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ANTHROPOLOGY AND HUMAN RIGHTS

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INTRODUCTION

This essay reviews what anthropologists have contributed to the human rights framework and how they have used it for research and advocacy (117, 144, 176, 221, 258, 282, 283). Since 1948 the United Nations (UN) has aspired to create a global community, based on human rights, “a common standard of achievement for all peoples and nations” (the UN Universal Declaration of Human Rights), the substance of which is continually evolving. Anthropologists have contributed to these continuing efforts in two critical ways: first, by providing cross-cultural research on the questions of “What are rights?” and “Who is counted as a full ‘person’ or ‘human being’ eligible to enjoy them?” (117, 152, 176, 221); and second, by monitoring compliance with human rights standards and by criticizing human rights violations or abuses (282, 283).

A conventional wisdom persists both inside and outside of anthropology that anthropologists have been largely uninvolved in human rights formulations for five main reasons: 1. anthropologists’ insistence that human rights concepts are culturally relative, in opposition to universal formulations (51, 79, 208, 209); 2. anthropologists’ advocacy of collective and indigenous rights over and against the universal formulations framed in terms of the individual’s rights (51); 3. anthropologists’ commitment to applied anthropology and political economic action over human rights approaches to overcoming oppression and inequality (268, 282); 4. the political sensitivities of doing fieldwork (67, 69); and 5. anthropologists’ involvement with small-scale sociocultural analy-

sis and comparative moral systems, based on duties, gift-giving, or nurturance, rather than with sovereign state-level societies and legal systems based on rights (e.g. 158, 222–224).

This review outlines briefly the background of human rights and anthropology. It then presents evidence to counter the five points above, demonstrating how alleged opposition by anthropologists to the human rights framework has contributed to the expansion of the human rights concept and the anthropology of development. Overall, the evidence suggests that anthropologists have prevailed in broadening the international discourse on human rights, which now includes collective and indigenous rights and details more specific content for social, economic, and cultural rights. Reciprocally, the human rights perspective has broadened the terms in which anthropologists construe social transformation and the anthropology of development.

The Background of Human Rights

The UN has been promoting and codifying human rights for 45 years through the Universal Declaration of Human Rights and associated resolutions, covenants, fact-finding commissions, and monitoring and reporting mechanisms (26, 75, 157, 272). Human rights as a philosophical concept refers to the reasonable demands for personal security and basic well-being that all individuals can make on the rest of humanity by virtue of their being members of the species *Homo sapiens* (230). Building on a foundation of natural law, political principles, national and international legal instruments, and humanitarian agreements, the UN concept of human rights acknowledges that in all times and places, reasonable people, regardless of political affiliation, demand certain minimum standards of behavior by governments toward their own citizens (157:305).

But what these rights are, and who is protected under them, has varied according to historical and social context and political interest (see 51, 52, 152, 207–209, 221). Western nations and political concepts, in the aftermath of the atrocities of World War II, dominated the drafting of the UN Universal Declaration of Human Rights and emphasized the so-called “first generation” of *political and civil rights*, which protect basic security of persons. Socialist and welfare state concepts and nations added a “second generation” of *socioeconomic and cultural rights* including rights to employment and fair working conditions; rights to a standard of living that ensures health and well-being; rights to social security, education, and participation in the cultural life of the community; and special rights of women and children. Strictly speaking, socialist governments never accepted the notion of natural political rights, although they signed the UN documents, while the United States, among other Western nations, signed but never ratified the legal instruments designed to implement social, economic, and cultural rights (4, 190).

Third World nations, especially in Africa, added a “third generation” of *solidarity* or *development rights* to peace, a more equitable socioeconomic order, and a sustainable environment. At the same time, many rejected the universalism of the Western human rights notions as ethnocentric (e.g. 148, 226, 273, 286) and insisted that the rights of individuals could not be separated from their collective context. Indigenous peoples are now in the process of adding a “fourth generation” of *indigenous rights*, which will protect their rights to political self-determination and control over socioeconomic development—rights that are currently threatened within state frameworks (see 32, 33, 123, 282, 283). All four generations or categories are now harmonized under the international-statist legal framework’s umbrella of human rights (e.g. 3, 163), under which they are subject to international, national, religious, and local interpretation and compliance.

This ongoing effort to establish a global human community based on universal but evolving standards of human decency, morality, and dignity constitutes perhaps the greatest social transformation of this century (172, 176). The principle of human rights is accepted universally today, and no state would go on record as being opposed to human rights (e.g. 51, 52, 221). Yet those from different states, and from different political, cultural, and religious traditions, continue to disagree on which rights have universal force and who is protected under them (1, 183). Some rights or standards of behavior, such as limitations on sanctioned violence, clearly seem to exist in all cultures (184, 206, 209). And all societies have basic rules for food sharing and other essential forms of social assistance to guarantee life for the society’s members under normal circumstances (171–173). But different rights take precedence in different cultures, particularly under conditions perceived to be stressful. Moreover, the key to comparative analysis and promotion of human rights may lie less in the particular “rights” and more in the social categories that are included or excluded from their protections (172). Contextualization, interpretation, and negotiation are critical (184).

Legal experts and advocates (3, 26, 57, 252) and UN agencies, particularly UNESCO, charged with implementing human rights policies (144, 257, 258) have continually sought cross-cultural information to improve formulations, reporting mechanisms, and enforcement. Both cultural and biological anthropologists were integrally (albeit controversially) involved in the discussions leading up to and following the initial UN Universal Declaration of Human Rights in 1948 (17, 79, 150, 165, 166, 177) and have continued to be selectively involved in advancing formulation and measurement of particular rights.

