

## Human Rights Research: The Challenge for Anthropologists

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All cultures define moral and ethical principles for proper human interaction.<sup>1</sup> Such logics apply not only to their conduct with respect to one another, but also to those outside their culture. The logics, in their totality, represents a culture's definition of human rights. <sup>2</sup>

The precise content of human rights logics varies between and within the same culture at different times. Yet, the logics also tend to share critical, perhaps universal dimensions. To help examine how these specific and common dimensions might be investigated, I shall employ a common anthropological technique; examining a contemporary issue in another culture, time, and place. I shall identify eight common dimensions of human rights principles. Next, I describe an insightful typology of the macrologics underlying human rights principles to illustrate a theoretical frontier with which anthropologists might articulate their ethnographic findings on human rights. Finally, I present a cluster of micro-level questions which might be considered by those who might wish to contribute to the search and struggle for human rights.

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### **Another Culture and Another Time**

In 1215, at the meadow called Runnymede, betwixt Windsor and Stanes, King John begrudgingly signed the Magna Carta. This document, heralded as an early victory in subsequent struggles for human rights, merits close inspection. The concerns of the advocates of the Magna Carta are quite divorced from most contemporary human rights questions. The English clergy and barons were not concerned about securing rights for all men. The lengthy Great Charter supports a landed aristocracy's rights as opposed to those to the King. It sought to redefine the rules for interaction between the sovereign and significant thirteenth century English classes. Specifically, it reallocates rights among social groups: the barons, the Church, holders of Crown lands, Welchmen, Jews, freemen, knights, and so on. In fact, if the Magna Carta was the only source of ethnographic information on Thirteenth Century England, it would not only indicate the society's salient social groups but also their critical social, economic, and political problems.

The values and privileges of that time are evident. Rights are granted for the use of Church property, access to the judiciary system, crown lands, forest lands, and so on. Likewise, the social problems clearly reflect an agrarian society with a land-based system of political power. Claims relate to issues of guardianship, protection of widow's property, access to royal forest, custom duties, standardization of weights and measures, treatment of Welchmen in England, and ownership of church property. Although statements appear in the document supporting the rights of particular individuals, such

idiosyncratic claims may be ignored, as they do not set a precedent for future conduct. Thus, the first dimension of human rights propositions can be identified: human rights propositions invoke claims to specific goods and privileges by specific groups in a specific era.

A caveat is also necessary. Although the claimants' rights would obligate others to relinquish theirs, the expression of human rights should never be confused with the act of discrimination. The latter involves differential treatment of members of social groups who face like situations (Alexis 1976:150) while human rights principles express ideological goals, expectations, and values of a specific group which may or may not be a reality.

Seven other dimensions of human rights principles merit consideration. The formalization of rights in documents such as this emerge during periods of extreme social, political, or economic transformation and turmoil. Those demanding rights in the early thirteenth century English society were faced with heavy taxation for the Third Crusade and payment of the ransom for Richard I. And King John signed the document under threat of civil war. Likewise, the U.S. Bill of Rights, the French Rights of Men and Citizens, and the United Nations Declaration of Human Rights emerged from periods of tension, stress and redefinition of social boundaries.

Third, it would be incorrect to assume that human rights principles only appear in these and similar written documents found in Western European history. After a century of

ethnographic work, anthropologists are certain that all societies have human rights propositions. In most societies, these rights are not formalized in written charters. For example, Zapotec indians in southeastern Mexico consider the right of all children to obtain equal shares of their parents' estates and the right of parents to superannuity from their children as two fundamental rights in their society (Downing, 1973, 1979). Of course, neither this nor any other basic Zapotec rights are codified in a formal declaration of Zapotec villager's rights. And this does not make them any less important to the Zapotecs. Young (1980) discovered comparable propositions in Chinese and Vietnamese cultures. And all the competent ethnographers could recount kindred rights in other societies. Such principles are real, meaningful, and an intrinsic part of the culture. No social group could survive without a set of normative propositions concerning what is proper interaction among its salient classes or groups.

Fourth, all societies reserve the option to deny individuals or groups access to certain human rights, as a sanction necessary for social control. From the perspective of the present, the specific denials may appear rather astonishing. The same Magna Carta which contains precursors of what would eventually become the Right to Habeas Corpus, the Petition of Right, and the rights of those taxed to representation, is blatantly male chauvinistic. It rigidly circumscribes the legal rights of women by declaring that:

"None shall be taken or imprisoned upon the appeal of a woman, for the death of any other than her husband."  
(Costain, 1949:313).

