THE CAMBRIDGE DICTIONARY OF SOCIOLOGY

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*Dudley Poston wishes to thank the following graduate students for their assistance: Mary Ann Davis, Chris Lewinski, Hua Luo, Heather Terrell and Li Zhang.

viii
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rights, human

It could be said that nearly the entire discipline of sociology is fundamentally concerned with issues of human rights, even though sociologists represent a minority in the more formalized interdisciplinary field of the study of human rights. The central fields of sociology (social inequality; the differential allocation of resources; discrimination along the lines of race and ethnicity, social class, and gender; social movements; and the more generalized problems of modernity) deal fundamentally with issues of human rights, but the core of both classical and contemporary sociological discourse is practically devoid of discussions of human rights, as that concept has been used historically and in other social sciences and the humanities. In other words, with a few exceptions, sociology as a discipline has not as yet articulated an autonomous subfield called the sociology of human rights.

Contemporary global civil society is currently characterized by an expansion of discourse on human rights to which sociology as a discipline is, in general, quite marginal. These facts themselves pose interesting questions for the sociology of knowledge, which will be addressed here. This entry outlines some of the central issues and questions which might serve as the basis for a more fully developed and autonomous sociology of human rights.

The classical grounding of sociology lies primarily on the work of Karl Marx, Max Weber, Émile Durkheim, and Georg Simmel. Discussions of rights in the works of the classical theorists were not central and for the most part were critical of the ideas of Natural Law which informed most discourse on human rights at the time (see law and society). As a political liberal, Émile Durkheim was concerned about the “rights of man,” as discussed, for example, in W. S. F. Pickering and W. Watts Miller (eds.), Individualism and Human Rights in the Durkheimian Tradition (1993), and about the relationship between individualism and human rights, but for the most part his attempt to form a positivist science independent of philosophy distanced him from the idea of rights—a development which is considered by Bryan Turner. "Outline of a Theory of Human Rights" (1993, Sociology). Sociologically, he might have seen rights as important representations of "the collective conscience," as important models for the formation of social solidarity, or simply as "social facts" which served as the new normative bases for social order and individual identity in modernity. Durkheim was well aware of the French Revolutionary tradition, which constructed the rights of man as secular forms of the sacred which were functional equivalents of the sacred in modernity: the rights of man thus could be considered as models for individual identity in place of traditional religion. Some time before Durkheim, other French theorists such as Claude Henri de Rouvroy, Comte de Saint Simon and Auguste Comte clearly articulated new secular representations of human rights as part of their respective "new religions of humanity."

As Fritz Ringer has shown in his Max Weber: An Intellectual Biography (2004), as a political liberal Weber believed in fundamental human rights, and yet his sociology does not include a specific sociology of human rights; rather, his focus was
on the sociology of Recht, or law, rather than Menschenrechte, or human rights, per se. Weber's value-free sociology would have insisted on not deriving any value positions from sociology, and therefore it is entirely understandable that his sociology was distant from issues which were articulated more clearly in the tradition of normative theorizing about rights. Nonetheless, a Weberian sociology of human rights might see the latter as subjectively meaningful forms of substantive-ethical rationality, which guide social action. Correspondingly, Weber's analysis of the historical process of rationalization might be extended to understanding the tensions between human rights as meaningful cultural forms which sought to re-encounter the world in the face of such disenchanting modern processes of formal rationality as bureaucracy, state power, and the law. Some of these issues are explored in Thomas Cushman, "The Conflict of the Rationalities: International Law, Human Rights, and the War in Iraq" (2005, Deakin Law Review). In any case, the core of a Weberian perspective on human rights would proceed at some distance from the often overly romantic utopianism of the contemporary human rights movement, and perhaps provide a more pessimistic view about the possibilities of human rights in an increasingly rationalized world in which a variety of substantive rationalities competed for attention.