Despite this history of involvement, anthropologists are perceived to have been largely left out of the human rights debate (67, 206, 207, 221). This perception seems contradicted by the extensive bibliographies on anthropology and human rights (117, 221), but is substantiated by searches of computer-

ized databases and major human rights journals such as the *Human Rights Quarterly*, which uncover few articles by anthropologists. The editors and authors of some collections on human rights in cross-cultural perspective that appeared over the past decade (36, 44, 159, 186, 202a, 227, 228, 265, 273) are predominantly political theorists, legal scholars, and philosophers, even when they include anthropologists (183, 185). These nonanthropological disciplines also appear to dominate the ongoing UN process of defining, justifying, and advocating human rights (26, 57).

The first reason for the apparent exclusion of anthropologists has been the “burden” of cultural relativism. The American Anthropological Association (AAA) (79), when asked to comment on the the proposed Universal Declaration, rejected the notion of universal human rights. Instead, they emphasized that different peoples have different rights concepts and that they also refer to different authorities. They criticized the universal international legal framework as ethnocentrically Western and expressed distrust for the framework of national sovereignty that was charged with enforcement. Anthropologists continually challenge Western ideas of “progress” and associated notions of development that are implicit in early human rights formulations (24a, 28, 29). Such criticisms contribute to the impression that anthropologists have been uninterested in human rights (67, 208).

A second and related issue, which clearly contradicts the “lack of interest” argument, is that anthropologists have tended to advocate rights of collectivities, especially indigenous peoples. These collective rights have been accepted only recently by the human rights legal advocates as integral to the human rights concept, which previously focused on the rights of individuals (3, 26, 81, 132).

Third, anthropologists’ concerns with applied anthropology and activism have worked against their greater involvement in human rights, but in somewhat opposite directions. Some anthropologists in the 1940s opposed participation in the human rights debates because they saw such policy-oriented or interventionist activities as inconsistent with scientific rigor (e.g. 19, 243). By contrast, later reflections attributed the apparent lack of attention to human rights precisely to such interventionist-activist concerns. These concerns found expression more in applied or action-oriented anthropology to improve the economic conditions and political negotiating strength of smaller-scale societies (268) than in political discussions of abstract rights or in the time-consuming process of drafting declarations.

Fourth, it is alleged that anthropologists have had to avoid extensive involvement in human rights because of the political sensitivity of doing fieldwork (67). If anthropologists report human rights abuses and implicitly or explicitly question the political legitimacies of sovereign states and their notions of progress, they imperil the continued invitations extended to anthropol-

ogists to work in certain areas, and their behind-the-scenes advocacy of the peoples they study. Alternatively, lack of attention to human rights in the political context of fieldwork has also been used as a framework for criticizing anthropologists' involvement in colonialist, imperialist regimes (31, 94, 151).

Finally, and somewhat in summary, the predominantly legal approach and state-level formulations of the UN human rights process have tended to marginalize anthropologists. Anthropologists have entered the legal arena, especially in indigenous rights and advocacy and analysis of plural legal systems (170). They also have helped construct the legal rhetoric for particular socioeconomic, cultural, and indigenous rights (e.g. 241, see also 170). But most anthropologists continue to approach human rights through sociocultural and political economic rather than legal frameworks. Some UN agencies have always been interested in exploring further these extralegal approaches (76, 257, 258), but legal discourse continues to dominate the UN Human Rights Commissions. A corresponding limitation of the UN human rights documents and procedures 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 (172, 176).

Even under such constraints, anthropologists could conduct more comparative studies of human rights formulations, investigating how societies establish guidelines for conduct: How do particular cultural concepts of rights, obligations, or nurturance (69, 136, 158, 222–224, 279a) translate into codes of behavior, or UN human rights standards? What are the duties of the more fortunate to improve the conditions of the underprivileged (230)? And how do notions of “personhood” and “human being” create categories of privileged or underprivileged, respectively protected or denied protection under the law at multiple social levels in plural societies (e.g. 93, 172, 205)? Anthropologists could also contribute to better international legislation and monitoring instruments (69, 124, 206, 209) in a world that human rights legal experts recognize is increasingly pluralistic and marked by the need to protect collective as well as individual rights (82, 242).

Reciprocally, anthropologists might make greater use of the human rights framework in their theoretical, action- or policy-oriented analyses of social transformations (45, 46, 118), especially as human rights enter into definitions and discussions of development (117, 246). Official political agencies may deal with human rights mostly or exclusively at the level of national or international legal instruments, but anthropologists could still build a database of local practices and linkages among social levels.

Basic Literature

To advance such cross-cultural inquiries and human rights teaching, there are already a few key resources on anthropology and human rights. Human Rights

Internet publishes *The Human Rights Internet Reporter*, an annotated bibliography that organizes human rights reports by geographic region, issue, and UN or nongovernment organization (NGO), and also offers regional directories for Eastern Europe, the former Soviet Union, Africa, Latin America, and the Caribbean. Special annotated bibliographies on anthropology and human rights (117, 221), updated in the *Reporter*, provide a comprehensive guide to regional bibliographic resources, general anthropological literature, and further organize the literature by topic: cultural relativism and universals, moral concepts, caste and inequality, colonialism, race and racism, slavery, apartheid, torture, genocide and ethnocide, indigenous rights, indigenous peoples and development, indigenous property and water rights, aboriginal rights in Australia, women's rights, children's rights, health and reproductive rights; war, aggression and conflict, headhunting and cannibalism; refugees and migrants, cross-cultural judicial systems, reciprocity and obligations, ethnography of rights, and NGO resources.

UNESCO's *Annual Reports* and *Human Rights Teaching* (see especially 258) provide a historical perspective on anthropologists' formal involvement in UN human rights activities and additional cross-cultural, especially cross-religious, perspectives. Additional publication series are UNESCO's *International Bibliography of the Social Sciences (Social and Cultural Anthropology)*, *Bulletin Signalétique*, and anniversary retrospectives (108, 164). The UN Centre for Human Rights *Human Rights Study Series* and occasional UN University publications (76) offer comprehensive analyses on particular rights and valuable cross-cultural perspectives. Anthropological articles can also be located in the Harvard University Tozzer Library Index, *Anthropological Literature*, which has categories of human rights, particular categories of rights, and other human rights-related topics. Citations can also be found in the British *Anthropological Index to Current Periodicals*. Anthropological articles can also be located, with considerable digging, within the major social and political science databases that index "human rights" (e.g. Soc Sci and PAIS), although "human rights" is not always a key word in all relevant articles.