In ancient Greece, homicide was punished by banishment, which is the complete denial of an offender's rights to the comfort, privileges, and protection of his own group. Likewise, Roman's offered its citizens exile (exsilium) as an alternative to the death penalty. Institutions may simultaneously deny and protect human rights. This is most notable in institutions charged with protecting and interpreting violations of normative principles, as occurs in the establishment of a Council of 25 Barons, in the Magna Carta or the judiciary systems of complex societies.

We turn now to an important, fifth dimension of human rights principles: human rights propositions set standards by which a society may judge its own performance. A culture's evaluations of its moral status is based, in part, on the adherence of its members to moral standards which they hold in common. Considerable social energy is expended on setting and maintaining these standards. In relatively small societies, standards are set through discussion, moral dialogue, rituals, and symbolic activities. In complex societies, the task becomes institutionalized and involves complex bureaucracies, legal institutions, juridical procedures, and training. In such societies, the social sciences themselves often play an important role in this evaluative process.

Sixth, unpredictable behavior is an anathema to orderly social reproduction. Consequently, human rights propositions not only set standards of conduct but also increase the predictability and intentionality of human interaction. The Great Charter meticulously delineates the proper conduct for sovereign and barons at the time of succession, thereby allowing claimants

to anticipate and judge one another's actions during the stressful process an intergenerational transfer of wealth.

Human rights principles also provide a code of acceptable conduct for non-members of their culture, which I will call "outsiders". The latter means that additional logics are present which guide inter-organizational and inter-societal interaction (e.g. diplomatic immunity, taxation codes, etc.). A rudimentary form of such propositions appear in the Magna Carta, defining and limiting the rights of two types of outsiders in Thirteenth Century English society, Welchmen and Jews. With respect to the later, the document explicitly limits the rights of Jews:

"If any person have borrowed money of Jews, more or less, and die before they have paid the debt, the debt shall not grow whilst the heir is under age; and if such debt become due to us, we will take no more than the goods expressed in deed." (ibid:307).

"And if any die, and owe a debt to the Jews, his wife shall have her dower, and shall be charged with no part of the debt; and if the children of the deceased person be within age, their reasonable estovers shall be provided them, according to the value of the estate which their ancestor had; and the debt shall be paid out of the residue, saving the services due to the lord." (ibid:307)

Being strangers in the cultures they study, anthropologists quickly discover their own "outsiders" rights (or lack thereof).

As the world has become a global village, the rights of "outsiders" within another culture have become increasingly important. Not only are more outsiders present within another culture, but their plights are relatively quickly known to members of their own culture. For example, in this volume, other authors discuss undocumented Mexican aliens in the United States and new immigrants in Israel.

A seventh characteristic of human rights principles concerns their degree of accretion within the social institutions and customs of a society. In June of 1215, the rights granted in the Magna Carta were considered by the grantor to be politically expedient and temporary concessions. However, after the repeated application of these rights and the formation of social institutions specifically concerned with their protection and application, certain of these rights became deeply embedded in English, Commonwealth, the United States, and in international law.

The concept of accretion is important. If the practices which protect or deny the human rights of people are weakly grafted onto a society, representing the product of particular individuals, groups, administrations, or weakly articulated institutions, they may be more easily changed. A "Mission Impossible", a para-military "A-Team", the CIA, or a modification of certain laws may be capable of altering human history, disrupting and destroying weakly articulated rights. But when rights are deeply embedded in an institutional or cultural ethos, changes in human rights require fundamental cultural change, with all the attendant problems which anthropologists have described over the past forty years.

Recognizing that many human rights issues are ideological expressions of deeper social struggles, class conflicts, organizational and value differences, and economic confrontations within specific social organizations, and that they often become most volatile under conditions of socio-economic stress, it follows that the logic of human rights is subject to considerable flux. Thus, the eighth dimension of human rights

principles is that they change. This dynamics has been repeatedly recognized by those that actively work on human rights problems.

"The field of human rights is constantly evolving not only because ideas of what constitutes human dignity change but also because, as society changes, needs arise for new forms of protection" (Teltsch, 1981:3).

As capitalism and industrialization waxed over the past three centuries, human rights issues shifted from the agrarian rights problems appearing in the Magna Carta to problems of equal pay for equal work, protection of workers from arbitrary acts by employers, the rights of workers to organize, and the rights of women and ethnic minorities. Most recently, UN declarations, covenants, and conventions have focused primarily upon the rights of citizens vis-a-vis the nation-state.