It was Marx for whom the discussion of rights was most central, although it was central in the sense that he criticized and rejected the idea of human rights as an ideological legitimation of bourgeois capitalist society. Marx believed that the ruling ideas of an age were the ideas of the ruling class. In this sense, he viewed classical liberal ideas of individual rights — especially the Lockean idea of the right to property — as ideologies which legitimated the privileged position of the bourgeois classes and maintained class society. In his controversial essay on the problem of citizenship in the French Revolution, in "On the Jewish Question" in the Deutsch-Französische Jahrbücher of 1844, reprinted in Early Writings (1992), Marx criticized the assimilationist aspiration of Jews and other minority groups to become French citizens. He claimed that such a process would merely serve to incorporate such groups into the existing system and thus to perpetuate new forms of false consciousness and the alienation of man's "species-being." For Marx, "human rights revolutions" were merely cosmetic revolutions which brought to power a new ruling class with new ideas which legitimated its power and class position. This incidentally was also Marx's understanding of the American Revolution. Rights claims were not seen as liberating from power, as most classical liberal theorists would have it, but reproductive of power and existing social relations. This is an important distinction, since most liberal theorists of rights from the time of the American and French Revolutions until now have viewed individual rights as the central driving force for political and personal emancipation.

Marx, on the other hand, viewed aspirations to bourgeois rights as impediments to such authentic emancipation. This Marxian line of thought has continued on very strongly in the modern world in the emergence of the idea of social and economic rights, which are aimed at guaranteeing basic rights such as food, shelter, water, health care, and the like. In much contemporary debate on human rights, social and economic rights have taken precedence over classical liberal ideas of individual rights and liberties, which, proponents of such views would argue, can only be claimed and exercised by those with high social status and power. Indeed, the fault lines between liberal conceptions of rights and Marxian critiques of rights remain very much alive in the early twenty-first century in the heated debates about neoliberalism and globalization, with so-called neoliberals championing classical liberal ideas of freedom, property, and capitalism, over and against more Marxian-inspired theorists who see globalization as yet another form of predatory and exploitative social process. These issues are explored in Richard Falk's Human Rights Horizons (2000).

One of the most significant contributions of sociological theory to the study of human rights, and one which has not hitherto been made, would be the analytical focus on the relationship between the individual and society. All of the major classical theorists were interested in this issue, and this focus remains central to much contemporary sociological theory. If there is one central point of articulation between sociology and human rights, as it is studied outside of the field, it lies in the recognition that human rights represent individual and collective aspirations for human freedom. The idea of freedom has been articulated in various times and places as emancipation, liberty, autonomy, authenticity, or agency. As a result, wherever we see expressions of human rights, we see discourses of freedom, but also a discourse of power, coercion, restraint, or tyranny, that is, something which freedom is declared from or for. Historically, cultural representations of human rights
emerge dialectically in relation to oppressive social structures and they are central to processes of human emancipation and freedom.

While his work was not directly relevant to human rights, Simmel's formal sociology, which examined the dialectical interplay between Geist (spirit) and form, is especially important as a theoretical underpinning for this dialectical conception of human rights. As Simmel noted in The Philosophy of Money (1900 [trans. 1978]), "negative freedom" is the absence of structural impediments to human agency. "Positive freedom" represents the active construction of social-structural arrangements to provide for basic human needs and to alleviate the condition of human vulnerability so that agents may claim their full agency as human beings. This Simmelian conception of freedom captures well the distinction between negative rights and positive rights which is central in the history of human rights. Negative rights – as expressed, for instance, in the American Bill of Rights – are primarily concerned with specifying the limitations of the power of the state over individuals and might be conceived in sociological terms as prescriptive norms which set the preconditions for the enablement of human agency, liberty, and freedom. Positive rights, in contrast, are prescriptive norms which specify the duties or obligations of powerful entities, such as states and economic systems, to provide resources and opportunities for individuals to protect them from both natural and social forces which make them vulnerable. In the modern welfare state, positive rights have taken a more central place in various global human rights projects.

Human rights movements are cultural projects which struggle to negate or temper powerful social forms, such as tyranny, despotism, or unrestrained market forces. At the same time, and especially with the rise of the modern welfare state, human rights projects aim to affirm human existence by providing people with first-order needs, such as food, shelter, housing, living wages, medical care, and the like. There is considerable debate in modern human rights movements about whether negative rights or positive rights ought to be primary. Proponents of negative rights are more traditional in rooting their idea of freedom in the alleviation of structural impediments to individual agency. Proponents of positive rights, however, counter this with a more sociological view which holds that not all individuals are equally placed within society and thus are not equally as free as others to claim individual rights, liberties, and freedoms. The object of most rights movements based on positive conceptions of rights is to redress social injustices and structured inequalities, which will then create a situation of equal opportunity for individuals to claim the more abstract types of individual rights and freedoms which comprise the core of liberal conceptions of rights.