NGO publication series—Amnesty International (8, 60) and Human Rights Watch Committee *Reports* and special issues (e.g. 65a); the *Cultural Survival Quarterly*, *Occasional Papers* and *Special Reports* (e.g. 47, 49, 62); the International Work Group for Indigenous Affairs *Documents* and *Newsletters*; Survival International (UK); Minority Rights Group (41); and the Independent Commission on International Humanitarian Affairs (123)—provide valuable summaries, by region, country, and sometimes by issue, of progress in and abuses of human rights (see 170, 282 for indigenous rights organizations). Both UN and NGO publications include perspectives and articles by anthropologists, although the authors are not always identified. Regional and national professional associations also provide up-to-date information on abuses,

analysis of issues, and publications [e.g. *Guatemalan Scholars Network News*, *Bulletin of Concerned Asian Scholars*, and the "Human Rights Monitor" published in *Africa Today* (see also 23)].

All contribute to the evolving standards and practices of human rights and of anthropology. Overall, anthropologists continue to create a growing literature on human rights, much of which does not specifically use the label. This review highlights outstanding regional and cultural differences in human rights abuses and corresponding anthropological emphases. Topics such as ethnic conflict (cleansing) and warfare, infanticide, slavery and the right to work (including children's rights), and socioeconomic rights such as health and education are left for more thorough treatment in subsequent reviews (117 and 221 provide starter bibliographies). Also omitted are the extensive regional human rights literatures on North America, Europe, Australia, and the Middle East and the special concerns with indigenous rights in the Columbian Quincentennial (1992) and the International Year of the World's Indigenous Peoples (see 9, 9a).

CULTURAL RELATIVISM AND UNIVERSALS

With the expanding number of categories, and more specific content of human rights, both experts and policymakers now accept the idea that human rights concepts are culturally relative. The challenge is to identify commonalities and structure interpretations so that essential human rights are universally respected (3, 52, 116, 152, 157, 184).

Regional Perspectives

AFRICA In Africa, debate has raged over whether human rights are individual or collective, and whether the rights to development and to freedom from hunger take precedence over Western political emphasis on individual civil-political freedoms.

African political leaders, challenged by ethnic conflict and deteriorating ecological and economic conditions, have produced their own regional African (Banjul) Charter on Human Rights, and assert that in African societies, "peoples," not individuals, have rights and that individual freedoms may have to be sacrificed, at least in the short term, to support subsistence and development rights (114–116, 226, 227, 273). Drawing on the language of cultural relativism, they leverage the term "peoples" here to mean nations, not component ethnic groups (collectivities that may not enjoy any special rights in African national contexts). This follows an Africanist philosophical argument that Africans, contrary to western notions of the universal autonomous individual with rights, know no individual rights and "achieve" personhood (103, 168,

191); the human is a social being and only human by virtue of his or her social roles, fulfillment of appropriate rights and duties, and relationship as an individual to the social unit (1, 148). Critics counter that exploitation and deprivation of political freedom are social structural, not African cultural, characteristics, and the national “peoples” are abstract (114, 115). The “achieved” personhood is also abstract. As particular African ethnographic examples demonstrate, individuals enjoy pan-human as well as collective identity—that all are “children of God” (64) or that “a man is a man for all that” (50:119–20)—and that they have individual as well as collective responsibilities to the group (179).

Better information on how societies ascribe and individuals achieve human dignity and full social adulthood and community membership (89, 211) and how decent behavior prevails (without coercion) even under conditions of subordination and oppression (e.g. 5) would be more useful for understanding how to promote human rights in Africa. What are the standards for treating those not yet considered to be full human beings (i.e. children), and what are the basic rules of nurturance and teaching for turning those who are not yet full human beings into full social adults? Also, what are the rules for feeding other individuals under ordinary conditions or under conditions of dearth, and how rapidly do such standards for conduct change as conditions improve (172)?

A special case is the classification and treatment of strangers and how they are turned into group members. Colson (53) provides an instructive case study from rural Zambia that demonstrates how strangers traditionally have been turned into group members, and how state bureaucracy and economic change are now undermining such processes. The refugee constitutes a special category of stranger, whose “achieved” status is that of nonmember, whose rights are deprived by the state and usually by the local group as well (104). Dehumanizing conditions in refugee camps and the intellectual process that allow humanitarian aid workers to dehumanize the refugee as “other” have been chronicled in Sudan (105) and elsewhere in Africa (156). For the self-settled refugee, as well as for some in camps, a key human rights issue is: When and why does an individual stop being a refugee? This is not only a legal and political, but also a sociocultural and psychological question (104). A practical human rights concern is how governments and international programs can assist individuals and groups so they can maintain self-respect and have some control over their situation (6).

Reciprocally, outcasts are of special interest: former or would-be group members who failed to meet minimum standards of behavior, as these define group membership and personhood. What intolerable behaviors place individuals “beyond the pale” of personhood, because they threaten group solidarity, continuity, or values (95, 179, 211)? These are concerns worth exploring systematically and updating in the ethnographic literature, to consider what

value judgments extend to new urban contexts and with greater occupational and geographic mobility. Even without explicit outcasting, Africans may need individual human rights, as defined in the international legal sphere, because rights and attendant responsibilities are loosening along with the geographical and cultural ties that traditionally bind (52, 115). In particular, women and children may find themselves denied protections in both customary and national (or historically, colonial) law (128, 138, 192, 204, 264). In addition, special human rights concern over forced labor, slavery, genocide and ethnocide, and the special case of apartheid, and adequate food stem from the abuses of both weak and strong African states, as well as ethnic rivalries over access to land, power, and influence (6, 45–47, 49, 65a, 70, 112, 113, 119, 120, 141–143, 269; see also reports of Africa Watch and Cultural Survival, especially 49, 65a). A further concern in Islamic Africa is how Islamic notions of political and other rights conform to or clash with universal or state notions and practices (73, 73a, 88). This concern also spills over to the Islamic Middle East and Asia.

