Realizing Rights: A Reaffirmation of Human Rights and Their Vital Grounding in NGOs

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Amartya Sen proposes that the spread of the idea of democracy is the 20th century’s outstanding achievement. More basically, however, human rights have gained world-wide support despite the opposition of both numerous governments and political theorists. Human rights are a necessary condition for any democracy. In a democracy, the people not only benefit from government, but are informed about it and play a role in its performance. More specifically, there is both a private realm to which people retreat among intimates and a public space where people gather to discuss, criticize, and seek consensus on common actions for agreed upon public goods. We argue that human rights are inextricably tied up with a free public sphere. In authoritarian regimes, acts of governing are private matters known to officials, but not to the people. In a democracy, by contrast, government actions are open to public inspection: officials may be brought to account because their responsibility is to serve the public good. The people, consequently, have a right to appropriate treatment from their government. The relations among rights, responsibility, and public scrutiny are generalizable to all human relations.

We discuss human rights in terms of their relation to the public/private divide. We then take up ethical relativism: Are human rights inherently Western concepts imposed upon other cultures? We argue that ethical relativism, due to its static view of moral principles, is flawed, and we propose that morality involves dynamic conceptual interaction. Even if ‘right’ began as a Western concept, it is separable from its genesis so as to be applicable wherever appropriate.

Given our argument that rights involve public scrutiny, we examine the role NGOs play in spreading the notion of human rights. We discuss three sorts of NGOs: grassroots organizations in which people discover human rights for themselves; NGOs supportive of such grassroots associations through training and networking; and international NGOs that enforce the Universal Declaration of Human Rights by publicizing rights violations, organizing letter writing campaigns, and filing suits against those governments and their officials violating human rights.

We conclude that the 20th century has been marked by the promulgation of human rights thereby creating confident, vocal citizens so that the 21st may see the realization of democracy.
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This paper grows out of our discomfort with the widespread rejection of human rights on the basis of ethical and cultural relativism, especially the claim that human rights are peculiarly Western or radically individualistic. Our reading leads us to posit that the real opposition to human rights is not an intellectual problem so much as a fear of Western imperialism under a new guise or of the loss by local élites of their political, personal, and cultural hegemony. Rather than offer yet another argument against cultural relativism, we sketch a flexible, community-based view of human rights as a shared vision of a way of life achievable through accepting both the rights and duties essential to democracy. That is, we begin with a discussion of democracy, and of the public and private spaces that are its essential components, upon which we build an account of human rights and duties. Our discussion then leads us to address several of the most serious difficulties relativism presents. We conclude with a description of a handful of illustrative associations whose members articulate human rights within public critiques and movements for reform. Formal statements of human rights and theoretical reconstructions such as ours are helpful, but far more effective are the “grassroots” work and the networking of NGOs that enable people actively to discover human rights for themselves as critical standards for assessing and reforming their societies, thus giving human rights a saliency countering relativism and leading to rights’ realization within and among societies.

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Amartya Sen predicts that historians will consider the most significant development of the twentieth century to be the idea of democracy as “the preeminently acceptable form of governance” (Sen, 1999a, p. 3). Although democracy is not universally admired, Sen holds that today it is the opponent of democracy, not its advocate, who must account for her opposition.
Certainly, a century ago the world was governed quite differently. There were a handful of democracies among the North Atlantic countries and their offshoots, but monarchies, both constitutional and absolute, predominated. Moreover, many of the North Atlantic powers controlled empires that encompassed much of today’s “developing world.” Of colonies in Asia, Africa, and the Pacific, as well as oligarchies and dictatorships in Latin America, the issue then was whether any of these peoples were “fit for democracy.” After two world wars, in which colonials fought beside their masters for their masters’ liberty, colonial peoples demanded self-rule because they realized they were their masters’ equals (Lauren, 1998, pp. 85, 145, 201). Sen suggests that the question whether colonial peoples were “fit for democracy” gave way to the expectation that they would become “fit through democracy” to handle their own affairs.

Democracy is a form of self-rule in which people participate in creating a common world. Democracy is distinct from all other regimes because it engages seriously the views of the people themselves concerning their needs and ideals, and its task is the development and well-being of the people both as private persons and as active citizens. Democracy necessarily protects certain rights as fundamental to its citizens because, without those rights, neither could the people be citizens nor the regime a democracy.

Regimes other than democracy are authoritarian, usually with a paternalistic and patriarchal cast; to be sure, they are often benign in that they intend the happiness of the people. An authoritarian regime presumes an élite, set apart by character, training, or lineage, possessing truth, and prepared to act on behalf of the whole people. The views of the great mass of the people, as they themselves might express them, are absent from deliberation and decision. Certainly, when people’s own perspectives do not enter into political deliberations, it is unlikely that their concerns and needs will receive their due attention. Women, above all, are not
expected to have a voice in matters of policy, but to perform the duties tradition assigns them that center on serving men and raising children within the household. Some authoritarian regimes, of course, are not benign but tyrannical for they support only the rulers at the expense of the ruled. The difference between benign and tyrannical authoritarian regimes, however, might well escape those who must endure their lot in dismissive or enforced silence.

Sen, famously, has shown that famine dramatically distinguishes authoritarian from democratic regimes (Sen, 1999b, pp. 161-188). Sen notes that there has been no famine in any modern democratic country, even though there have been many instances of food shortage and extreme hardship. According to Sen, famines occur in authoritarian regimes because government officials are not motivated to prevent them. In democracies, by contrast, the importance of the populace to the politicians, who must face them in elections and endure the free criticism of opponents, gives an impetus to find a way to feed the hungry (Sen, 1999a, p. 7). In short, the people stand in a different relationship to government in a democracy than in other regimes. The people are not merely a source of labor, taxes, or war materiel; they control their rulers because they have the power to oppose and remove them. In democracies, it can truly be said that the people do not obey but support the regime and its laws (Arendt, 1964, p. 205).

Sen proposes that democracy asserts that the people possess three values: (1) an intrinsic value due to their role as citizens realizing their freedom through political participation; (2) an instrumental value through constructing their society according to their own vision; and (3) a constructive value because they do not begin with a given set of values and purposes to be fulfilled. Instead, they argue over, formulate, and dedicate themselves both to setting forth values and to realizing them. The people, themselves, form their identities and their world through a vision that derives from their discourse upon their problems, themselves, and their actions. One
might be skeptical of democracy’s success so far. Nonetheless, Sen is correct that there is a global fervor for democracy as an ideal to be pursued, despite frequent disappointment. Why else would dictators attempt to legitimate their rule by sham elections and the show of a rule of law? Even Islam, often thought inherently undemocratic, is open to and consonant with democracy—if not Western secularism—according to a number of scholars (Filali-Ansary, 1999, pp. 24ff; Mernissi, 1992). Whatever the future may be for democracy, Sen’s point is worth taking as a premise: \textit{Democracy is emerging as a universal value.}

It is likewise true that human rights became a matter of world concern in the twentieth century. Rights connect with democracy in that both are built upon an unconditional respect for human beings. Given the values of democracy, Sen notes, “Political and civil rights, especially those related to the guaranteeing of open discussion, debate, criticism, and dissent, are central to the process of generating informed and considered choices” (Sen, 1999a, p. 9). These rights are important not only for strictly political matters; all of life is transformed by the power people generate by arguing together, making proposals, and acting upon their combined skills, values, and purposes. Human rights generally have garnered importance as protection against the repetition of the scarcely conceivable crimes against humanity committed throughout the century. Human rights have emerged as a global ideal as profound as democracy. Human rights and democracy are mutually supportive. Rights designate those human capacities and social conditions necessary for democracy to flourish; and through democracy people become conscious of their rights as entitlements to practices and living conditions supportive of the political action constitutive of a democratic government. If we accept with Sen that democracy is a universal value, we ought also to accept that human rights are a universal value.

Public and Private
A long recognized element of democratic government is its unique division of life into public and private spaces and actions. To underscore the close relationship between democracy and human rights, we shall present a delineation of human rights that ties them to the relation of the public and private attitudes and thereby to democracy. The public-private dichotomy is typical of Western law, but the attitudes, if not the specific activities performed in these spaces, have a universal character (Charlesworth, 1994, pp. 68ff). Even members of “stateless societies,” such as Australian Aborigines, with no formal notion of a public authority, seek remove from others on occasion. They receive privacy for rituals and stand before the others, as before a court, when they have done something blameworthy that separates them in shame from the group (Krygier, 1983, pp. 313ff, 331).