In this theoretical sense, various conceptions of human rights, at various times and places, are, to use Weber's terms, forms of re-enchantment which express themselves in dialectic relation to disenchanting forms of social order. This is not an entirely new process: while modernity has witnessed an increase in the cultural expression of ideas of freedom in the form of human rights discourse, the struggle between agency and structure has been a perennial aspect of human societies. Yet the idea of human rights is one of the most powerful cultural constructions of modernity.

As documented by Lynn Hunt in The French Revolution and Human Rights (Hunt [ed.], 1996), for many theorists of human rights the experience of the French Revolution is a crucial starting point for thinking about how human rights claims have been made in relation to power. The French Declaration of the Rights of Man and the Citizen (1789) specifically tied the question of rights to the status of citizenship. The Declaration was notable for specifying what rights should be accorded "the man and citizen," but one of the most crucial debates was about who would be able to acquire the status of citizen and as a consequence make valid claims to enjoy the rights and freedoms specified in the Declaration. In this sense, rights were privileges which were tied to the status of citizenship. Indeed, Turner, in his Sociology article of 1993 has noted that, to a large extent, the sociology of human rights has been part of the sociology of citizenship. The French Revolution provided the impetus for a wide array of groups – slaves and former slaves of African origin, women, Jews, actors, and executioners – who had been excluded from enjoying "the rights of man" by virtue of their ascribed or acquired statuses to mobilize to claim the status of citizenship which would thereby confer upon them the privilege and protection of human rights. The sociological importance of the French Revolution is that it established general grounds for both the exercise of rights and exclusion from their enjoyment: first, rights were a certain kind of privilege to be enjoyed by individuals; second, the recognition, which is now seen very clearly in the theory of group rights, that not every individual is in a position to enjoy such rights by virtue of being a
member of a subordinated group; and third, that human rights were not so much about the process of creating social representations called rights, but about the process of making claims to human rights by disenfranchised groups, once such cultural representations of rights had been made.

In thinking about various human rights projects in modernity, the French Revolution provides an important historical model of the process by which people, who define themselves as excluded from citizenship, nevertheless make claims to that juridical status, from which they then might legitimately claim, and subsequently be given, the protections and liberties which such a status formally confers. The process of the mobilization of groups in the modern world follows this same model to a large extent, with the notable exception that the substantive nature of the groups has changed. In recent years, lobby groups such as gay and lesbian communities, children, criminals, and members of indigenous groups—just to name a few—have made human rights claims in the form of social movements. These groups, which could not have made any legitimate claims in the historical context of the French Revolution, have proceeded along similar lines by making claims to the status of being "fully human," and by virtue of that to enjoy the privilege of certain rights.

The reticence of sociology as a discipline to engage more fully in the study of human rights may have something to do with sociology's insistence that it is a value-free science. Discussions of human rights are for the most part normative, and therefore would not be considered to be central to scientific sociology. The influence of positivism in sociology probably has much to do with the distancing of the field from the field of human rights, since positivist conceptions of human beings cannot understand the dialectical interplay between agency and structure which, as argued above, is central to a theoretical understanding of expressions such as rights in terms of agency over and against structure. But even more fundamentally, there is hostility between the dominant philosophical tradition in human rights and those philosophical traditions that form the foundation of sociology.

While certainly not as important as it once was, the natural-law tradition has been central to thinking about human rights. Historically, theorists of rights relied on the idea of the existence of a "natural law," which holds that human rights exist across time and space, are universally valid for all people, and can be understood and enacted by all human individuals through the application of reason. This metaphysical understanding of rights was crucial in the Enlightenment to such thinkers as Immanuel Kant (1724-1804) and John Locke (1632-1704), and was in addition the basis for the American and French Revolutions. Even Marx relied to some degree on the logic of Natural Law theory with his dream of building a communist utopia based on the purely scientific understanding of historical materialism. Yet, the Natural Law tradition is directly at odds with the basic sociological axiom that all culture is socially constructed and this is one reason why both classical and contemporary sociology have resisted the foundational claims of the natural law tradition.