ASIA In Asia, as in Africa, human rights questions of cultural relativism have centered around which rights take precedence—subsistence and development or political freedoms—and whether the cultural and religious language of duties and obligations can be translated or reconciled with universal human rights notions (2, 21, 136, 137). Hindu role-centered/duty-based codes are not strictly reciprocals of person-centered/rights-based codes (222–224); but in such duty-based contexts of caste (and class) inequality, how can the human rights framework protect the rights of individuals, peoples, or partial peoples? Some have argued that the real struggle for those at the bottom of the caste hierarchy is for self-respect and human rights, rather than for food and some relief from poverty (194). Indian village studies suggest, however, that political empowerment and enfranchisement do not necessarily improve entitlements where extra resources are not easily available (10). Therefore, the struggle for human rights must include the right to food and other socioeconomic rights (136) and not just the civil and human rights to respect (131).

To understand better how human rights expand in a particular community or in larger social settings, we need more systematic studies of the circumstances under which caste or gender distinctions lose their strictness or particular dimensions of social deprivation. Relevant factors seem to be a combination of consciousness raising, through increased outside contacts, education, improved economic opportunities, and greater mobility (90, 169, 253). These factors may also promote resistance to oppression in individuals culturally conditioned to submit to authority (285). The influence of NGOs and IGOs (intergovernment organizations) may also be relevant, particularly for improving the lives and rights of women and children (e.g. 42, 43) and for raising

human rights consciousness in Asian nations (285), although elitist human rights activists sometimes have been criticized for having their own agenda, and for not stressing sufficiently socioeconomic justice or “the right to be human” (21, 284).

It also helps if the government is committed to removing distinctions and disabilities of caste and gender and to improving human rights performance (43, 90). States and the modernizing political economy too often undermine traditional moral economies, which were based on some principle analogous to a right to subsistence (230) and sometimes worked to benefit everyone through well-balanced rights and obligations (see comments on 169; see also 135, 225). Alternatively, governments in conjunction with NGOs might build on the traditional local framework, and especially in monitoring rights, learn to intervene more effectively when duties atrophy in extreme versus normal times (e.g. 43, 136).

Transcending the village framework, violence has also been a prominent human rights concern in multiethnic Asian states, particularly as mythic dehumanization of the “other” is interpreted to permit (or rationalize) violence toward “others” (133; also see 202 for a United States/Vietnam analog), although alternative interpretations favoring more tolerant ethnic pluralism are possible (248). A companion literature on legal systems and the state expands an earlier and more comprehensive literature examining how colonial and postcolonial elites marginalize, devalue, and dehumanize minority populations in discourse and practice (11). Current issues concerning minority and cultural rights throughout the Asian continent have been itemized and highlighted in the *Reports of Asia Watch*, the *Bulletin of Concerned Asian Scholars*, and *Cultural Survival Quarterly*. Additional prominent human rights concerns in Asia (but not exclusively Asian) are infanticide and violence toward females (see 107, 180a).

LATIN AMERICA Latin America has been the focal point for organizing indigenous rights (61, 63, 283); documenting abuses by states against native peoples (102, 235); and pressing for rights to land, culture, and self-determination in development. In Latin America one can also witness the transition from foreign anthropologists speaking for native peoples to indigenous leaders organizing their own struggles for human rights and speaking in their own voices (e.g. 178, 262, 283). Continuing a long history of debate over “who is a human being” with full rights before the law (197, 251), the contradiction between constitutional guarantees to citizens and abuses against indigenous peoples highlights the continuing gap between citizenship and protections (e.g. 34, 66, 220); although middle class citizens perceived by governments to be political dissidents are also victims (11a, 245, 259). Several psychologically oriented studies have analyzed the ideology of terror and its impact on family members of

political victims, especially on mothers and children (e.g. 55, 167, 244, 245, 249, 250). These studies address issues of political freedoms and personal security, but also touch on the human right to mental health. The injustices of poverty and the failure to meet basic needs expressed as human rights to subsistence, health, and education are also major themes that have been developed from religious as well as secular human rights perspectives (56, 149). All raise the issue of how dignity and decent behavior are maintained or restored in the face of such dehumanizing experiences, and what radical indigenous political alternatives to Leftist opposition movements might accomplish (236, 261).

The system of terror-based political repression by government and military against those who are indigenous and poor, the struggle for land, and stubbornly persistent socioeconomic inequities have been analyzed as artifacts of Latin American colonial society and culture (e.g. 153, 160, 235). More recent studies attempt to analyze how “peoples” organize to oppose brutality and protect rights in particular state contexts (e.g. 91, 235, 236). Women’s and children’s rights advocates have used the human rights issue as a vehicle for organizing and raising consciousness that violence against women and children is not permissible (8) and also for solidarity on socioeconomic demands, such as the right to adequate food (214). Pan-Indian multinational organizations are emerging from their fragmented histories of oppression, marginalization, and war, and now bypass sovereign states as they negotiate and defend their land and subsistence rights directly with the World Bank and other development agencies (263) and challenge postcolonial state sovereignty (261).

Latin American anthropologists have perhaps been the most personally involved in pressing for human rights for both individuals and collectivities, sometimes at the cost of their own lives (116a, 259). Their activities are chronicled in the publications of national anthropological organization newsletters and publications (see 58 for Brazilian sources), indigenous organization publications, the *Guatemalan Scholars Network News*, and the North American Congress on Latin America *Report on the Americas*.

