific and technical methods permit measurements of the substantive fulfillment of particular rights, such as adequate food or health, and translation and comparison across particular cultural standards. From diverse formulations of “rights” and “persons,” it is possible to discern which human rights categories and principles are widely shared (the “common ground” approach) and which necessarily draw on the diversity of cultural concerns and interpretations (the “umbrella approach”) (Messer 1993:235). Both approaches contribute to the evolving concept and corpus of human rights and universal practice.

Legal language and formulation assist these universalizing processes. For example, definitions and terms for rights and freedoms are left purposely vague so that national political cultures can define actual standards to fit their own contexts. Concepts such as “arbitrary” arrest or “procedures established by law” provide no precise prescriptions or proscriptions on “due process,” while directives to treat prisoners “with humanity and with respect for inherent dignity of the human person” are left open to cultural interpretation (Nickel 1987:75–77). Demands for political freedoms are allowed to be conditioned by crisis. Social and economic rights increasingly are formulated to aim toward “moral minima” rather than higher or more culturally appropriate standards. The Convention on the Rights of the Child (1989), promulgated by UNICEF, sets minimal goals for child nutrition and health, protections on which all can
agree although many cultural standards are more demanding. The interpretation of the UDHR leaves the level of fulfillment of economic rights conditional on levels of national resources.

Alleged advantages of such vague wordings and minimal standards are that states can endorse or appeal to human rights even if they lack consensus on some specific measures and values. They also are more likely to accept human rights institutions and to endorse treaties than if the language of obligations were more precise or demanding.

Adherence to International Human Rights Instruments

Universal human rights rely on a growing number of international institutions and social movements to ensure protections. The UN legal framework of covenants and conventions provides a universal basis for appeal to human rights and an evolving set of mechanisms to track achievements and redress abuses. Interstate mechanisms include the regular reports that states party to each human rights treaty are obligated to submit. These reports document progress or failings and can lead to the condemnation of individual state’s human rights performance by other states and UN bodies.

Nongovernmental human rights activities, especially human rights monitoring, human rights education, and grassroots appeals to redress specific cases of abuses, also are carried out under the umbrella of universal human rights. NGO actions have been critical in broadening the constituencies for human rights and addressing gaps between government (and UN!) human rights rhetoric and achievements. NGOs also have been significant advocates in the struggle for stronger formulations of development and indigenous rights, where these have not been priorities of governments (Independent Commission on International Humanitarian Issues 1987; Welch 1995).

Broad-based human rights constituencies have also been building around specific categories of rights, such as fair labor conditions and compensation. The struggle to make socially just labor laws an interstate concern predates the UN and provides a model for international human rights institution building. The ILO Convention of 1919, which provided many of the social welfare provisions incorporated into the UDHR, recognized that successful pursuit of human rights goals would depend on the building of a broad-based constituency and broadly representative advisory and governing institutions. It accordingly established a council that drew on representatives of production, management, and labor to draft a program to protect working conditions, wages, social security, retirement, and widows and orphans. Draft legislation was subject to ratification by two-thirds vote of the entire group. The ILO has remained active in pressing for responsible state action on working conditions and in more generally supporting the human rights of vulnerable groups, especially indigenous peoples.

These examples show how government, NGOs, and private sector institutions use the UN human rights framework as a universal rallying and reference point. The UN legal framework and formal legal standards are “very important because they spell out the parameters for accountability and action which
are universally acceptable. Without them there are no human rights” (Coomaraswamy 1992:11–12). But to be truly universal, human rights must also be grounded in the moralities, ideas, and practices of human beings in cultural communities at less inclusive social levels (Nickel 1987:174; Alston 1990a).

ADHERENCE AT ALL SOCIAL LEVELS

Human rights are often construed as a top-down international legal exercise. But advocates emphasize that human rights are dynamic; to be effective they must relate to and address the concerns of local cultures and communities, be negotiable and flexible without sacrificing integrity (Alston 1990a), and appeal to cultural rules and contexts at all social levels (Welch and Leary 1990; Mbaya 1992; Freeman 1995). Although the subjects of international law are states and the UN established a legal apparatus of interstate treaties to implement human rights, the UDHR also appeals to every individual and organ of society to protect and fulfill human rights. Approaches to implementing human rights at all social levels include legal, educational, political, and cultural means. These approaches involve understanding local concepts and practices in relationship to international norms and also the ways local actors draw on the international framework to promote human rights in local contexts.