It follows that in the present multi-cultural, multi-ethnic, and multi-national world, varied ideologies co-exist and compete at all levels in the hierarchy of human organizations. These levels range from relatively isolated tribal groups in the upper Amazon to nation-states, to non-governmental associations, to transnational corporations. At every level, people continuously codify and modify, clarify and obscure, adopt and reject, interpret and reinterpret propositions concerning what ought to be proper human interaction. Sorting out the hierarchies of logics concerning human rights proves a formidable task.

#### **Macro-Micro Level Problems**

To introduce the vast range of problems involved in the



anthropological investigation of human rights, I shall concentrate on a difficult problem which is closely related to the ethnographic concerns for studying human rights. This problem is that of articulating macro-logics with micro-logics.

The macro-micro problem appears quite frequently in applied anthropological discussions of human rights and is a product of the aforementioned hierarchical, dynamic nature of human rights propositions. For example, a subordinate group's adoption of a normative proposition advocated by a supra-organization on an issue, such as the rights of women, requires adjustment of broad general issues to a specific set of human interactions. The subordinate organization may choose (or be forced) to incorporate, reject, or ignore the proposition. Conversely, supra-organizations often must deal with propositions resulting from the actions or logics of subordinate organizations which are within their sphere of influence. Such micro-level logic may challenge the supra-organization's own logic concerning human rights or other issues. An important part of the problem of applied anthropology consist of analyzing actual or projected interaction between micro-level/macro-level relationships. To understand the applied anthropologists contribution to human rights, we might best examine one of the more powerful macro-level theories and then turn to problems that arise in an attempt to apply it to practical, human rights problems.

#### **Falkian Macro-theory**

One of the outstanding political theorists in the area of human rights, Professor Richard A. Falk, at Princeton, offers considerable assistance, at this point, by disaggregating various

global, "competing normative logics" concerning human rights (Falk, 1980). Normative logic refers to "a set of propositions about what ought to happen with respect to relations among basic actors in the world system" (ibid:66). He argues that since the Peace of Westphalia, the prevailing logic has been **statist**. Statist logic postulates a world of juridical and political equality among nation-states, wherein human rights issues are seen as domestic problems, the exclusive prerogative of the nation-state. States hold one another responsible for controlling their own domestic affairs and adhere to a policy of non-intervention.

**Hegemonial** logic, in contrast, recognizes the basic inequality among nation-states. It presumes a correlation between power and virtue, with the powerful holding a moral obligation to protect the internal order of weaker global actors. Under such logic, weaker states may be coerced, remunerated or encouraged to adopt the dominant power's version of human rights. The mechanisms for exercising this logic include diplomatic pressure, withholding of aids and credits, comforting the dissident elements of another nation-state, and, of course, military intervention. Hegemonial logic may be used to support the reestablishment of political authority in situations where a weaker nation appears unwilling or unable to remain under the hegemonic power's protective umbrella.

Thucydides provides us with one of the earliest examples of hegemonial logic. In 460 B.C., the Athenians mounted an expedition against the Isle of Melos with "thirty ships of their

own, six Chian, and two Lesbian vessels, sixteen hundred heavy infantry, three hundred archers, and twenty mounted archers from Athens and about fifteen hundred heavy infantry from the allies and the islanders (Thucydides, XVII:84)." Before the battle, the Athenians sent an envoy to the Melian commissioners and the dialogue is reported to have been as follows:

Melians: ...we see you come to be judges in your own cause and that all we can reasonably expect from this negotiation is war, if we prove to have right on our side and refuse to submit, and in the contrary case, slavery.

Athenians: ....You know as well as we do that right, as the world goes, is only in question between equals in power; while the strong do what they can and the weak suffer what they must.

Suffer they did, for the Melians were subsequently defeated and all their men put to death, their women and children sold into slavery, and their lands inhabited by Athenian colonists. More recently, this logic might be applied to the recent interventions by Syria and Israel in Lebanon, by Russia in Afganistan, and by the U.S. in Grenada. Hegemonic logic is not limited to superpowers, but may also be used to justify "benevolent interventions" of supranational organizations, such as has recently taken place in the International Monetary Foundation in Mexico and Brasil.

**Naturalistic** logic is based on the idea that "certain rights inhere in human nature and should be respected by all organized

societies" (ibid.:78). Questions concerning human rights are viewed as prior to politics and is basically a common moral force. Naturalistic logic is sometimes appealed to by hegemonial powers wishing popular support for interventions in the affairs of weaker states or justifying their internal human rights policies.