Democracy rests upon free speech and assembly along with many other capacities and conditions. Among modern democracies, elected executives and legislators with an independent judiciary are common. A rule of law is essential. Above all, however, people must have the ability to gather together in security for public deliberation; they must be free to speak and write critically of the regime, to propose alternative policies, and to oppose candidates for office. These activities are examples of what Hannah Arendt calls “political action.” In democracies, public spaces for discourse open in numerous places—from the most informal local groups to the negotiations carried on within and among branches of government. The specifics of constitutional structure are a matter of a people’s history and experience. One universal characteristic of modern democracies, however, is that all decisions and actions require consent. Lacking consent, they can be stopped, for no person or body should act unilaterally. A second is a complex of numerous autonomous associations, such as non-governmental organizations (NGOs). These associations constitute civil society through which citizens are able to express
themselves and direct their talents to common purposes, becoming thoughtful political participants as well as adept at working with one another. Among these citizens, public life itself becomes a matter for reflection and discussion through which the components necessary for a successful political and social life are delineated. These components include human rights. Even in authoritarian regimes NGOs arise, either in secret or for seemingly routine purposes. They form spaces for people to criticize and reconsider their lives, economy, and government thereby leading them to an articulation of human rights.

The private realm usually means the household. All societies have some form of private realm where people can withdraw, interact with intimates, and carry on the necessities of life removed from the oversight of government and the larger community. In pre-industrial societies, economics was tied to the household as well. With the rise of industry, the market became the chief economic institution, a space separate from both the household and the government, but retaining characteristics of both. The market is a place for private exchanges, but it requires public oversight due to its effects upon society as a whole.

Authoritarian regimes permit subjects a quasi-private realm so long as those subjects obey the laws, uphold the practices of the regime, and inculcate regime values in the young. Heterodoxy held among a household’s members is sufficient reason for the regime to intrude so as to enforce conformity. A tyranny undermines an erstwhile private realm more starkly still. A tyranny protects itself from its own people through informers. If one never knows whether one is speaking to an informer, one will never voice a complaint against the regime. Informers reach into the household, so that the dissenter is not even free to speak candidly before his or her spouse or children. Dissenters are thereby isolated, unaware of other dissenters, and, so, helpless to act. In recent times, totalitarian regimes have sought for a mass society of individuals
unconnected to anyone else, so as to make them pliable to the government’s manipulative propaganda. In democracies, a private realm protected from invasion by the government is a security long striven for in law, with the proviso, as argued below, that privacy not serve to protect the license of some to commit injustices against others.

In a democracy, a public sphere emerges that is separate from and different than, although dependent upon, the private household. Hannah Arendt has written on the character of the public realm and public life by drawing upon both Greek democracy (1958) and the Roman republic (1968). Citizens, originally, were those heads of households who were freed from its activities by the other members, so that they could gather in leisure as peers so as to exchange opinions, make decisions, and act together on behalf of their polity. Freedom arose from political participation: argument, persuasion, and action on behalf of a common good, the polis the citizens’ shared. The good life was possible among one’s peers for they provided one another an audience to recognize and praise the greatness of one another’s words and deeds on behalf of the city. A life of engagement, argument, and competition was available to citizens whereas those constrained to private life were tied to the ceaseless needs of organic life that

1We give ‘democracy’ a far looser meaning today than did the ancients. For us a ‘democracy’ is any government in which the vast majority of the people participate in government in some way, such as voting, party membership, organized advocacy, and the like. For the ancients, ‘democracy’ meant direct rule by an assembly of citizens; whereas a ‘republic’ denoted a form of indirect rule through elected officials. Today’s democracies are “democratic republics,” in Martin Diamond’s phrase (1970), in that the vast majority of people are eligible to vote for most key government officials. Unelected officials are appointed and approved by those who are.
required labor to produce what must be consumed for life. Even work, by which lasting objects furnishing the world were made, could be isolating and merely instrumental. Only in the public life of the city could people escape from toil and work and live most fully with others on behalf of the common good of the city itself as a site of human flourishing. A quality of human beings, plurality, the fact that all are identical in that none is exactly like any other, comes fully to light in public affairs. When people engage in an exchange of opinions, each introduces a view of things that is distinctive, so that through plurality novel insights and solutions to problems can be gained that no one citizen could have envisioned alone. Likewise, people together create the power to act in unison, joining their talents with their initiative so as to do things none could accomplish alone. Power, as opposed to violence, is generated only by people acting together with common intent. People employing power stand ready to account for their deeds; those resorting to violence are unwilling or unable to account for theirs. Tyrannies, therefore, keep people separated by fear, lest in learning of one another’s complaints against the regime, they are able to create together the subversive power to undermine it.

The private realm, in contrast with the public space of politics, was classically a place of deprivation. Those who were constrained within its walls—women, children, laborers, and slaves—suffered lives inherently unfulfilled, for they could not participate in liberating public actions for the city; their plurality lay undeveloped under the sameness of daily routine. Indeed, one can look at the history of the West, after Enlightenment thinkers revived the classical concept of political action, as the gradual liberation of people from the household: the enfranchisement of workers, the abolition of slavery, women’s suffrage and their continuing struggle for equality, and a growing emphasis upon children’s rights to health and education.
Arendt, in her reflections upon public action in Greece and Rome, was not engaging in pedantic reminiscences upon a past age, but revealing a fundamental human capacity underlying all democratic government that might well disappear lest it be held firmly in memory. It is a human capacity not tied to any specific culture. Whenever humans gather together to speak so as to exchange opinions and decide upon action, they act politically. Arendt reinforces Sen’s position, for what he calls ‘democracy’—a political form in which people create themselves and their world through common reflections upon ideals, ends, and consequent actions—is effectively a restatement of her notion of political action.

The simple distinction between private and public realms has grown far more complicated in the modern world than can be captured by use of the classical model. Today, the private realm of the household has become the home (or any private place) to which people withdraw for intimacy and protected remove, not only from the bustle of politics but from the market and its implacable imprecations to consume. The household has taken on a new meaning in one’s life with specific others, among whom each helps the others build character and strength so as to reenter the public world with faculties and bearings sharp and sure. In this sense, the private realm today has a public significance for many it lacked in past ages. Of course, as well, the home has become for many others a shallow center of consumption, a “lifestyle enclave,” defined by the harmonious consumption choices of its members (Bellah, et al., 1985).

In modern democracies there are multiple public spaces created by people gathering so as to argue, unite, and create power for action. These publics, constituting civil society and the institutions of electoral politics, range from informal groups of neighbors to organized parties, advocacy and pressure groups, and organizations providing for people’s welfare, all creating the possibility of new directions and purposes. Modern democracies need a multitude of publics,
both formal and informal, in order to maintain a rich discourse. Moreover, these publics direct the actions of government and of people themselves, organized around their thought and commitment to public goods. The public spaces of democracy differ fundamentally from those of authoritarian regimes. In the latter, public spaces are used by those in command to assert their hegemony in displays of authority before the people as passive spectators. Consider the Plaza de Cinco de Mayo in Buenos Aires: Under Juan and Evita Perón, great crowds gathered there to cheer the glittering couple. Under the brutally repressive juntas of the 1970s, by contrast, mothers and grandmothers marched in the Plaza to protest the disappearance of their children in the government’s “dirty war.” The first was a passive display of fealty, the second was a free expression of accusation that helped undermine the juntas and restore democracy.