Cross-Cultural “Bottom-Up” Approaches

Although comparative legal approaches to human rights are still rare, an important series of exercises investigate the ways in which local cultural standards and practices support or conflict with international norms.

Latin American anthropologists have sought to pinpoint apparent contradictions between communal legal principles and practices and universal individual rights protections (Stavenhagen 1989, 1992). A special category of rights addresses communal control over land and resources and communities’ rights to direct development, both of which may come into conflict with interstate or state notions of sovereignty or individual property rights.

Africanist and nutritional anthropologists have investigated the cultural contexts of local customs such as female genital mutilation and women’s customary unequal access to land, food, or health care so that they can begin to analyze where cultural and (women’s) individual rights conflict and how to address the consequent problems. They commonly find that such customs are not essential for community cultural survival but are simply historical indicators of male dominance (Messer 1993:233–34).

Investigations of local cultural human rights notions and behaviors provide evidence to identify where local cultural ideas and practices support international goals and so affirm and ground them in culture. Where local principle and practice appear to diverge from international standards, investigators seek the cultural reasoning behind such departures and usually ask the additional question, What might be done to bring local cultural and international principles into congruence? Culture-specific studies spotlight and offer guidance
about eliminating preventable human rights abuses such as violence toward women. They also highlight areas where international human rights discourse needs to consider different cultural notions of rights and obligations, freedom and personhood (Messer 1996a).

**Educational Approaches**

Alternatively, some philosophers have sought to ground human rights in common sentiment rather than natural law, shared notions of rights, rationality, or moral reasoning. Lukes (1993) argues that from utilitarian and Marxist viewpoints, the “good society” should be able to exist without (individual) human rights principles that are to some degree inimical to its central organizing principles. Citing inspiration from Annette Baier, Rorty (1993) finds the moral, principled, “rational” basis for human rights works at neither the individual psychological nor the philosophical level. Most individuals, he argues, do not accept the (natural law) model that we all owe obligations to all on the basis of membership in a common humanity; individuals are more likely to perceive intraspecies cultural differences as dramatic and repulsive. Such rational perceptions and conceptions of human difference notwithstanding, individuals are able to empathize with other members of the human species who are being tortured, starved, or otherwise abused and insist that no matter what the victims’ cultural differences, such violations against them should not be allowed. Proponents of this view assert that human rights culture at the grassroots level is spreading more through sentiment than through legal or moral reasoning.

The approach to universal human rights from this perspective is educational; it focuses on getting individuals and groups to identify personally with the sufferings of those experiencing violations and to organize an end to abuses. Like the cross-cultural “bottom-up” approaches, it suggests that human rights are conceptualized at different social levels and within multiple cultural contexts and that they are best viewed from “pluralist” perspectives that accept not only the principle of universal human rights but also the fact of cultural diversity in norms of behavior. The “pluralist,” in keeping with the preamble to the UDHR, affirms a faith in “fundamental human rights, in the dignity and worth of the human person,” while acknowledging that universal human rights so far remain more an aspiration than a political or cultural achievement.

**ANTHROPOLOGICAL CONTRIBUTIONS TO PLURALIST APPROACHES TO HUMAN RIGHTS IN A MULTICULTURAL WORLD**

Since the UDHR, the world has experienced a multiplication of new states, intrastate conflicts and challenges, rising people’s demands to take charge of their own progress, and an explosion of NGOs attempting to fill the gap between human rights rhetoric and practice (Human Rights Internet 1992). In this changing world order, understanding differing cultural and religious perspectives on human rights, although not new (Glean 1966; Raphael 1966; UNESCO
1987; Tomasevski 1989; Alston 1990a; Little, Kelsay, and Sachedina 1988), appears ever more urgent. Anthropologists can contribute by clarifying notions of rights in culture-specific contexts, by analyzing where concepts of personhood at multiple social levels leave certain categories of individuals without protections, and also by creating effective human rights educational materials that can link sentiment to human rights reasoning. Anthropologists could be doing more to shape human rights rhetoric and instruments by drawing together cross-cultural analyses of “rights” and “duties.” They could also be formulating better understandings of “persons” or “human beings”—who is protected as a member of a group and who is left out and why? This process could advance and systematize discussions of rights conceptualized, assumed, or abrogated at different social levels or by different social institutions (Messer 1996a:168–69).