Religious Perspectives

Crosscutting regions and nations are religious issues: how religious notions of acceptable behavior and rights conform or conflict with secular and universalist approaches to authority, national identity, law, and state sovereignty (73, 73a, 185, 247, 248); but also how world religions (and to a lesser extent, religious cults) transcend narrower identities, to incorporate individuals into communities of “whole human race” co-religionists with attendant rights and responsibilities (12, 149, 275:223). The UN, which aims to be the universal umbrella drawing on and representing all variants, has convened a number of conferences drawing together Christian, Jewish, Islamic, Hindu, Buddhist, and

other Asian religious perspectives (257). Other published workshops and seminars on cross-religious perspectives focus on notions of individualism, autonomy, and selfhood in non-Western religions; on religious attitudes toward self-determination, especially freedom of religion; on rights, especially to food, in times of war (174); and on relations between religion and state (175, 213). There is also a sparse literature on the varying traditions of rights (Islamic, Christian, or traditional religious) that Africans enjoy (185). In a world racked by religious and ethnic conflict, scholars and religious practitioners are searching for common ground and tolerance as well as a universalist framework that can incorporate diverse religious perspectives (73, 183).

Studies of cross-religious perspectives on human rights incorporate mostly nonlegal or extralegal approaches to human rights (e.g. 257), especially as African and Asian societies might rely predominantly on community morality, family values, or other nonlegal codes for setting and maintaining standards of decent behavior (2, 183, 285). Comparative legal approaches are also relevant in more legalistic contexts such as where Islamic or other orthodox religious law codes set standards of behavior that may conflict with international standards, particularly regarding freedoms for women and children or for education (see also 80, 170, 184). One way to approach comparative religious studies of human rights is to consider the UN human rights framework to be the particular cultural expression of secular humanists, against which other religious perspectives can be compared.

Crosscutting Perspectives

Crosscutting regional and religious perspectives are political-economic conditions, which either undermine or expand disparate notions of communities, rights, and responsibilities under international or national legal human rights codes. Removal of the narrower concepts of rights-duties, persons-roles, and community, and acceptance of a broader human rights framework may be necessary for a culturally or religiously diverse polity to evolve as a unified nation (71, 72, 247, 267). Political integration and some expansion of the community enjoying basic rights and freedoms may flow from some combination of ecological, economic, or sociocultural (assimilative) factors (see 129, 189), of which the UN institutions and human rights framework are the most recent (157). But the challenges remain: to achieve unity in basic human rights practices without destroying cultural diversity; and to bring about respect for an ever expanding corpus of human rights without watering down the concept. Crosscutting these issues is the challenge to identify which rights or freedoms are recognized or take priority—and why—as individuals, cultural groups, and nations continue to undergo political-economic change and also accept a human rights framework that is expanding to formulate ever greater numbers of rights. Violations of the basic freedoms of individuals and collectivities by

national leaders (and their opponents) remain common to all regions. So, too, especially under conditions of growing inequalities, is the need for special protections of the human rights of women and children.

WOMEN'S AND CHILDREN'S RIGHTS Women's and children's rights, and a range of socioeconomic rights, depend more on particular political-economic and sociocultural conditions for formulation and fulfillment. National codes still discriminate against women, who may be denied basic civil rights, access to a fair trial, freedom from violence, especially rape, and freedom from imprisonment simply because they are women (8, see 280 for the starting point of this critical legal literature). The history of women's rights can also be explored through selected anthropological literature, although much of it is not yet connected explicitly to the human rights framework—for example, the history of women's subordination (145); women's status, entitlements, and empowerment; and the impacts of development or cultural change on women's status (see 181, 232). Some exceptions are studies of women's protest movements in Latin America (146, 214), of aboriginal women's rights movement in Australia (22), and of African women's response to the UN International Women's Decade (14, 128).

A general concern has been the potential conflict between cultural rights and women's rights or cultural relativism and feminism (231), particular foci of which have been food deprivation and widow or dowry death in India, and genital mutilation in Africa (e.g. 14). Indianist researchers, examining the sources and consequences of women's lower food intakes, relative to males, recommend the following analytic approach when cultural ideologies about women appear to produce abuses of basic rights as seen from a Western perspective. The first step is to identify the actual behaviors by which women get less of available resources and to evaluate the material consequences (undernutrition, ill health, excess deaths, and skewed survivorship) that result under such conditions of discrimination. The next step is to examine the ideas behind such behaviors—whether expressed in terms of the unequal or lower relative value of women or in terms of the resources somehow being “bad” for women or that they can tolerate and thrive on less (200). These steps allow measurement in both local cultural and scientific terms of whether a basic right is being fulfilled and of the possible multiple layers of causation. The same analytic approach can be used to describe deprivation of other groups such as refugees (see 105 on NGO attitudes toward refugees) or very young children (37, 217, 218).

The reflections of the individuals themselves are also important. Do they feel discriminated against and want to mobilize to change cultural practices or complexes that are abusive from the outsider's perspective? Functionalist-cultural relativists insist that the people affected should be allowed to decide how

to maintain their culture, even if this interferes with the survival of some individuals; that essential customs should not be removed, even if they are judged harmful, if they prevent the unraveling of the cultural whole. In the case of genital mutilation, a compromise suggests maintaining the custom, but with medical supervision to avoid infection and death. Alternatively, on both genital mutilation and dowry deaths, a prevalent view has been that the women's organizations of those affected should decide (14). But such judgments raise additional questions about the history and functional indispensability of the custom in question, and about who supports its continuation with what benefits for themselves. Ethnohistorical investigation often reveals that customs potentially abusive to women such as genital mutilation or selective food deprivation (14, 35) have neither great historical depth nor great cultural historical importance. Instead, such customs that discriminate against females may benefit certain privileged categories of individuals (the males in power) or may be recent historical artifacts by which a male-dominated society adjusts to scarce resources. Improving economic conditions may eliminate the need for the custom without destroying the culture (165, 166; 171:232–33).