Arendt’s argument and our extension of it draw upon a spatial notion of places where people tend to private affairs, and others where they perform publicly. A strictly spatial notion of public and private action is too limited to match reality however. First, it divides public and private too discretely from one another and; second, it fails to take notice of the frame of mind with which people act either publicly or privately. By the term ‘public’, Hanna Pitkin proposes, we mean chiefly three things: (1) open or accessible to others, (2) having far-ranging effect or influence, and (3) under the direction or control of the people at large (Pitkin, 1981). When people act politically, (1) they act in the presence of or with the knowledge of others, (2) their decisions and actions will have a substantive effect on others, and (3) they are accountable to those before whom they act and to those affected by their deeds. When people act publicly, they act with the larger world in mind; and they never act alone, but with others to whose judgment they hold themselves accountable. Action does not require the abandonment of a private life, but an agent must distinguish personal concerns from the larger ones of the community or, indeed,
even of the whole world. Public action, then, requires an attitude of mind more than a physical space. The capacity for public action arises through words and deeds done in association with others, but once mastered as an attitude of accountability, it enables a person to be public even when alone, because of her concern for the whole to whom she is willing to account for herself.

Private thought and action, by contrast, concern oneself and one’s intimates to the exclusion of other matters. Private concern is often directed at one’s family, at those one loves, or at oneself. Private action is a good and necessary part of life from which much benefit—both private and public—comes. In private we are able to speak frankly, allow our vulnerability to appear, and remove the masks required in public life; doing so, we gain greater awareness of ourselves through our confidants. On appreciating private action, Peter Steinberger writes, “It is merely to recognize that private manners of acting are important features of human existence, that family life is often the locus of such activity, and that the public authority interferes with—hence publicizes—those activities only at the risk of losing something valuable, something private” (Steinberger, 1999, p. 308). Steinberger notes that in private action, one does not expect accountability, but unspoken understanding and acceptance among intimates.

Steinberger fails to notice, however, that private action can also be done with no expectation of accountability due to inequality among the partners. One might feel free to act as one wishes because others dare not complain. Private life must always be viewed with critical awareness of the possibility for abuse and domination that it harbors, both for the sake of those at risk and because the character of those who compose the public realm takes its shape there. Accountability’s absence from private life might also indicate that a person is acting without thought for anything beyond himself or his immediate companions and surroundings. Such egoism marks a moral failing or immaturity that can be overcome as a person learns to take into
account the attitudes of others with whom he interacts. These are difficulties attendant upon private life, to be sure, but they ought not be taken as reasons against the private realm but as malformations to be reformed.

Rights

The concept of ‘right’ is complex in both meaning and history. We need not enter into its history here, but we need to attempt a clarification of the term itself. H. J. McCloskey (1965, 1975, 1976) has painstakingly examined the concept of right, thereby providing a fruitful starting point. McCloskey eliminates two commonly held views: that a right is a claim or a power. He eliminates the first, by arguing that were a right a claim, a person could have a right only by making a claim based upon it. In fact, people often do not claim what is theirs by right. Some, eligible for welfare, make no claim for it due to pride, but this does not invalidate their right. Similarly, a right is not the same as a power. I might have the right to do something but lack the skill or the means to do it. I might have a driver’s license but no access to a car. McCloskey proposes that a right is an entitlement: whether I assert it or not, whether I have the power to act upon it or not, having a right gives me title to some good.

McCloskey uses the term ‘entitlement’ so as to sever one’s rights from other peoples’ duties. McCloskey wants to insist that rights belong to the right-holder as a possession, without dependency on others or on “what ought to be” (1976, p. 99). If my right depends upon others’ recognition of it or their willingness to act upon it, then I lose my right should they ignore it or refuse to act upon it. McCloskey insists that we have rights regardless of whether others honor them or not. Consider the slave in the Antebellum United States: his right of freedom is real even though he lives among people who do not recognize it. In time, their views will change and his right will be acknowledged. If we made his right dependent upon others’ recognition,
however, we would have to say he has no right to freedom so long as those around him believe in slavery.

McCloskey’s view is dangerous because it gives us a notion of right with an uncertain connection to the social world within which it is set. Indeed, his view suggests that rights are transcendent, so that they exist whether anyone knows them or not. This position raises complex metaphysical questions that make rights unappealing to many and useless for diverse peoples to use in questions of morals or politics. In fact, the slave’s right of freedom was real, first, because many within and without the South argued for it and actively pursued abolition and, second, because many slaves themselves believed in their right to freedom despite their situation. Removed from a social context in which they express principles for action that are recognized by at least one other person, rights can be only mere aspirations in the mind of an external observer who hopes for their discovery and fulfillment in some vague future. Taking rights to be transcendent aspirations, moreover, enables people to elude them as moral imperatives by hiding behind rhetoric of hope and future promise with no commitment to their realization. Rights arise in social conflict and need, and they have an empirical history. Rights express how people decide to treat one another and how they want to be treated in return.

We find rights compelling only when we insist upon their coordination with duties: a right entails a duty to satisfy that right, even if that duty proves beyond our ability. In truth, even the word ‘entitlement’ does not provide the independence of others McCloskey seeks. If I am entitled to use the facilities of my club, I must present my membership card upon request, pay my bills, renew my membership, and the like. My entitlement marks a complex interchange with others of duties and rights. Rights have meaning only within a social context in which people
relate themselves to one another. Rights are not possessions as are physical things; they exist only through people forming ties of obligation and expectation among themselves.

We propose that the concept ‘duty’ is a necessary precondition for comprehending the concept ‘right’. When we think of someone possessing a right, we necessarily presuppose someone else with a duty to respond to that right. Kant recognized that we first learn of the moral life when we experience ourselves torn between something we want to do and something else we know we ought to do. The concept of ‘right’ is but the recognition by a person that another (or she herself) ought to do something for her. It is only against the background of someone’s duty that ‘right’ first takes on meaning. In a world in which there were only needs and preferences, one could never speak of rights, but only of appeals, deals, gifts, and threats. Breaking the tie between right and duty endangers the intelligibility of the social scheme. Rights without marked and recognized duties easily descend into mere demands. Recently, communitarians in the United States have called for a “moratorium” on creating rights because of rampant litigiousness coupled with a refusal to accept duties for the well-being of society and its members (Etzioni, 1993, pp. 5-9). There are, to be sure, perplexities involved in the recognition of great need, but we cannot so unravel the complex of relations as to place duties and thereby seek to realize rights.

McCloskey (1976, p. 103) designates three kinds of rights: (a) Negative rights require others to leave us alone when we do something harmless and permissible, such as walking along a public beach. (b) Positive rights require us to take duties upon ourselves when our help is needed for something important. When a child is born, a person enters the world with the right to life, because duty also enters as the responsibility of the parents toward their child. (c) Rights of recipience require dispensations of whatever is legitimately needed for people to live and
flourish. Negative rights stand against anyone who considers interfering with us unnecessarily. Positive rights entail duties that fall to specific people due to their relationship to others. Rights of recipience are vague hopes unless someone specifically accepts a duty toward the needy.

It is useful here to introduce the Kantian distinction between perfect and imperfect duties (O’Neill, 1996, p. 145). Perfect duties refer to specific actions required of persons either towards all or towards certain others. We have a perfect duty not to cause pointless harm to anyone. Parents have a perfect duty to educate their children. These duties establish rights: in one case, the right not to be pointlessly harmed; in the other, the right to an education. We also have imperfect duties to our own development and to others’ well-being. Imperfect duties, however, are indeterminate. It is left to our discretion to fulfill imperfect duties as we think best within the compass of our lives, although doing nothing would be a moral failing. Such vagueness is troubling. A street urchin has no one with the duty to care for it. Although everyone can recognize that the child needs care, there is no one with a perfect duty to care for it. The urchin’s need for care is left unfulfilled until someone or some institution—an adoptive parent, an orphanage, a state foster-care system—accepts responsibility for the child as a perfect duty. So the right is realized only when someone accepts the perfect duty to fulfill it. If rights in general are to be more than rhetoric, persons must accept the duties corresponding to those rights. In summary, we can say of a right: A person, P, has a right to a good if, and only if, P’s situation either presents, or elicits from, a person or an institution the perfect duty to provide P with the good.