By identifying local cultural and household notions and practices of the obligation to feed and provide medical care for young children, anthropologists could help clarify where the “right to food” exists or where the rights of children probably need additional protections. Thus human rights groups should be able to work effectively through customary institutions and practices. Anthropological understanding of religious rights and obligations to feed and care for coreligionists could help humanitarians apportion aid more wisely and gain assistance from locals. A principle limitation of the UN human rights documents and machinery up to this point has been their failure to penetrate below, or to look outside, the level of the state to identify human rights notions as well as sources of violation. Human rights lawyers and philosophers are taking the “cultural” problem seriously and would benefit from more anthropological input on customary legal or moral notions of rights, obligations, and personhood.

An additional challenge for anthropologists is to describe and address conflicting rights and to provide the background information for informed judgments on abuses. Examples include cases where the interests of NGOs apparently come into conflict with the individual or group rights of peoples whose basic needs they claim to be addressing, such as where NGOs apparently fuel political oppression by providing abusive regimes with resources. The food programs in Ethiopia and Rwanda which propped up human rights abusing regimes are cases in point (Clay 1989; DeWaal 1991).

With new multicultural findings, human rights commissions promulgating legal rights for a global, but plural, society then face the choice of whether to try to incorporate the distinctive viewpoints into a united, but pluralistic, whole or to homogenize the disparate viewpoints into a uniform whole. On people’s rights, the documents appear to follow the first model, incorporating regional and indigenous human rights formulations into the expanding “whole” of international human rights. The UN’s human rights rhetoric and advocacy have moved from supporting a right to self determination for peoples (colonial societies throwing off imperial powers), to development rights (Third World leaders demanding protection from exploitation implicit in capitalist political-economic development), to indigenous rights (indigenous peoples resisting dominant states). As a consequence, the international doctrine is “united” as
a series of documents approved by the UN, but principles and practices continue to evolve in response to the perennial struggle to create postcolonial national and international order. But after almost fifty years, legal experts still wonder how to create and implement a universal human rights standard that will limit all forms of violence, while individuals, communities, NGOs, and religious and cultural groups suffering human rights affronts maintain hope that the human rights framework can assist them in overcoming oppression in universal or culturally relative human rights terms (see Sponsel 1996).

SUMMARY: UNIVERSALS AND PARTICULARS

Human rights are "universal" in terms of their formal acceptance by governments. In addition, they provide a reference standard against which behaviors of governments (and others) are measured. Not all provisions are universally acceptable in cultural or philosophical terms, but those who argue for their universality see unity in diversity (Alston 1990a:7) and focus on the hard core of similarities rather than differences. Although the tendency persists among governments, NGOs, and individuals to focus on their differences and therefore on the nonuniversality of modern human rights, the concept of human rights continues to grow as a set of principles, social movement, and legal framework opposing oppression. Anthropologists have been vigilant in documenting abuses and increasingly appeal to the human rights framework for protection and redress of grievances.

The evidence cited here suggests that pluralist approaches to human rights are more widely endorsed than the narrower view that human rights are the exclusive heritage of Western liberal political tradition (see, e.g., Maritain 1943; Coomaraswamy 1992; Stackhouse 1984; and Alston 1990a versus Howard 1992). Additionally, Western liberal political tradition endorses social and economic, not just civil-political, rights; Asian rights traditions also include both classes, although the style of negotiating rights may indeed be different and may favor consensus over confrontation. Cultural leaders, especially religious leaders, also seem to be searching for common ground—universal moral principles that transcend other disagreements—and to be seeking a common commitment for action on behalf of humanity that allows their theological-ethical stance to resonate with international secular legal doctrine. In practice as well as in principle, it is urgent to understand the terms in which particular cultures at multiple social levels describe and circumscribe intolerable behaviors and membership in the "human" community enjoying protections. Only with cultural understanding will it be possible to formulate, implement, and protect human rights in a pluralist world. Although there will continue to be great disagreement over notions of "rights," "duties," and "persons," most probably would accept Jenks's (1968) conclusion that peaceful coexistence, social justice, and human rights are challenged not by divergent moral traditions and values, but rather by the problem of evil, clothed in various ideological garb, that denies the dignity and worth of the human person as human being. Human rights are less a problem of
the correct legal formulations of rights and more a problem of human classification, of who is not counted as a complete human being and social member deserving of rights. This "human" dimension, viewed against the history of pluralist human rights thinking and global social transformation, suggests that between the extremes of universalism and relativism, there needs to be a middle ground, a pluralist approach, that can negotiate between narrower universalist claims and broader cultural relativist counterclam and emphases on concrete realities.