When nation-states share a common interest concerning what they consider to be proper human interaction, yet another form of logic appears which appeals to a set of values and expectations which they share. This form of **supranational** logic defines the "rules of the game" for international behavior. Supranational logic takes on both a regional form, as is the case in the OECD or the OAS, and a functional form, as is the case in OPEC, the "South", "LDC's", the Non-Aligned Movement, and the Group of 77. Supranational logic is most commonly heard in the UN General Assembly, where standards and norms have been set for judging its the behaviors of nation-states. Nonetheless, the UN has never implemented any of its supranational resolutions, since it is dominated by statist and hegemonial logic.

Falk continues with his macro-political theory by distinguishing between supranational logic from **transnational** logic. Transnational logic refers to an ordering of nongovernmental activities which crosses national boundaries. Transnational corporations are the most visible actors operating at this level, but other organizations use it, such as Amnesty International, International League for Human Rights and the International Commission of Jurist, the World Council of Churches, National Council of Churches, and the Third World Forum.

Finally, Falk identifies the weakest and potentially most subversive of the ordering logic, which he calls **"populist."** Populist logic rejects the five previous logics by insisting that governmental and intergovernmental organizations do not hold a monopoly of legitimized authority. It advocates the radical proposition that human rights derive "from the people", rather than through any legitimizing national, transnational, or supranational organization. Its expression may be found in activities such as Bertrand Russell's War Crimes Tribunal and the holding of "counter-conferences" concurrent with meetings organized along statist and hegemonial lines. Although Falk does not so state, populist logic also underlies the widespread reemergence of supranational, fundamentalist religious sects.

#### **Projections of Future Human Rights Issues**

Falk employs his six-part typology to project several alternative global futures of human rights, each based on a different perception of the changing world order. The details of his projections need not concern us, but they range from a mild reordering of the global stage, as American hegemony wanes, to more radical futures, wherein the nation-state system erodes and a new planetary polity emerges with its associated beliefs, values and myths. The latter future has two variants, one a centralized tyranny, the other, a decentralized polity, with the central guidance dedicated to the growth of functional activities. In either case, supranational logic greatly expands at the expense of state and populist logic.

But Falk's macro-theory and projected futures seem rather

abstract and remote from contemporary human rights problems confronting an applied anthropologist analyzing human rights problems in a specific socio-cultural context. Unless anthropologists assume that micro-level ideologies and actions are merely microcosmic representations of macro-level ideologies and actions they observe in the field, and I have tried to point out that we cannot so assume, the anthropologists face serious theoretical and methodological problems. Falk seems aware of the weakness of his own theory, as a tool for futures projection, when he approaches the question of micro-logics, below that of the nation-state.

"The protection of human rights in a given world order system is not rigidly the exclusive preserve of any one of the ordering logics. It all depends on the value base that animates a given political actor at any level of social organization. As racist and religious militants' movements have demonstrated, repressive intolerance can rise from below (via populist logic) as well as imposed from above (via stasis logic)." (ibid:107-8).

Moreover, if all social organizations have human rights propositions and if these propositions become increasingly context-specific as one slides closer to the micro side of the macro/micro spectrum, then it follows that micro-level political action observed by anthropologists is seldom a microcosm of macro-level logics. As human rights propositions are examined within their cultural context, clusters of propositions, kindred to those identified by Falk, will undoubtedly appear at subordinate levels.

Moreover, varieties and fragments of the macro-logics described by Falk originated as micro-logics. In philosophical and

political debates, micro-level logics have been eventually extended into macro-level propositions. For example, micrologics expounded by such marginal men as Hamilton, Jay, Madison and Engels, Marx, and Lenin have ignited uncontrollable grass fires in favor of two complex views of human rights. On a far more modest scale, most anthropologists have been fortunate enough to hear non-literate peoples express equally complex principles concerning their rights as a member of their culture.

Anthropologists have struggled with this problem since Redfield's pioneering work on the Great and Little Traditions. They have discovered local level responses to such global changes. And these changes have proven to be quiet unpredictable and varied. What has been discovered is that local level organizations modify, interpret, adapt, and incorporate external ideologies to fit their own objectives and constraints. Falk's projective methodology and global theory fails to consider this anthropological dimension to human rights and, as a result, is wanting. It is within this arena that applied anthropologists are most likely to make significant contributions. Fortunately, these contributions will be made not only to the peoples whom they study, but also to a basic goal of the profession, understanding social and ideological change.