Human Rights

We are implicated in certain rights and duties due to specific obligations we have taken upon ourselves. Other rights and duties fall to us due to membership in organizations or
citizenship in political entities. We also possess rights and duties simply because we are human beings. These last are “human rights.” A fundamental human right, for example, is the right to life—or more specifically, the right not to have one’s life intentionally ended without judicial due process. We share in the biological life of all animals, an enduring present occupied by efforts at maintaining life and safety; but, as humans, we also have lives with a beginning and a telos shaped by our projects, commitments and goals that form a story or meaningful whole at least for those who come after us. Killing us prematurely cuts off the flow of the narrative of aims and efforts that is our human life. Were we to attempt to deduce human rights from a priori reflections upon what it means to be human, the list would be contestable and abstract. Such arcane musings are not the ground of human rights as they are listed in various political documents of historical moment. Human rights, rather, typically refer to specific rights and duties of proven importance in the efforts of peoples to gain security, happiness, and political liberty from oppressive governments, debasing institutions, and tyrannical and exploitative individuals.

The human rights listed in documents such as the United Nations Declaration on Human Rights (UDHR) and its subsequent Conventions have arisen due to their saliency in struggles against tyranny and for political freedom, personal dignity, control over one’s work and workplace, and cultural and gender self-determination. This does not mean that these rights apply only to the historical settings in which they first arose. Due to their proven importance, we appeal to them whenever tyranny must be fought or democracy constituted. Human rights, then, derive from historical circumstance not metaphysical deduction; they are entitlements whose importance to the struggle for human freedom and welfare enables them to transcend their origins and regulate the complex of relationships forming a coherent political life. The
multiplication of rights in Conventions is due to the novel methods of oppression arrayed against human beings by modern regimes. Nonetheless, human rights form a unity because “the techniques of oppression which they are designed to combat also form a unity as parts [of] systems of oppression” (Winston, 1999, p. 6).

The three “generations” of human rights are well known and need no detailed rehearsal here. Our intention is briefly to indicate how all three are implicated in the formation of a democratic complex of public and private spheres and attitudes. For that purpose, we also propose a fourth generation of rights centered on women’s rights as necessary to realize democracy. We do not propose to reduce the complex meanings of human rights to a public-private scheme alone, but to show that the premise of a global turn toward democracy enables human rights, through their importance for the public-private divide, to stand forth as necessary for democracy.

1. Civil and Political Rights. These rights are the oldest, having been compiled in numerous earlier documents listing, on one hand, limitations of government on the people and, on the other, the rights enabling people to participate in government. The elements of a rule of law are assured, such as prohibitions against arbitrary arrest, torture, and sexual or racial discrimination; prompt information on the reason for arrest; and fair and public hearings. These rights present governments with stringent duties towards their own people the violation of which amounts to arbitrary injury. These rights also enable the citizens to take a responsible part in affairs of state—whether indirectly through voting or more directly through speech, publication, and other political actions. Article 29(1) of the UDHR states: “Everyone has duties to the community in which alone the free and full development of his personality is possible.” Governments’ oppression of their people is the impetus for asserting rights limiting them to a
rule of law. That is only half of the solution however. Governments should become democratic so that the distinction between citizens and officials will no longer be strictly adversarial. That is, these rights should give government duties toward its citizens and give citizens duties to transform their government into a democracy and to keep it one. This does not eliminate the need for rights against harm, but by democratizing their government citizens make reform more likely than abuse.

2. **Economic and Social Rights.** During the Cold War, the United States pressed civil and political rights as basic to democracy and downplayed economic rights as “aspirations”; the Soviet Union dismissed the civil and political rights as expressions of bourgeois consciousness but pressed economic rights. In fact, these sets of rights are not exclusive of one another; they are both necessary for a working democracy in the modern world. Once it was expected that those who vote should possess sufficient property that they have a “stake” in their community. People who did not meet property qualifications were denied the vote on the grounds that they would seek their own interests at the expense of the wealthy. We know today that the wealthy and powerful can be every bit as self-seeking as the unemployed or impoverished. All are affected by the decisions of government, consequently all deserve a say in them. All people must live under the laws; they can be expected to support them only if they have a voice in their creation. If the poor are more solicitous of the needs of the poor, is that any stranger than that the rich use lobbyists and contributions to gain favor with officials? It is unwise, moreover, to presume that citizens’ political positions are based solely or chiefly upon their economic standing. On occasion, in fact, people take positions contrary to their private interests due to a genuine dedication to public ideas on the general good (Orren, 1988). Democracy presumes that
common views and goods are at least roughly attainable through public discourse, even if they are endlessly contested (Mansbridge, 1998).

We speak of our democracies as providing people with freedom. Someone is hardly free to participate in politics, however, whose need is so great that holding it in abeyance for discussion’s sake is surpassing hard. Henry Shue argues that people have certain “basic rights” to the means for a dignified and secure life that must be fulfilled so as to be active citizens ready and able to concentrate on public issues rather than private needs. By failing to address these basic rights, or dismissing them as mere “aspirations” rather than duties to be fulfilled as best as possible, a government shows its lack of commitment to a rough equality among its citizens such that they can participate together in politics as equals. Shue writes, “The enjoyment of the other rights requires a certain degree of physical integrity, which is temporarily undermined, or eliminated, by deprivations of security or of subsistence” (Shue, 1996, p. 30)

Transactions in the market are usually considered to be private. When persons voluntarily enter into exchange, there is no need for public accountability because participants act freely upon their knowledge. The discipline of the free market, it is thought, protects everyone through self-interest. Despite the widespread emphasis upon market discipline today, business relies heavily upon government. Government absorbs the costs of education, infrastructure, support for the unemployed, and basic research. Moreover, the general public looks to government for protection against environmental harm, dangerous products, and unsafe working conditions. Market institutions respond to individual wants with goods for consumption; institutions in civil society and government, by contrast, supercede the ‘I’ of consumption with a ‘we’ of collective actions on behalf of a common world.
Once, the view of business as private was acceptable, but no longer. Small firms in a market surrounded by a local community are held in check because everyone knows what they do. Most markets and their firms have long since grown beyond such homely oversight however. Firms have become public, in that stockholders expect an accounting of their activity. Corporations have reached a scale such that it is irresponsible for them to concern themselves solely with their profits and their stock’s price. They are public in a second sense because the effects of their activities extend to their society and beyond to the whole world. Governments seek to mitigate the harmful effects of firms through regulation, but regulation is a weak and reactive response to trouble. Especially with firms becoming global, it is necessary to become public in a third sense: to regulate their own actions or to be accountable. During the past twenty-five years, a call for business to become socially responsible has sounded in the emergence of business ethics in academia, in professional associations, in nonprofit advocacy organizations, and in the popular media. The pressures for profits and higher stock prices is profound. Nevertheless, at least some firms do respond to public pressure to improve products, working conditions, and environmental impact. They respond as well when their own executives and other staff voice moral concerns about their firm’s practices.

Ethics policies and professional codes of ethics are useful because they give legitimacy to critics both within and without firms. Human rights provide a similar basis for demanding responsible business practices. Unfortunately, governments increasingly place businesses beyond their power of regulation through trade agreements from fear that firms will move to countries without regulations, thereby implicitly encouraging irresponsibility. There are, doubtless, many public battles still to be fought over global business. Human rights can serve as
a “code of ethics,” around which conscientious businesses, watchdog citizen groups, and various other NGOs can form so as to seek public accountability from firms.

Industrialization has wreaked havoc on the lives of workers by degrading skilled work into unskilled labor, thereby lessening the need for creative expression or skillful control over materials and designs. Workers have also suffered as fungible means to others’ ends. The rise of unions in the 19th and 20th centuries improved the external rewards of labor and lessened some of the worst dangers and harms. Unions are an example of public action enabling workers to affect the conditions and rewards of their labor through generating power with which to confront management. With affluence and complacency, however, unions have been weakened in recent decades. Unions’ weakness has facilitated the outsourcing of jobs from developed countries to piecework and contract labor in the developing world due to low costs and freedom from legislation protecting laborers’ security or safety (Drydyk, 1999). Today, unions are needed in the developing world for the sort of empowerment they earned workers in the developed world early in the 20th century. They also need a resurgence where they have lost power and relevancy. Consequently, the UDHR calls for the right to organize unions so that workers can create power to affect their working conditions.