Women's rights also arise in discussions of reproductive technologies (188, 229) and child feeding customs. The human rights struggle was waged initially as a fight against the infant formula industry's "commerciogenic malnutrition," which infringed on the mother's right to breast-feed and the child's right to nutrition (36). But the child's right to breast milk may conflict with a mother's rights to work and to allocate her time as she sees fit (260). These special reproductive issues move beyond but also back to the sequential concerns addressed in the UN International Women's Decade, which began in 1983 with an emphasis on human rights—the Convention on the Elimination of All Forms of Discrimination Against Women—and explicitly rejected cultural relativism in the interest of changes that might modify sociocultural behaviors and therefore improve women's lives. The Decade then moved on to emphasize more development themes: women's access to equal power, decision-making, and entitlements and enfranchisements. Ten years later, women are still searching for how to make legal protections mutually reinforcing with political economic and sociocultural approaches to human rights (14, 128).

Children's rights have followed a somewhat different course, as anthropologists have become involved in helping to define cross-cultural life stages, behavioral expectations, child labor, and educational issues (see 221:174–79). UNESCO's 1952 Declaration of Children's Rights attempted to adapt the "too abstract" text of the Universal Declaration of Human Rights to a form appropriate for the emotional and mental development of young children and teenagers (256:151). More recent efforts have concentrated on defining nutritional needs, evaluating nurturant or abusive behavior, and analyzing apparent neglect (37, 217, 218). Both women's and children's issues raise concerns about

the right to food, health, and access to adequate health care (196, 281), topics that might receive more attention by medical anthropologists within the human rights framework.

The Significance of Cultural Diversity in Human Rights

Attempts to draw on the wisdom of historical, regional, religious, and ethnic perspectives have always been part of human rights teaching (see especially UNESCO's publication, *Human Rights Teaching*). The linkage of human rights and cultural diversity for the survival of humankind is also basic to anthropological teaching (18, 150). Despite diversity in formulations of "rights" and "persons," it is still possible to proceed from cultural relativism to universals: to examine commonalities, as well as differences in judgments of fairness or permissible behaviors (51, 52); to develop universal methods to measure particular rights, in order to know whether the rights are fulfilled (165, 166); and to develop standard methods of comparison and translation (183, 184, 206, 209). From the empirical evidence of cultural diversity and particularity one can begin to discern which principles of human rights are shared widely (the "common ground" approach) and which draw on the diversity rather than commonalities to fill in an ever changing (and for the last 45 years, expanding) human rights framework (the "umbrella" approach) (3, 252).

Analyzing the processes of change is another approach to universal human rights. How are rights and obligations adjusted under stressful circumstances (e.g. 77, 136), or more permanently over time (152); and how and why does the community enjoying particular rights expand or contract (e.g. 189; see 275:223ff for an exposition on religions' function)? In non-Western societies without long traditions of human rights, it should also be possible to study the particular confluence of universal factors that facilitate or restrain the emergence of rights. Cohen (52) has suggested tradition, ethic of communalism, ethnicity, basic needs, development, statism, and particular qualities of the culture as a whole that encourage or discourage rights; while at the same time the breakdown of local ties and communal structures make a human rights framework necessary for the protection of individuals in the larger, less personalized society. He observes that rights concerns become more noticeable under conditions of development, but one might equally well argue that rights concerns become more noticeable when there are international agencies, forums, and human rights frameworks and instruments to discuss them. This has been the case particularly with regard to the emergence of indigenous rights.

INDIGENOUS RIGHTS

Collective and indigenous rights are now part of the human rights framework; the challenge is to make individual and collective rights mutually reinforcing (240–242). Indigenous rights have been the special legacy of anthropology and cultural relativism, as well as a target of anthropological concern in criticizing modernization trends and development practices (28, 29, 32, 33, 180). Key trends operating synergistically to advance indigenous rights over 45 years have been the emergence of indigenous rights as legitimate demands within the international legal framework (125, 240–242, 255); the acceptance and advocacy of the human rights legal framework by anthropologists as an important means of protecting indigenous cultures and interests, especially through work within and outside of development agencies (170, 282, 283); and the assumption by indigenous peoples of their own voices, through their own political leaders and organizations in the evolution of indigenous rights (63, 100, 216, 261). In addition, with the emergence of development rights, especially to demands for a safe and sustainable environment, and to peace, food, and health, a critical strategy has been to link indigenous rights issues to those advocating these other rights and to draw strength from such alliances.

Indigenous rights and abuses of these rights tend to be bound most prominently to demands for land and other subsistence resources (278), particularly in the face of changing property laws (277), large water management projects (15, 16, 62, 84, 182, 198), ecotourism (13, 59, 97, 130, 212, 274, 276; especially 96, 199) and other attempts to take over “vacant” lands supporting indigenous peoples (54, 100). A chief problem remains how to get help to maintain control of land, and gain access to education, modern medicine, and economic resources, without paternalism and without losing sociocultural control [11a, 74, 78, 100, 180 (especially 101, 109, 201, 238), 233] as indigenous peoples increasingly come up against not only the development demands of states, transnational corporations, transnational religions, and NGOs (65, 122, 154, 162), but sometimes also the anti-development demands of the environmental movement (59, 271) with which indigenous peoples might otherwise ally (61, 255). Additional concerns surround health (48, 234), especially AIDS, which threatens to wipe out entire peoples. Linking issues of land, livelihood, and medicine are also intellectual property rights and control over natural resources and medicines (203), which raise theoretical and practical issues of what kinds of property are transferable or translatable into money and possible conceptual linkages to a much broader range of property issues (e.g. 121).