From the perspective of social constructionism, human rights can only be seen as cultural representations, which are projected, objectified, and internalized by social actors to varying degrees at various times and places in world history. The understanding of such processes could provide a firm footing for the sociology of human rights, but would also place it a distance from the fundamentally normative underpinnings of most human rights theorizing outside of the discipline. Most approaches in the formalized study of human rights would not see human rights as simply interesting "social facts," which exist merely to be explained scientifically, but as normative ideas and concepts which are regarded as valuable in some way for ordering human societies. The study of human rights is not a value-free enterprise, but a value-full one, and for the most part those who study human rights generally tend to be strong advocates of rights as a normative framework for social order. Because of its radically constructivist theoretical logic, sociology, like anthropology, would naturally find itself at odds with other conceptions from other disciplines, especially philosophy, which have no problem with and are predominantly concerned with the creation of normative theory.

The existence of a value-free sociology is a matter of much debate in sociology and has been called into question by many leading theorists, and specifically by Jürgen Habermas in Knowledge and Human Interests (1971). Most sociologists are political liberals whose choice of topics is conditioned by their ideological commitments and values, and whose research aims at producing knowledge which is helpful in the amelioration of various social problems, especially those related to subordinated classes and groups.
Notwithstanding the ideological predisposition towards social amelioration, the theoretical assumptions of both structuralism and macro-sociological approaches, the concept of individual agency, much less that of individual rights, would not logically be the focus of sociological research and practice. In this sense, the conceptual distance between sociology and other fields on the issue of human rights is more intelligible.

It is useful to see the distance between sociology and mainstream work on human rights as a product of the tensions between philosophical debates over universalism and relativism. Universalism is the belief that there are human rights, values, norms, and ethics that exist across time and space. Relativism is the idea that rights, values, norms, and ethics are the product of particular cultures and contingent historical forces. Sociology is firmly grounded in relativism, as is anthropology. It was in anthropology, however, that a sharp tension between universalism and relativism emerged in the mid-twentieth century, and many of the intellectual lessons learned from this tension remain relevant to understanding sociology’s position in relation to human rights.

Following World War II, the Universal Declaration of Human Rights (UNDHR) was finally ratified by the newly formed United Nations on December 10, 1948. The UNDHR specified a range of both individual and social and economic rights that were held to be universal for all individuals, regardless of their location in time and space. The Declaration was met with hostility in the academic field of anthropology when the Executive Board of the American Anthropological Association issued a statement in 1947 denouncing the UNDHR as a form of western cultural imperialism and decrying it for failing to affirm a central “right to culture” and the importance of cultural differences in determining specific values, norms, and rights. The reaction by anthropologists to the universalism of the UNDHR was strongly defensive and did more to sharpen than resolve the tensions between universalism and relativism. In fact, this debate only served to create a more polarized theoretical dichotomy between universalism and relativism than is now considered the case in contemporary anthropology. While it seemed counterproductive at the time, these early debates on rights established the presence of anthropology rather than sociology in the history of ideas on human rights and set the stage for a well-developed contemporary anthropology which far outpaces sociology in terms of its theoretical and empirical level of development in the field of human rights research.

Recent work in anthropology on human rights serves as a valuable reference point for a sociology of human rights. For example, Jane Cowan, Marie-Bénédicte Dembour and Richard Wilson (eds.), Culture and Rights: Anthropological Perspectives (2001), and Sally Merry, Human Rights and Gender Violence: Translating International Law into Local Justice (2006) have developed new conceptions of culture and human rights which focus on how universal conceptions of human rights interact with local cultures to produce cultural outcomes which are neither universal nor particular. In this sense, they have recast the fruitless and dichotomous debate between universalism and relativism by observing through ethnographic detail how globalized conceptions of human rights intersect with local cultures, and how this process is affected by the various processes of globalization. The solution to the relativist-universalist debate is not to be found in any abstract considerations, but in the re-conception of the idea of culture as a process, where the focus is on the empirical details of how human rights and local cultures intersect dialectically in specific locations to produce new hybrid and contingent cultural outcomes.