Despite our claims to uphold democratic values, we have long allowed our workplaces to be despotic in character, as though people could live segmented lives: one part dedicated to political action while another suffers under the demeaning tasks imposed by authoritarian managers. Long ago, John Dewey warned of the danger to democracy of permitting despotic management: “The way in which any organized social interest is controlled necessarily plays an important part in forming the disposition and tastes, the attitudes, interests, purposes, and desires, of those engaged in carrying out the activities of the group (Dewey, [1937], 1984, p. 264).”
Enabling workers to have a voice in their tasks and a share in the responsibility for what they do potentially replaces alienation and hostility with dedication and loyalty. Moreover, it turns the workplace into a space for discourse, reciprocal responsibility, and cooperative effort that can teach public action and thereby indirectly enrich workers’ civic life. Neo-liberalism and global business, however, treat market relations as the most important form of human conduct and productivity as the measure of a nation’s success. Daw Aung San Suu Kyi warns that an economic-centered view of politics endangers workers by reducing them to means for the nation’s economic success. In the process of reduction, citizens come to think of themselves as but a powerless source of labor. She charges, “It is not enough merely to provide the poor with material assistance. They have to be sufficiently empowered to change their perception of themselves as helpless and ineffectual in an uncaring world” (Aung San Suu Kyi, 1995, p. 13). Economics ought not dictate the purpose of public action, but provide the means for citizens to do so.

In developing countries should economic advancement precede democratic development or should they advance together? The foregoing as well as Sen’s work on famine, suggest that economic and political development should advance together. If a nation focuses on economic security, with the intention of beginning to move toward democracy only later, managers and investors will fear their place threatened by democracy and so oppose it. Democracy is a form of life, not just of government, consequently it ought to be bred into all of the activities of a people—including their economic pursuits. Capitalism can progress, at least for awhile, without democracy—Pinochet’s Chile is a case in point. For the market to be constrained by non-market values and forces so as to further the common good of the people, however, we need both democratic government and other institutions democratic in spirit.
3. **Community and Cultural Rights.** World War II led to the dissolution of European empires because colonials discovered their equality with their masters. There had always been a scarcely hidden belief in the inferiority of the subject peoples by their masters. Racial prejudice against subject peoples made the destruction of their cultures for the advantage of the mother country more palatable. The experience of planned, systematic extermination of entire peoples by the Nazis, however, provoked a world-wide recognition of the need to protect subject peoples and their cultures not only from domination but from extermination (Lauren, 1998, pp. 109, 145). As a result, a clamor arose for the protection of the various cultures combined with an assertion of a right to self-determination concerning their future status. Minorities and indigenous populations demanded recognition and support for their distinct cultures either within larger political entities or in newly separated ones. These demands gave rise to a difficulty that still embroils the United Nations and its member states: protection of peoples’ self-determination.

People have human rights against suppression by the forces of their own government. Responding to the abuse of human rights requires intervention into the affairs of a sovereign state. The United Nations Charter in 2.7, however, states clearly, “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require Members to admit such matters to settlement.” The tension between protection of human rights and the sovereignty of states is a major topic of dispute. In effect, the sovereignty of nations is diluted whenever an international clamor arises to rebuke a state for its treatment of its own people. Although this issue is too complex to enter into here, we can say that people have come to recognize that their protection as members of distinct cultures is a human right to be claimed against tyranny—both external and
internal. State sovereignty, especially in cases of crimes against humanity, is increasingly diluted by repeated calls for protection of human rights.

The recognition of the right to participate in their own culture is expressed, in one way, as a right to have a nationality (UDHR, 15.1). Alone, without a state to protect their rights, the persecuted are at the mercy of other nations to take them in as immigrants or refugees. One of Hitler’s ploys for destroying the Jews was to make them stateless. Without papers, other nations denied them refuge. Even nations that did give refuge, such as France, under occupation handed non-French Jews over to the Nazis on demand (Winston, 1999, p. 5ff). A perfect obligation of states to their own people, then, is the protection of their human rights. Nations’ acceptance of a corresponding duty for others in dire need has so far proven elusive.

Human beings do not live as atomic individuals whose lives are products of purely individual accomplishment. We are who we are in good part because of the culture within which we have become who we are. Communities are not epiphenomena secondary to the reality of the individual; rather, communities are the continuous spring from which people emerge with outlooks, values, and ways of living. Communities, therefore, deserve to be respected and protected, for if they are obliterated by ideology, economic pressure, or the hegemony of another group, a people with its distinct manner of being in the world disappears as well. Democracy depends upon diversity to utilize fully the plurality that marks humans as fitted for democracy. For the sake of democracy, then, human cultural diversity ought to be respected and protected. Minorities, especially, need the protection of human rights, for they might well languish in neglect without a nation’s express commitment to them. Discontent, ethnic clashes, and widespread poverty can prevent a nation’s development unless the government and available NGOs dedicate themselves to social justice, making it possible for the great many to enter
politics with lives enriched by education and opportunities for economic empowerment. Moreover, in the modern world there are very few truly homogeneous societies; most contain a number of ethnic, religious, and racial groups. Diversity is not something to prepare for: it is here.

4. **Women’s Rights as Human Rights.** The inclusion of women’s rights among human rights is the most recent advance in human rights thinking. Throughout the world, women’s lives have been inextricably tied up with the household through cultural customs and religious beliefs from ancient times; women’s lives have been severely circumscribed and centered upon household activities—“women’s work.” According to the U. N. Charter, all people are to be treated without discrimination concerning religion, race, sex, and the like. Nonetheless, the rights enumerated in the UDHR and other documents were written with men in mind; women have begun to enjoy something like parity with men only in recent years. Even in developed democracies, women have gained suffrage only in the 20th century. That is, half of humanity had long been excluded from the world’s affairs. Even in the midst of great strides for human rights, women’s rights have more often been overlooked than recognized. Women have suffered from a lack of opportunities for personal development and an absence of security within the household because states have rarely acted on their behalf. The drive to realize human rights will only be complete when women are as fully protected by them as men.

We have named this set of human rights “women’s rights as human rights” borrowing the phrase used by Charlotte Bunch (1990) that has become the slogan of this movement. Heretofore, discussions of human rights have concerned activities that are traditionally permitted to men, not women. To some extent, one can simply include women along with men; nonetheless, women’s connection to the household makes such a solution inadequate. Women
are not tied to the household merely by habit of thought and practice. Domination, hierarchy, and exclusion are expressed in the domestic dominance of men over women. This is not merely a cultural matter, it is political: men have at least one place where they can express their superiority no matter how defeated they are elsewhere. The domination, often expressed as domestic violence, is so deep that it might appear a fact of nature. Bunch insists that we need to recognize it as “a politically constructed reality maintained by patriarchal interests, ideology and institutions” (p. 491). If we recognize the political character of patriarchy, we will realize that we can break it down and rebuild our domestic relationships on the basis of equality and justice.

Women’s rights are important human rights for two reasons: first, the denial of rights to women reduces them to their instrumental role in the household; and, second, although women suffer most immediately and directly, others are affected as well. Children suffer, in part, because they share the abuse—hunger, violence, and neglect—their mothers suffer; and because they are educated to accept similar lives for themselves, whether they be boys or girls. Men, too, are affected by their failure to respect and realize the human rights of women. They live with a deformed notion of manhood based upon domination and privilege achieved at the expense of women. Men’s private lives invariably color their public lives: despots at home, they are unlikely to be egalitarian citizens in public. Domestic rights and their violation, then, are profound and thoroughgoing in their effect. So long as women’s rights are not realized, democracy will be crippled by the reverberations of unjust households throughout society.

During World War II women’s presence at work was acceptable because of the war effort. With peace, however, they were expected to return home and make way for the returning men. Because wages have not kept up with expenses, many women have had to go to work for their families to have a sufficient income. No matter their skill level, however, the view that
their place is really in the household, not the workplace, has never been completely forsaken. Men are often presumed to have a wife at home to care for domestic obligations, even when their wives work as well. Women are passed over for promotions (or decline to vie for them) from fear that they will be distracted by family matters from their careers. Indeed, many women feel compelled to scale back their ambitions in order to care for their children (Okin, 1989, pp. 143ff). Okin comments, “In relation to the outside world of employment, therefore, the notion that husbands and wives are equals is myth. Typically, women as workers are disadvantaged by marriage itself, and the more so the longer the duration of the marriage” (Okin, 1989, p. 156). Despite the fact that increasingly women work outside the home, they are still primarily responsible for the household. These statements apply equally to professional women and to blue-collar women. Women’s lives, in sum, are still centered on the household. A profound rethinking of shared responsibilities, the expectations of men and women at work, and policy on leaves for family crises or pregnancy is needed and, in fact, has begun to occur.