Complicating factors in this expansion of concerns, organizing, and activities have been the struggle for leadership and representation within the indigenous movement itself (e.g. 239). There have also been conflicting rights

claims, where more than one group claims legitimacy or where historical customs of male dominance—in the rhetoric of “cultural rights”—interfere with women’s demands for equal rights. Such cultural pluralism within the expanding indigenous movements raises issues of manipulation of anthropologists by indigenous factions (101, 111) as pan-indigenous, pan-national, and pan-regional identities seek authenticity and legitimacy within and outside the community. As anthropologists seek to respond to indigenous demands for historical cultural documentation on human rights claims, and legal counsel, the ways indigenous groups use outside information from the legal, anthropological, and national and international indigenous communities comprise an arena for caution, as well as for comparative studies (127).

APPLIED AND ACTION-ORIENTED ANTHROPOLOGY

Washburn suggested that anthropologists eschewed human rights in favor of applied or action-oriented anthropology (268), but the development agenda itself—as development ideology and practice lead to human rights abuses—is now the subject of investigation. Advocacy for human rights is by now part of a broader applied anthropology agenda, merged with responsible or engaged anthropology, which contributes to and draws on the human rights framework. Anthropologists address these issues as a matter of scholarly theory, but also in response to demands for information by the UN, NGOs, and indigenous organizations (70, 119, 120, 282, 283). In these studies anthropologists are “studying up” to analyze the cultures of the development agencies that reinforce structural patterns of abuse. They contribute to establishing standards and methods of measurement and monitoring that might involve giving people not only participation but also a voice (6). They also investigate more generally the structural causes of human rights abuses in the global political economy; and try to spur corrective policy action (45, 70). The right to food has been on the agenda of anthropologists since the 1940s and 1950s (165, 166) and continues as nutritional anthropology, famine, and farming systems research (6, 119, 120, 161). The abuses of large development schemes that involuntarily displace hundreds of thousands of people have also been linked to the international legal human rights framework, as anthropologists seek to design, implement, and monitor human rights guidelines (7, 38–40, 46, 85, 112, 113). Both indigenous and development studies add to the corpus of anthropological research and advocacy on ethnocide and genocide (141–143), which continue to be prominent human rights concerns.

To assist such combined research and advocacy in human rights, the professional institutional base is also expanding. The AAA now has Task Forces on African Famine (now Famine, Hunger, and Food Security), AIDS, Hunger and Homelessness, Involuntary Resettlement, and a Committee on Refugee Issues.

All have a human rights rationale. Each focuses on a particular problem and targets research and publications to reach an audience outside of anthropology that might ameliorate the underlying conditions. An AAA working group on indigenous rights developed into a Task Force, a Committee, and later a Commission for Human Rights, that seeks to report and solve problems where human difference is made the basis for denial of rights. Another institutional dimension is employment of anthropologists in human rights organizations (60) and in foundations investigating human rights abuses. In addition to formulating and monitoring abuses, they provide local peoples with documentation and ideas about organizing protest within a human rights framework and also organize or provide information on channels through which deprived peoples may be apprised of their legal rights and mechanisms to report abuses and to make demands (124, 219). All are efforts to engage and apply anthropology, in response to the ideology and the problems of development. In seizing such a responsible role, however, anthropologists assume the risk of alienating both the host governments and the peoples they study.

POLITICAL CONCERNS

Concern for human rights now provides ethical guidelines for fieldwork (6, 25, 38–40, 46, 87). But there remains an ongoing controversy on political activity: How actively involved might anthropologists be in influencing public policy that protects human rights at home and abroad; and how effectively might anthropologists promote the rights of the peoples they study in the context of doing fieldwork without threatening the future of anthropology or anthropologists in the host country (11, 67)? Concerns to stay on a funder's good side have always been balanced against the ethical dictum to "do no harm." Anthropological ethical guidelines now insist that anthropologists take an additional step and actually "help the victims" of exploitation and oppression through advocacy and education about legal rights and channels of redress, which goes beyond the economic advice and assistance of applied anthropology (24).

These shifting political concerns are partly a historical response to Marxist condemnations that anthropologists contributed to colonialist and imperialist policies that abuse human rights (31, 94, 151) and to the controversy surrounding anthropologists' involvement with counterinsurgency research during the Vietnam War era (24, 99; see 270). These concerns more obliquely grow out of an era of increasing politicization and organization of indigenous groups, first in Latin America, and later worldwide, who insist on anthropologists' special responsibilities to provide information and assist indigenous human rights demands (187). It remains a challenge for anthropologists to avoid a continuum of human rights abuses possibly stemming from anthropological

research: out of ignorance [e.g. when anthropologists contribute to the alienation of land of indigenous people by their expert testimony that natives' terms do not translate precisely into human rights language (278)]; out of innocence (e.g. when anthropologists studying social movements unwittingly identify indigenous leaders to military authorities); or out of a false sense of ivory-tower removal from or disregard for possible impacts [e.g. when scholarly depictions of people as fierce, un-Christian, or lacking in basic human dignity in their behavior become an alleged excuse for oppressive brutality by those in power (118, 178, 254; critique in 20)].

Additional ethical and political dilemmas arise when anthropologists confront conflicting demands for rights that are also political concerns. These conflicts arise especially when cultural rights, or the right to freedom of religion (e.g. in Islamic societies), may interfere with women's rights; or when demands for cultural autonomy may interfere with the protection of rights to health or to nutrition—or to development more generally—as defined by the international community (11a, 83). Rights to subsistence and empowerment of indigenous and minority groups may also be construed to interfere with rights of the global human community or of the Earth as defined by the environmental movement, although the conflict over who uses a tropical forest or savannas may really be more of a conflict between indigenous and nonindigenous economic interests, both of which are in conflict with animal and plant rights activists (271). These dilemmas bring anthropological analysis out of the realm of the small-scale society and into the realm of legal systems and national and global cultures.