These new anthropological approaches have produced some of the most important contributions to understanding human rights outcomes as a negotiated process. Nonetheless, they do not solve the problems for human rights posed by relativism more generally. If such cultural practices as female genital mutilation, torture, and genocide, which are generally assumed to be gross violations of human rights in the normative discourse of human rights, are simply seen as normal behaviors which cannot be judged by any universal standards, then it is virtually impossible for social scientists or activists to advocate any form of social intervention against these practices without contradicting themselves or adhering to some form of universal morality, albeit a very minimalism morality. For the most part, most contemporary theorists of human rights have developed the idea of a minimal morality, a set of rights which the majority of people, regardless of their location in space and time, might consider to be not subject to derogation. Such a set of peremptory norms might serve as a basic common position for a global project of human rights advancement.

This “minimalist argument” has been advanced by both Michael Walzer in Thick and Thin: Moral Argument at Home and Abroad (1994) and by Michael Ignatieff in Human Rights As Politics and Idolatry...
cultural subordination of groups, classes, and minority sociologists whose main area of focus was the structural subordination of groups, classes, and minority cultures, and who felt that the assumptions of structural-functionalist perspectives ignored, or even justified, such social subordination in their theories.

Advocates of group rights argued that traditional conceptions of rights, especially those derived from the Natural Law tradition, were almost completely concerned with the rights of individuals. In such documents as the UNDHR, the rights specified refer to abstract, idealized individuals who exist outside specific locations, and historical and group processes. As such, proponents of individual rights ignore the central sociological fact that individuals exist as members of cultures and groups, which fundamentally structure and condition individuals' abilities to claim their human rights. For instance, in the everyday world, people do not interact with each other based solely on considerations of the individuality of the other person. The interaction is conditioned by perceptions of the groups, classes, or other categories to which people belong. As an example of this, one of the most celebrated documents in the history of individual rights, the Constitution of the United States which was created in the Virginia convention of 1787, provided a set of sacred ideals for individual rights without even considering women's rights, and redefined the humanity of African Americans with the result that they were not seen as being fully human. In the so-called three-fifths rule, African slaves in the United States were counted as only three-fifths human for purposes of political apportionment of representation in the new republic.

The idea of group rights would seem, on its face, to be immensely attractive to sociologists and there is little question that the discipline has much to offer theorists of group rights from its substantial literature on differential treatment of social groups and classes. A large part of the stock of knowledge of sociology is relevant to these debates and one major task of sociology is to articulate its knowledge about social class, group dynamics, social status, and differential treatment of subordinated groups more clearly with the discourse on human rights occurring in other fields. American sociology is extremely provincial in its focus on American society, and within American society the discourse on human rights, as opposed to the notion of civil rights, is not a major cultural narrative used to describe problems in that society. In general, human rights have been a global description and explanation of events outside of the United States, and this global narrative has failed to make significant inroads into American sociology. One of the more interesting questions in the field of human rights is why human rights violations are considered something which happens outside the boundaries of the United States, whereas human

(2001). Yet even such minimal moralities have not secured themselves as the basis of a common global morality: serious violations of human rights, including torture, slavery, gross violations of women's rights, and genocide continue unabated in the modern world. It is worth pointing out, as well, that, quite outside of any theoretical or empirical arguments for or against it, relativism falls apart on logical grounds as well, since the relativist position is itself put forth in the form of a general statement of value, thereby refuting its own foundational proposition that there can be no such general statements of value. Relativism is a self-defeating argument.

When the UNDHR came into force, the dominant paradigm in American sociology was functionalism. Functionalist sociology is ostensibly guided by a form of methodological relativism that would look at any given society in terms of how its values, ethics, norms, and laws are functional or dysfunctional for the maintenance of social order or the production of social disorder. From a strictly functionalist perspective, for instance, it might be possible to argue that certain human rights are denied to people in societies out of functional necessity and that the provision of rights constructed from outside of the society would throw the society into disequilibrium. In this sense, functionalism can be seen, in some ways, as a modern analog to classical conservative critiques of rights, such as that presented in 1790 by Edmund Burke in Reflections on the Revolution in France (1955). In his strident attack on the Enlightenment arguments underpinning the French Revolution, Burke argued that abstract and universal rights such as those produced by the French radicals, when transposed to other societies, were a direct threat to the traditions and values which held such societies together. While Burkean conservatives had attacked the Revolution's formulation of rights, in general sociologists offered virtually no reaction to the UNDHR. If there was any reaction at all, it was one of acceptance and celebration of the new universal ideas which were touted as the basis for a new world order, for instance by R. M. MacIver in Great Expressions of Human Rights (1950).