Not all cultures are even minimally friendly toward the notion of women leaving the household for work. In some, women’s lives are strictly circumscribed by the walls of the household, often through the practice of purdah, mandatory seclusion within the home except for rare appearances in public in the company of (usually male) family members. Infanticide of girls is common as is malnutrition, for girls are seen as a drain on family resources (Eisler, 1987, p. 302). Girls are unable to support themselves, so support must be arranged through marriage, often requiring a dowry. After marriage, the girl becomes the property of her husband.

Fundamentalist movements, of whatever religion, teach that a woman’s place is in the home as a religious truth, not a cultural practice. Among Muslims, probably no group is more notorious for its treatment of women than the Taliban of Afghanistan. Due to their severe
reading of the Koran, the Taliban require that women remain within the household—without education or remunerative work. When women need to enter the outside world, they must wear a *burqa*, a full body covering with thick mesh over the eyes, and they must be accompanied by a male relative. In a nation devastated by war, there are 30,000 widows in Kabul alone and the strict laws of *purdah* cause untold suffering to women and children (Pollitt, 2000, p. 10). Women live in dire poverty, without medical assistance; they feed themselves and their children only through begging, for it is the one activity that women perform outside the home on their own for which they are not chastised by public beatings. Due to these rigid rules, women and children die of hunger and disease (Desai, 1999; Vollman, 2000). Women who break the rules due to an emergency risk their lives. One woman, for example, unable to find a male relative to accompany her in taking her sick child to the hospital, chanced going out alone with the child. She was spotted by a Talib carrying a rifle who ordered her to stop. Fearing that this would certainly lead to a beating, the woman ran from the Talib toward the hospital. He fired and hit her. As she lay dying, she gave her baby to passersby to take to the hospital. An inquiry found the Talib’s shooting justified, because the woman should not have been on the street alone (Desai, 1999, p. 826). Extreme control over women by many fundamentalist sects is defended by claiming that it guarantees the woman’s purity and removes an occasion of sin for men. This explanation not only denies women’s right to a fulfilling life but makes it impossible for them to fulfill their duties as parents; it also relieves men of any responsibility to control themselves in the presence of women. Besides bespeaking no faith in anyone’s self-discipline, such control implies that men see women as possessions of whom they are covetous, jealous, and ultimate judges.
In many traditional societies, women eat only after the men and make do with what remains. The result is severe malnutrition in the women that is passed on as mental and physical weakness and abnormality in their children. Female children receive far less medical care than male children. Physical brutality itself is often unpunished, even unremarked, by local authorities on the ground that it is a “private” matter between the husband and his wife. The death of women and young girls by “accident”—which autopsies reveal to be poisonings or burnings—is commonplace in many societies. In some countries it is not a crime to kill one’s wife if she is caught in adultery (Charlesworth, 1994, 71ff). Crimes of passion are excusable because they are caused by wives’ perfidy. There is, in effect, a parallel state: the state imposes punishments for crimes occurring among men in public; household heads dispense violence as punishment to the women within the private realm. The public-private distinction here means the freedom of citizenship for men, but domination through violence for women (Romany, 1994, p. 100). This is so, even if outside the household, women have all the civil, political, and economic rights of any citizen.

“The personal is political” is a famous slogan of the women’s movement. The slogan sounds quite radical, as though feminists are calling for the abandonment of the private household and the submission of everything in life to political control. The meaning of the phrase is far less radical, but demanding nonetheless. It means that conduct within the household—specifically that between husband and wife—is of political significance and ought to be of political concern, especially because the violence that is a part of family life reverberates through public life as a structural component of society itself. The rights of women are trampled; husbands do not act with decency and respect toward their wives; and children are raised so as to learn from this violence how to be men and women. Only when the household is
a place of refuge for women as it is for men, can it truly become a home for everyone. It is too often presumed that the modern household is the place we find privacy, but for women that can only be so when all fear of violence, oppression, and exclusion are gone from it. Then men and women will thrive as they take up their duties to one another and the rest of their families and share the responsibility for each other’s development as persons and as citizens.

Relativism

The imposition of human rights upon local cultural practices is often discussed under the rubric of ethical relativism. Ethical relativism holds that individual peoples—however they be defined—have distinct sets of moral beliefs and practices, and that each set of beliefs is true. It is not just that people think them true, rather they are true. Relativism holds, further, that whereas each people has its own set of moral beliefs, there is no absolute or universal set that is true for all. A false dilemma is frequently proposed between relativism and absolutism: There is either a multitude of independent true, but conflicting, moral beliefs or a single set of true beliefs applicable to all peoples. Given that all moral beliefs are the product of experience, argument, and insight by many people, it is far more likely that all moral positions are dynamic, interactive, and fallible: dynamic in that systems of belief grow and change with experience, argument, and interaction with others both within and without the group, and fallible in that no system of beliefs should be taken as fully true and incapable of improvement. We all grow morally through our experiences with new moral problems and through our discussions with others also grappling with morality. Given a world shared by numerous peoples, an accepted system of moral imperatives concerning all of them—a list of human rights—would not surprisingly be a difficult achievement for all peoples together.
From our preliminary scan of the literature, we find that relativism, although much invoked, does not really describe much cross-cultural criticism of human rights. The real issue is the fear by non-Westerners of the loss of their own moral beliefs and practices before a quasi-imperialistic doctrine being forced upon them. Most advocates of human rights, in fact, argue that rights should be interpolated into people’s beliefs through persuasive interchange, so that those beliefs explicitly come to include respect for human dignity and active citizenship of all members of the group. The lists of human rights are quite abstract for the simple reason that they must be interpreted and realized by various peoples for the sake of democratic development in different cultural, economic, and historical circumstances. There are three points that should be addressed, however briefly, to ease the discursive efforts of those seeking a meaningful interpretation of human rights consonant with their cultural beliefs.

1. It has been argued that Eastern thought has no place for Western notions of rights (Kausikan, 1993). A substantial literature has grown up refuting this argument by showing that rights are quite consistent with Eastern systems of thought; indeed, at times, Eastern and Near Eastern thinking has been more progressive in this respect than that of the West (An-Na’im, 1995; Bell, 1999/2000; Chaibong, 1999/2000; Hsu, 1999; Sen, 1997,1999).

2. Despite the 18th century roots of much, although not all, human rights thought, contemporary thought on human rights does not entail atomistic individualism. It is true that John Locke derived rights from a hypothesis of a State of Nature, in which humans were independent creatures acquiring property; and that the purpose of government, for Locke, was to protect that private accumulation of property, not to encourage the public participation of citizens in government. One can say that the link between rights and duties is attenuated in Locke, so that while government has a duty toward citizens, citizens have little or no duty toward
government—except to obey its laws under normal circumstances and to overthrow it if it becomes tyrannical. Individuals do have a duty of charity to the needy however.

The UDHR and its Covenants are in the tradition of Western claims of rights as protections for citizens, but they do not draw upon natural right theory for confirmation. Critics of human rights who presume a kinship of contemporary thought to Hobbes, Locke, or libertarianism commit a genetic fallacy, arguing against a theory due to its origins even though those origins have been transcended (Ake, [1987], 1996, p. 104; Cobbah, 1987, pp. 310-314; Pollis and Schwab, 1979, pp. 4-8). The UDHR and its Covenants argue for strong participation in government, not only a private life of property accumulation; they argue for economic supports for the needy; and they advocate women’s equality with men and their participation in public affairs and receipt of due respect in private life. Above all, an underlying theme of the documents is that rights entail responsibilities to others and to the larger society (Lauren, 1998, p. 236). On the last point, one critic of human rights’ individualism, Josiah A. M. Cobbah, admits to the importance of human rights for rectifying injustices, but proposes that the West has much to learn from societies in Africa, for instance, in which the community and the extended family have priority over the lone individual. He concludes, that while Africans should deal with human rights abuses to women and children, Westerners ought to enter into a dialogue with Africans so that they may learn about community-based life (Cobbah, 1987, pp. 328f). This is a legitimate and sensible proposal for dialogue.