THE STATE AND LEGAL SYSTEMS

The relationship of indigenous and ethnic groups to states; to the social organization and culture of governments, IGOs, and NGOs; and to plural legal systems as these guarantee or interfere with human rights are now central topics for anthropological study (126, 170, 282). Although anthropologists have not abandoned their specialized studies of small-scale societies with moral and behavioral systems that might not be expressed in legal terms, the conventional interdisciplinary division of labor is obsolete.

Critiques of the state, legal, and sovereignty framework are an expanding domain of anthropology, as are the studies of development agencies [including international relief agencies (105, 155, 235, 237)], ideologies, and agendas (see essays in 120) that affect the human rights of the peoples anthropologists traditionally study. Anthropologists complement strictly legal perspectives in human rights (170) by identifying sources of abuse, resistance, compliance, or adherence in communities and households (69, 172). Anthropologists continue to ground human rights discussions with references to particular community

situations, to go beyond the vagueness and abstractness of most legal formulations (e.g. 77). They also assess continually what freedoms peoples value by analyzing resistance movements (27, 210) and the ways in which international ideology penetrates traditional (or sometimes colonial) thinking (90, 98, 110). Additional comparative studies of constitutions, legislative enactments, and practices on human rights should improve understandings of what legal guarantees are offered for different rights; what the legal rhetoric means in different contexts; how the culture of legal declarations enters into social organizing for securing rights; and how state-level language of duties, obligations, and privileges, and definitions of justice and person before the law relate to the language and concepts at other social levels. Particularly in the context of multinational states and stateless nations, such comparative studies might improve systematic comparison of and strategies for adherence to rights and freedoms at all levels (e.g. 69, 80–82, 176).

CONCLUSIONS

Over the last 45 years, the world, the discipline of anthropology, and the human rights framework have changed. Violations of minimum standards of human rights are recognized to be universal, even if formulations of these violations are not (45, 215), and the need for a universal ideology, global standard of values, and perhaps—referring back to Durkheim—even a universal secular “sacred” (86, 92, 272) are acknowledged widely. Anthropologists since 1947 have moved from criticizing universal human rights (79) and are now expanding the scope, filling in the content, and participating in organizations for the enforcement of these rights. The midcentury anthropologists struggled with questions of cultural relativism mostly as a debate over cultural values (147), but changing world conditions, the clear violations of human decency and dignity on the part of non-Western political leadership under the banner of cultural relativism, as well as the expansion of the human rights concept—to incorporate people’s rights, a range of socioeconomic rights, the rights of indigenous peoples, and the rights to development (as defined by Third and Fourth World peoples)—have all changed the human rights problematic and correspondingly, anthropologists’ responses to it.

Ironically, among the parties now arguing for cultural relativism are Asian and African national leaders who want to restrict some rights, rather than expand the human rights framework to incorporate greater respect for indigenous notions of rights and human dignity. Also ironically, the remarks of the AAA’s Executive Board, “Standards and values are relative to the culture from which they derive so that any attempt to formulate postulates that grow out of the beliefs or moral codes of one culture must to that extent detract from the applicability of any Declaration of Human Rights to mankind as a whole” (79)

find their echo in a critique of such cultural relativism: "Human rights is one particular concept of human dignity and social justice... [especially incompatible with notions that] nation, 'people,' community, or family must take precedence over the individual" (116:99) and only make sense within the state context. Whereas the latter author concludes that cross-cultural analysis is therefore irrelevant, anthropologists and others (184) continue to pursue it as critical for advancing the practice of human rights so that conflicts can be confronted, contextualized, and negotiated, and the benefits of traditional communities' approaches to human rights more widely embraced.

Ethnography continues to add data to the umbrella of human rights, while anthropologists also work with the collectivities, to enhance their institutional capacity to offer human rights protections (e.g. 242). Anthropologists also continue to examine the contexts of human rights abuses, to understand how the political economic conditions that create cultural customs such as infanticide, underfeeding of women and children, and other abuses of women might be improved and make the customs of less evident utility. They also continue to work with interpreters of local traditions, so that through persuasion and contextualization, and by drawing on the authority of multiple traditions, people might be empowered to improve human rights in their own lives.

Contributing to formulating better cross-cultural understandings of local concepts of human rights might be a more targeted human rights approach to the cross-cultural psychology of "person," "individual," and "self" that examines how such definitions of persons and human beings promote or restrict access to personal and subsistence security, assign responsibility for action, and define what is conscionable behavior (34a, 106, 139, 195, 222–224, 250a). Literature on basic social relationships of gift-giving and reciprocity would also advance understandings of alternative forms that social bridges take (e.g. 134). Together, such studies could contribute to explorations of "rights" and "persons" in conceptualizations below the level of the state and in drafting of culturally meaningful human rights codes (e.g. 122a, 193).

Additionally, anthropologists may contribute in several areas: 1. in the analysis of human rights rhetoric as this penetrates local parlance and governance and informs advocacy, social organization, and practice; 2. in the expansion and explication of socioeconomic and cultural rights, which are likely to be much more culture-specific in formulation and monitoring, but are still in need of universal human rights protection; and 3. in the historical and cultural analysis of the conditions under which particular rights or responsibilities and notions of the community deserving rights or assuming accountability expand or contract. Ultimately, all these studies might be connected under a fourth topic heading of "linkages" between social levels, which might also show at what level people mobilize for human rights and how social organization for human rights at one level affects all others. Finally, anthropologists also have

an expanding role to play in preventing, rather than just reporting human rights abuses, particularly in circumstances of interethnic conflict: by spotlighting areas of rising ethnic conflict, and helping to direct economic and diplomatic resources into the area before armed conflict erupts (45, 143); by advocating changes in political-economic policies that result in abuse of basic human rights (70); and by continuing to contribute cautiously to the efforts of the indigenous peoples to achieve development in their own terms (11a).

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