#### **On the Horizon: unresolved issues**

Multiple problems await applied anthropologists working in the area of human rights which range beyond the issues of specific individual transgressions or a particular groups problems maintaining or defending their human rights. Once one steps below the macro-level considered by Falk, the world becomes, and

is still, exceedingly diverse and complex. Important theoretical and practical discoveries lie within the realm of empirical investigations of nested hierarchies of human rights investigated within their cultural context.

The first problem might be called that of "sorting things out." Most of the human rights propositions of the societies which anthropologists study have not been sufficiently described in such a way that those seeking to change or defend them may clearly see what they are. Making them explicit requires careful ethnographic fieldwork and ethnological analysis. The sorting problem becomes urgent as the powerless groups which anthropologists study become more tightly meshed in the world political economy. Their rights may be trampled so quickly that they may never be known or defended.

The scope of this task is staggering. It may well be impossible to sort out all the human rights logics in the multitude of societies, organizations, and minority groups of the world since, by the time they were catalogued, they would have changed or lost.

Students interested in human rights may begin work immediately, even before they "go-to-the-field." They may extract the propositions from the ethnographic literature. This work may be tested and verified by subsequent fieldwork, including discussing the propositions with individuals or panels of individuals in the field.

Once in the field, they must make an extraordinary effort to understand the semantics of the languages spoken in the culture.



understand the semantics of the languages spoken in the culture. Once achieved, certain dimensions of the problem need to be considered. These include answering such questions as:

- What social groups hold human rights propositions?
- What are these propositions?
- What rights do they protect?
- Whose rights are being protected against what or whom?
- What assumptions underly them?
- To whom do they apply?
- Under what circumstances may the protections they support be withdrawn from an individual?
- Which propositions are shared in common with supraordinate social groups? and under what circumstances do the supraordinate groups recognize conflict between itself and the subordinate group?
- What are the rights granted and withheld to outsiders?
- How do people in the culture discover their rights when they are outsiders in another culture?
- What new social groups are emerging which might challenge the rights of existing groups?
- What are the contradictions between the ideological propositions of the supraordinate and subordinate groups?
- What institutions define and maintain these codes of conduct?
- What sanctions are applied to a transgression of the human rights propositions?

Answering these and related questions may, at long last, offer a theoretical foundation for an anthropology of human rights. If the answers are expressed in a way that non-anthropologists will understand, then an anthropology of human rights might become valuable to those struggling for their human rights and that of others.

The second problem consists of developing explanations of how and why human rights ideologies change. If the objective is to anticipate changes in the human rights situation of a social group, then a theory which explains ideological change is absolutely necessary. We already have the shreds and patches of such a theory, as in Wallace's (1961:143-156) theory of revitalization movements, but more work is necessary. This work requires the analyst to step outside an overly narrow preoccupation with ideology and look at the historically-specific conditions that might account for these ideologies.

My own preference for a deeper explanation is to be found in the dominant economic trends of an age and peoples, specifically in a theory which considers the importance of the internationalization of capital, the proletarianization of labor, the commodification of human social activity, and the importance of the laws of capital accumulation (Downing, 1982). I anticipate that a theory of human rights may turn out to be an insightful chapter in a theory of cultural and economic evolution. But other entry points are possible. Whatever framework is chosen, a grasp of the economic processes underlying changes in ideological logics is imperative.

If the preceding tasks are properly done, a third problem awaits us: projecting or anticipating human rights issues which will have an impact on the groups that we study. Attempting such work may be beyond the grasp of contemporary social theory. It is neither a trivial methodological nor ethical problem, since as anthropologists approach the answers, their own powerful ideological bias will more fully understood.

Footnotes

1. This paper is based upon the keynote address presented at the Annual Meeting of the High Plains Regional Section of the Society for Applied Anthropology, February 18, 1984, parts of which were subsequently published in conference proceedings in the High Plains Applied Anthropologist (HPAA), Volume 5, number 3, Fall 1985, page 1-7. I wish to express my most sincere appreciation to Carmen Dolney, Rex Hutchens, Sue-Ellen Jacobs, Yuri Downing, and to the editor of the HPAA, Larry Van Horne, for their comments on an earlier draft of this paper.

2. I will not be discussing specific, individual transgressions which lead up to a particular human rights problem. My concern will be to place the issue of human rights within an anthropological frame of reference. I forewarn that individual behavior is not the focus of our discipline, but rather the understanding of the structure within which such behavior occurs.

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