3. Critics, opposing human rights due to the social origin of individuals, should recognize that a person’s social origin does not negate her ability to be an independent, critical and resourceful citizen. In fact, a goal of every community should be the growth of critical, articulate, and engaged citizens. What, however, are we to make of the claim that in some
societies not the autonomous individual but the autonomous community, clan, or tribe is primary (Ake, [1997], 1996, p. 104; Cobbah, 1987, pp. 310-2; Pollis and Schwab, 1979, p. 8f; James, 1999)? Respect for the integrity of communities at the expense of individuals raises human rights questions that need answers. At times, great sacrifices are asked of us for the sake of our communities, but human beings ought not simply be used as a mere means for furthering the welfare of others in the community. If the mere use of some persons is permitted, there is a clash of moral values between the members of the community and proponents of human rights as well as a clear, if unspoken, distinction among community members. Given a clash of values, while we ought to respect the “cultural structure,” the historically grounded existence, of a community or tribe, we need not respect its “cultural substance” or values if its practices are harmful or oppressive to a portion of the group, perhaps women, or if the tribe forces others to accept its ways (Kymlicka, 1989, pp. 166-7). (The Taliban, for example, impose by force the rural practices of the Pashtun tribe on all Afghanis.) The resolution of the impasse between rights- and tribal-proponents lies in the dynamic character of all cultural norms: reflective criticism in an ongoing dialogue of both members and non-members.

The leaders of a tribe take it upon themselves to speak for all members. Do all members agree to this delegation of authority? Or is there coercion, fear, or conformity enforced by long domination? An answer to these questions can lie only in an opening of discursive space within the tribe among all members and between the tribe’s members and outsiders. These engagements are likely most difficult to achieve. Pressure from the outside might only deepen fear of the hegemonic undermining of local beliefs. Nonetheless, the question must be raised whether the rejection of human rights is an expression of loyalty to traditional ways or a defensive reaction to upending power relations by bringing into the conversation a group that
traditionally remains silent, such as women. A comment made by a woman at the Global Tribunal for Women’s Human Rights in Vienna offers a stark challenge to the writings against human rights based on a cultural threat to local communities: “It is only when women want to bring about change for their own benefit that culture and custom become sacred and unchangeable. As women, we too have the right to decide what parts of our culture we want to preserve and what we want to abandon” (Bunch and Reilly, 1994, p. 53; italics in original). Only public discourse within and among groups and their leaders—including those traditionally kept silent—can clarify the meaning and purpose of opposition to human rights in a given case.

The Role of NGOs

The UDHR and its Covenants are powerful documents that offer important ethical and political principles for public and private life that are grounded in liberty and secure dignity, legal and social equality, and welfare. There are, however, limitations to the effectiveness of the compiled principles in that not all governments abide by them and the United Nations is severely limited in its ability to protect the rights of the people within its member states. Some states look upon human rights as a new form of colonial oppression; some, even though they are signatories, refuse to honor the pledges. If human rights are to be realized, they must first be recognized as principles sketching a political and moral way of life that captures the imagination and will of a people. Ordinary people’s imaginations are unlikely to be stimulated by dry documents written at great distance from their homes and only abstractly referring to their distinctive ways of life. NGOs play a crucial role in enabling people to recognize, articulate, and struggle to realize human rights within their own governments and societies. NGOs do this not by a theoretical presentation of human rights so much as by enabling people to speak and act together on public matters through which they learn for themselves both their own worth as persons and the
treatment and opportunities they, their families, and their fellows deserve so as to live decent lives. NGOs offer the means for research on, witness to, and advocacy for human rights enforcement within concrete social contexts.

As we have argued, all rights involve duties. The first duty we each have is to assert our rights. We can assert them, however, only after discovering them. NGOs can help people to discover their rights through helping them to comprehend their plight and to act for their common betterment. There is no blueprint on how an NGO works to further the acknowledgement and realization of human rights within a society and by a government. NGOs work this out for themselves within the specific conditions of their society. Some NGOs devote themselves directly to the problem of rights. For example, the Student Nonviolent Coordinating Committee, founded in 1960 by some 200 college students during the Civil Rights movement in the United States, sought to realize civil rights for African Americans by registering them to vote and by doing away with all legislated forms of segregation in the South through sit-ins. SNCC was aided by some 600 students and others from the North who spent summers integrating bus stations and restaurants, on one hand, and preparing people to pass the examinations then required for registering to vote, on the other. Others, like the mothers’ clubs in Latin America, are intended to provide charity and practical education, such as teaching about nutrition and distributing food and used clothing; but the women in these clubs frequently discuss their common problems and achieve a more sophisticated understanding of the sources of their difficulties than either they or their organizers ever expected. The similarity in the outcome of public action performed by NGOs such as these is that the people involved gain a concrete understanding of human rights as a reasonable expectation for themselves and their fellow citizens of their government; they empower themselves by their own experiences of purposeful
action for the common good, be this acquiring decent housing, registering to vote, teaching life
to skills, or confronting bureaucrats.

Mothers’ clubs in Latin America are usually set up by the church, state, or some
international agency to provide welfare for the poor. They are unlikely, but genuine, venues for
radical thought and social change even when their organizers seek to avoid controversial topics
such as family planning (Fisher, 1998, p. 87). “Many have moved away from paternalistic and
welfare-oriented practices to more creative alternative modes of organization” (Rodríguez, 1994,
p. 36). Elvia Alvarado (1995), a member and leader of a mothers’ club in Honduras, recounts her
experience.

Alvarado grew up in rural Honduras. She has a second grade education because her
village school had only two grades. The Catholic Church started a women’s club in her town.
Alvarado took to the women’s club with gusto; she enjoyed talking with other women and doing
things for the local people. She states, “It became the high point of my week, because it was a
chance to get together with other women and talk about the problems we had in common—like
how to keep our children fed and our husbands sober. We learned that we had rights just like
men did. We learned that we had to stop being so passive and start sticking up for our rights” (p.
263). As a result of her enthusiasm, the Church paid for her to attend a social work course so
that she could set up other women’s clubs in the villages near her home. She found the course
particularly intriguing because of the discussions she had with the other women on their common
problems and possible solutions to them. Such intellectual engagement was new and delightful
to her as was the notion of taking action rather than passively accepting the difficulties of her
life. “It was something completely new for us. We never really discussed all these community
problems, and we surely never felt that we could do anything about them” (p. 264). Alvarado’s
self-confidence grew as did her independence and forthrightness. After completing her training, she organized women in remote villages. They organized even more women, talked together, planted gardens, and even built roads. The mothers’ clubs grew to several dozen and their activity and public discussions increased; the women, moreover, were becoming more assertive at home as well as in public.

The church ceased backing the clubs by refusing to pay organizers’ their small salaries or to provide further materials. Alvarado explains, “They wanted us to give food out to malnourished mothers and children, but they didn’t want us to question why we were malnourished to begin with. They wanted us to grow vegetables . . . but they didn’t want us to question why we didn’t have enough land to feed ourselves” (p. 266). The church, Alvarado comments, is made up of poor priests who help the poor and talk of social justice, but it is also made up of rich ones who preach the value of private property and acceptance of poverty as the lot of the poor. The military threatens and beats the poor priests, while the rich ones inform on those speaking up for social justice.

Alvarado and her companions left the women’s clubs and set up the Federation of Campesina Women in 1977. They work with organizations seeking land reform. Alvarado’s story is typical in her discovery of personal autonomy and political solidarity through interacting with other women; in her comprehension through her associations of the causes of her plight; and in her stubborn resolve to seek justice “for her grandchildren,” as she says, by achieving equality which she defines as “a society where everyone has the right to live a decent life” (p. 270).