In addition, the evidence also suggests that although state responsibilities are featured in the interstate framework of UN human rights, states are not the only parties responsible for the definition, implementation, and monitoring of human rights. As a corollary, political-economic and sociocultural approaches need to supplement the dominant legal approach, which is necessary, but not sufficient. The UDHR was conceived and ratified at a time when racial and religious discrimination was routine in the U.S. and women did not have the right to vote in most of the world states. In 1951, the UN Department of Social Affairs noted with pride the "profound influence" of human rights, which had served as a model for the national constitutions of Haiti, El Salvador, Syria, and Indonesia, countries where individuals of minority groups then and now confront restrictions in citizenship and where human rights are less models than reference points for violations (United Nations Department of Social Affairs 1951). Legal rhetoric is not enough; constitutional guarantees and implementing legislation are less a problem than the observance of law, its moral authority, and the reference "human" community to which it is applied.

Improvements in human rights teaching are also necessary. International and cross-cultural discourse and human rights teaching focus mostly on the obligations of everyone toward all other human beings within a framework of rational discourse. Philosophers, along with anthropologists, raise the objection that there may be nothing "self-evident" in the assertion of common humanity, especially where particular cultures define the "other" as less than human. Human rights teaching might have more impact if it moved toward a communications style based more on sentiment and stories (e.g., Montejo 1987). Individuals may be moved less by the moral question, "What are (my) obligations to another member of the human species?" and its response, "Because kinship and custom are morally irrelevant to the obligations imposed by the recognition of membership in the same species," than by the emotional question, "Why should I care about a stranger . . . who is no kin to me?" and its rejoinder, "Because this is what it is like to be in her situation, to be far from home, among strangers." Although this presentation of the argument (Rorty 1993) offers no guidance on why individuals who have been carefully taught cultural exclusion of the "other" should feel empathy in contexts where they cannot or do not reason or intuit moral obligation, exploring the sentimental bases of human (rights) behavior constitutes a neglected and potentially important point of return for anthropology, historically the study of moral philosophy and human classification (Durkheim 1976[1915]).

These viewpoints highlight the need to move between top-down and bot-
tom-up perspectives to achieve better adherence in human rights practice. This demands careful review of what constitutes the "cultures" that are demanding or conceptualizing rights (see Jackson 1995; Messer 1995:64–66 and passim) and the ways in which certain state cultures abuse human rights principles for their own oppressive ends (Schirmer 1995). Additional descriptions of "human rights" ideas, behaviors, and values of particular cultures provide data and opportunities to respond more effectively to cultural relativists and "reverse cultural relativists," who respectively reject universals and cultural or community concepts as "human rights," even as they admit that "human rights might be better guaranteed in practice if they are also grounded in [religious] belief" (Howard 1995:12). Multiple cultural viewpoints offer additional paths for understanding definitions of human being—who is left out of rights and privileges and why—and for responding. Comparison of local through national notions of rights and obligations and study of individuals in relation to community challenge anthropologists finally to examine whether evolving concepts of culture also accommodate national and regional cultures and whether cultural analyses of human rights offer insights into other cultural phenomena that involve grassroots through global formulations and behaviors.

CONCLUSION

Avoidable harm to men, women, and children and violence by states against opposing communities or cultures are not acceptable for a global community that has substantial material and legal resources and that advocates human rights standards that transcend more restricted values and practices of particular local groups or national cultures.

International human rights, considered across time and space, offer an evolving plural consensus, an umbrella that allows Western, socialist, and other cultural rights formulations to be combined and accepted within a single universal formulation from which each political interest selects and elaborates in law what it accepts as its own concept of "universal rights." From historical Western origins, human rights have been developed into a system that is internationally legally and universal philosophically, with pluralist developments. For practical purposes, this unity-in-diversity means that all can accept the principle of human rights, although they may disagree on particulars. "Unity-in-diversity," however, means that universal practice of human rights awaits recognition, implementation, and enforcement in the particular legal codes of states and customary behaviors of peoples at less inclusive social levels. Furthermore, not everyone or every state accepts this pluralist approach, and controversies and conflicts remain unresolved. Anthropological approaches to cross-cultural comparisons of essential rights, obligations, and notions of human beings in relationship to community are slowly sorting out principles of analysis and action on questions of local cultural versus "universal" interpretations. It remains to be seen whether these same principles will be useful for understanding and negotiating differences among national and international
interceptions of rights. Although a hallmark of the UN concept has been its international and legal character, "universal human rights begin. . . . In small places, close to home—so close and so small that they cannot be seen on any map of the world" (Eleanor Roosevelt 1958).

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