In the 1960s, the idea of group rights began to emerge as a strong criticism of classical conceptions of human rights and this idea was attractive to sociologists whose main area of focus was the structural subordination of groups, classes, and minority cultures, and who felt that the assumptions of structural-functionalist perspectives ignored, or even justified, such social subordination in their theories.
Rights violations within the United States are not articulated within the more general discourse of human rights.

The most comprehensive recent programmatic statement for an autonomous field of the sociology of human rights has been put forward by Gideon Sjoberg, Elizabeth Gill, and Norma William in their "A Sociology of Human Rights" (2001, Social Problems). This work is the most useful starting point for acquiring an extensive understanding of how contemporary sociological thinking can be made more relevant to human rights, which, at present, is at the center of cultural discourse on global civil society. However, one of the boldest new attempts to construct a new theoretical program for a sociology of human rights has been put forward by Bryan S. Turner, in a variety of works but most recently in his Vulnerability and Human Rights (2006). Turner attempts to provide a foundationalist, as opposed to a constructivist, sociology of rights and argues that all human beings are vulnerable and exist in a precarious relationship to the social and natural world. This vulnerability is a cultural universal which challenges both cultural relativism, which holds that there are no such universals, and the idea that there are no universal grand narratives which are applicable to the amelioration of human rights violations. Turner argues that our common vulnerability makes us dependent on one another and interdependent on others and that a sociological theory of human rights must focus on this vulnerability and the various ways in which different human societies develop institutions which both alleviate and exploit vulnerability. Turner argues that mutual recognition and sympathy based on a common awareness of human vulnerability is a fundamental precondition for a viable liberal democratic order. He develops the idea of sympathy alongside the notion of cosmopolitanism, and both concepts are in turn related to recent work on "recognition ethics," which were originally outlined in Georg Wilhelm Friedrich Hegel's Philosophy of Right (1821 [trans. 1952]). These claim that no ethical relationship can exist between two individuals without their prior mutual recognition of each other as free, moral agents. Slavery is the extreme example of the absence of recognition.

In this sense, Turner's emergent work is in the best tradition of sociological theorizing which seeks to establish a foundationalist basis for the study of human rights and which aims at practical normative outcomes. He outlines a new theoretical perspective which serves as the basis of an ethically engaged and politically viable strategy for understanding and alleviating human frailty and vulnerability in modern social life. Turner's work represents one of the most useful and important starting points for a new phase of sociological theory on human rights. In its interdisciplinary scope and aspirations to bring the most important traditions of sociology to the study of human rights, Turner's work provides a grounding for the development of an autonomous sociology of human rights, one which affirms that a universal aspect of the human condition is vulnerability and which establishes the fact that sociological theory, informed by the advances in other disciplines, has an important role to play in understanding the origins and consequences of institutionalized responses to human vulnerability. Tom Cushman

Riley, Matilda White (1911–2004)
First Executive Officer of the American Sociological Association (1949–60), Chief Consulting Economist for the US War Production Board (1942–4), and University Professor of Rutgers University (1950–73), Riley was a pioneering figure in the development of the sociology of aging. She worked at the Russell Sage Foundation (1974–7), was founding Associate Director (1979–91) of, and subsequently Senior Social Scientist (1991–7) for, Behavioral and Social Research at the National Institute on Aging in the United States. She finished her career as a professor at Bowdoin College, Maine (1973–81).

Riley developed the age stratification theory in which society is stratified into various age cohorts, and each age cohort has life-course and historical dimensions. Different age cohorts age differently. To express these processes, she developed the "aging and society paradigm" which articulates cohort flow and social change, and explicated age as a feature of social structure. Social structure and ideology combine to exercise constraints on the human capacity for living and aging successfully and productively. One aspect of the power of social structure and ideology over individual lives was age segregation. Her aging and society paradigm demonstrated that cohort membership does not simply influence people as children, but affects them through the life-course in terms of the groups to which they belong, the people with whom they interact, and the cultural conditions to which they are exposed. Her contribution to the sociological study of aging was published in the three-volume edited collection Aging and Society (1968–72).

Bryan S. Turner