Other women’s groups have sprung up modeling themselves after the mothers’ groups. One such group is the Solanda Women’s Center in Ecuador, which Rodríguez discusses. He
explains that the men of Solanda, a settlement near Quito, formed a community group “[t]o
tackle common problems such as water supply, electricity, transport, and high mortgage interest
. . . .” (Rodríguez, p. 35). A sports club, a youth group, and a food cooperative were also
formed. The leaders decided there should also be a women’s group. The women were
approached and assented, but they insisted that they not be an auxiliary to the men’s group, but
have autonomy. The demand for autonomy was resented, but granted. The women focused
upon women’s needs: childcare, schools, and health. By forming their own group, the women
gained a sense of their own power and an awareness of the contribution they made to the
settlement. Women, who had been unable to speak in public, gained self-confidence through
speaking up. One woman commented, “In the beginning we were worried; we used to walk
quietly, speak quietly. It was as if we were always asking a favor. Later on we learned that we
had rights. It was very important. We changed our way of asking for things. Now we are more
confident; we ask, we speak without fear” (p. 41). One of the topics they confronted was male
power, especially violence in the home. Not all entered into this; but those who did faced the
problem by openly speaking about the oppression they suffered at the hands of their own men.
Rodriguez suggests that these women made a great advance by facing their gender needs as well
as class needs. In doing so, they not only confronted their various economic and political
problems, but made their gender subordination an issue as well, thereby establishing an equality
with men in their common struggles with entrenched powers.

In the two examples above we observe the creation of power by the organization of
people together. Through one another’s words in the women’s groups, the women recognized
their mistreatment at the hands of superior powers such as landowners, priests preaching
fatalism, and their own men who abused them and failed to acknowledge or respect the work
they did for them. Recognizing the betrayal and lies by which others had manipulated and misused them, they generated together the power to act against abuse and to change their situation. They experienced what Paulo Freire terms critical self-consciousness (*conscientização*); they undertook public action “to transform the objective reality which has made them these ‘beings for another’” (Freire, 1970, p. 34). Brought up to view themselves as their oppressors see them, as objects, they learned together to recognize themselves as subjects. That is, rather than “unfortunates” or “the poor,” passively accepting their lot, the women transformed themselves into agents striving to realize what they newly recognized as their right: a decent life of equality with all around them. They learned to struggle and to be free in struggle. Neither liberated by themselves alone nor by another, they freed themselves together (p. 53).

Rights are present to these women as their due through the new vision of the world they gained through their association. Although not yet real, their rights were not requested, but sought, even demanded, of husbands, merchants, politicians, and landowners.

* * *

Many inspiring and imaginative actions took place during the UN Decade for Women. Among the most influential was the Tribunal for Women’s Human Rights organized to coincide with the United Nations World Conference on Human Rights in Vienna during the summer of 1993. The Tribunal drew upon the resources and people from 25 countries gathered together in preliminary workshops on women’s human rights issues. The organizers decided that the Tribunal’s theme should be violence against women. Women selected from the workshops presented personal testimony to experiences of violence they had suffered. A panel of four judges listened to the testimony and “sought to assess accountability for the human rights abuses
to delineate the human rights principles and agreements that had been violated, and to make concrete suggestions on how to redress violations” (Chen, 1995, p. 485).

The Tribunal considered (1) domestic violence women faced at the hands of their husbands and in-laws; (2) war crimes against women such as rape; (3) violations of women’s bodily integrity through such practices as female circumcision against women’s wishes; (4) socio-economic inequalities for “women’s work” performed either within the home for no pay or in others’ homes as domestic servants for minimal pay, both of which leave women unprepared to support themselves and their children on their own should they need to; and (5) political persecution in the sense that women often receive no protection from the state for harms done them in the name of cultural traditions or religion. The testimony was stark and moving. It was given by women representing cultures throughout the world. One judge commented, “What I have learned from the testimonies is the commonality [of abuse] which transcends the boundaries of nationality, race, culture, creed, ideology, time in history, educational background and class, and I can only say that we women are one” (Bunch and Reilly, 1994, p. 81). The Tribunal was both a searing denial of relativism and a plea for human rights derived from experiences that stretched across cultures toward revealing the unity of women’s experience. The final point of the Tribunal was the need to overcome the rigid distinction between public and private realms, so that the state could reach into the household to protect women from violence when necessary (pp. 30f.). The Tribunal served as another way of bringing women together to speak so as to make their rights clear in the tales of abuse they had suffered and to seek thereby to move governments to accept their responsibility to help realize these women’s rights.

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Human Rights Watch is an NGO devoted to publicizing human rights abuses and thereby making them increasingly a point of concern both for private citizens and for government officials. HRW engages in research, public presentation of its findings, and active advocacy for government and UN action on human rights abuses. Its first goal is to shame governments in the eyes of the world for their treatment of their own people or of captives in wartime. “Publicity—pitiless, potent, and persistent—has been the continuing and ultimate aim of the organization’s numerous projects. And, at this specialty, HRW has developed an expertise unrivaled in the human rights business” (Korey, 1998, p. 339-340).

HRW’s power derives from its sterling record of research. There are HRW associate offices throughout the world. The best people are hired to find out what is happening in trouble-spots. Research is always done with an eye to the best means of publicizing it. Further, whenever a mistake is made, HRW immediately owns up to it and publishes a retraction, so that its reputation is protected. When HRW began, most media paid scant attention to human rights stories. Due to HRW’s care in research and adept publicity, news media now rely upon it for information and frequently report on human rights abuses. Organizations such as the various bodies in the UN rely explicitly upon HRW for information.

HRW has not been content to be a neutral reporter of human rights abuse. The organization takes a stance that is unapologetically pro-human rights. As a result, it has used its influence to push for reforms of, and responses to, human rights abuses, especially when they are integrated into a government’s practices. It has played a role in campaigns against certain weapons of war such as landmines and blinding lasers. It played an active role, through filing suit, in trying to hold General Pinochet in the United Kingdom to be tried for his crimes in Chile.
Our goal in this section has been to show several of the ways diverse sorts of NGOs further the awareness of human rights as characteristics of a good society and put pressure upon governments to abide by and enforce those rights. The role of governments with regard to human rights is a complex one. On one hand, human rights are limitations upon governments with respect to their own people. On the other, human rights can be protected and enforced only by governments themselves. Were we to argue that rights come from governments, as some writers do (Pollis and Schwab, 1979, p. 13), we would transform human rights—entitlements that are ours because we are human beings—into privileges permitted us by the state. It is far wiser to entrust the formulation of human rights to the people themselves through their associations in civil society and, then, to charge government with protecting those rights.

Conclusion

Our purpose in this paper has been to present human rights in a way that both protects them from the difficulties raised by relativism and identifies them as necessary conditions for the emergence of democracy. We have taken human rights to be entitlements to a number of powers, prohibitions, protections, and limitations that delineate what people seek to realize as components of a social world in which they secure their dignity, equality before the law, and freedoms. Democracy requires the watchful separation of a private life among intimates and a public realm within which people speak, act, and participate as citizens in government. Human rights have accordingly been framed as presenting necessary conditions for the creation and maintenance of a private and public divide consonant with participatory democracy. Human rights, as we have presented them, elude the difficulties of relativism: they are not a set of a priori principles to be imposed externally upon any and every polity. Rather, human rights are the set of principles that have emerged as necessary characteristics of any regime whose
members seek a democratic form of government. As principles, human rights are necessarily abstract; this requires that every people work out the concrete meaning of these rights for themselves in their own cultural and historical circumstances.

Proponents of relativism criticize human rights as Western concepts with no place in Eastern cultures. We have indicated this argument to be unsound on three grounds: (1) human rights are in fact consonant with various schools of Eastern thought; (2) relativism is itself an unjustifiable position in ethics because moral beliefs are not static but dynamic positions that evolve through peoples’ political experience and interaction with one another; and (3) human rights are definable in terms of the multi-faceted public and private divide crucial to every modern democracy.

For many today the concept of human rights is an idea out of time, an echo from an earlier age before multiculturalism. We have tried to show that, even as democracy rests upon a universal capacity for action that creates a public world, so the observance of human rights gives assurance that the capacity for democracy has an opportunity to flourish. Finally, we have shown some ways, both directly and indirectly, in which NGOs powerfully effect recognition and articulation of human rights by people themselves reflecting upon and giving voice to the abuses they have suffered and their hopes for transforming their situation through their association. For only through their emergence as ideas offering a coherent and humane world to persons joined in association, can we expect human rights to be realized through coordinated and cooperative effort as the ground for a democratic future.
References


