Sociology and human rights: Confrontations, evasions and new engagements

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INTRODUCTION

Sociology and human rights: confrontations, evasions and new engagements

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Sociologists have struggled to negotiate their relationship to human rights, yet human rights are now increasingly the focus of innovative sociological analysis. This opening contribution to 'Sociology and Human Rights: New Engagements' analyses how the relationship between sociology and human rights could be better conceptualised and taken forward in the future. The historical development of the sociology of human rights is first examined, with emphasis on the uneasy distancing of sociology from universal rights claims from its inception, and on radical repudiations influenced by Marx. We discuss how in the post-war period T.H. Marshall's work generated analysis of citizenship rights, but only in the past two decades has the sociology of human rights been developed by figures such as Bryan Turner, Lydia Morris and Anthony Woodiwiss. We then introduce the individual contributions to the volume, and explain how they are grouped. We suggest the need to deepen existing analyses of what sociology can offer to the broad field of human rights scholarship, but also, more unusually, that sociologists need to focus more on what human rights related research can bring to sociology, to renew it as a discipline. Subsequent sections take this forward by examining a series of themes including: the relationship between the individual and the social; the need to address inequality; the challenge of social engagement and activism; and the development of interdisciplinarity. We note how authors in the volume contribute to each of these. Finally we conclude by summarising our proposals for future directions in research.

Keywords: sociology of rights; human rights; disciplinarity; equality

Introduction

Whilst human rights discourse and international human rights law have expanded in scope, sociologists have remained sceptical, often keeping their distance from the concept of human rights and its associated legal norms – showing a wary discomfort when either realm is invoked. Sociologists are concerned with studying the specific forms of social life in particular societies, and hence perhaps their wariness of the universalism attached to human rights is understandable. Yet the importance of human rights to contemporary social struggles implies an urgent need for sociologists to develop their analyses in such respects. In this opening contribution to the volume, which also introduces and surveys the themes in the text as a whole, we argue that there is much for sociologists to offer human rights activists and scholars, but also much to learn from them.

Historically sociologists conducted research predominantly from contexts shaped by industrialisation, especially in European and Anglo-American societies. To many

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sociologists in such contexts where civil and political rights have existed for many people, the universalism of human rights has seemed either to operate at too basic a threshold to have much significance in the shaping of social life, or an issue beyond the scope of national sociologies in which the boundaries of the nation state have been assumed to correspond to 'society' – such neglect reflecting global patterns of global power and privilege, especially between the global North and the global South. Alternatively to many others such universalism has seemed profoundly problematic in its disregard for the particularities of societies, or – where influenced by Marx – for its emphasis on a 'right to property'. It is regrettable that there has not been more reflection on the easy slippages which take place between these dismissive perspectives. For between these attitudes lies the conceptual field of investigation for a sustained and valuable sociology of human rights, global in scope, as suggested by contributions from various authors in this collection.

Due to the expansion of the human rights field, many human rights scholars[1] from other disciplines may not have the opportunity to encounter sociology and become aware of the particular contribution it can make. But for those that do, we argue, engagement with sociology often brings important insights. Yet looking at the other side of this relationship, it remains the case that many sociologists in Western Europe and the United States have paid little close attention to human rights and tend to evade the concept or meet it with nervousness and trepidation, viewing human rights as impenetrable, incomprehensible, and invulnerable to sociological analysis or criticism. The association of human rights with universal and foundational claims about humanity means they can appear to exist independent of social foundations, and indeed beyond the realm of social reality. They can seem to be in tension with C. Wright Mills' influential understanding of 'the sociological imagination' as being concerned with the specificity of individual experiences formed by the variation of societies historically and cross-culturally, and the differing biographies of individuals shaped within societies:

> What kinds of 'human nature' are revealed in the conduct and character we observe in this society in this period? And what is the meaning for 'human nature' of each and every feature of the society we are examining?[2]

Some radical sociologists in particular regard human rights as part of an ideology which obfuscates underlying capitalist economic relationships shaped by colonialism, for example conceptualised by Immanuel Wallerstein as a 'world-system' with United States hegemony.[3] Many sociologists fear the loss of such critical tools of sociology that have been developed over more than a century.

For human rights practitioners and activists however, the feeling that human rights are distant from social reality is an anathema. For many who work in non-governmental organisations (NGOs) promoting human rights, or work as legal practitioners or in grassroots development projects, human rights norms are regularly invoked, and there is often the belief that such international norms are unquestionably beneficial in their impact on the real world. Other human rights scholars and practitioners are more circumspect; conscious of the specific possibilities, but also the limitations of the rhetoric of human rights relating to particular areas of life. Usually there is appreciation of the gulf between the content of human rights declarations and their implementation via legal institutions and social practices in particular settings. Human rights are not seen as beyond social life, rather they are invoked and reproduced through struggles at the heart of social life.

What are often missing for practitioners and activists, however, are various dimensions of the bigger picture – which we argue that sociology can do much to provide. Drawing

together socially contextualised analyses of the formation and development of human rights law, discourses and practices with sociological understandings of the full social contexts in which they are situated can in our view facilitate critical understandings of the significance of human rights in contemporary societies. In particular, power and inequality are key concepts at the heart of sociology, and hence sociologists are well placed to explore how the theory and practice of human rights relates to these, insisting on attention to inequalities beyond the current scope of international human rights law.

Thus human rights scholars and researchers previously unfamiliar with sociology should seek to understand the scale and profundity of the theoretical and political challenges to conceptions of human rights posed by social theorists since Marx. Yet contemporary sociologists also need a shift of perspective, towards giving much more attention to human rights law, theory and social practices, and where this already exists, engaging more deeply with the messy realities of interpretation and implementation – especially failings to connect global declarations with local realities, areas that tend to be neglected by other disciplines, with the exception of anthropology. Indeed, contemporary sociology has been in danger of falling behind anthropology in addressing how human rights relate to lived experiences,[4] but we argue, has nonetheless made important contributions in specific fields, as will be discussed.

In this opening contribution to the volume we begin by giving an account of the historical development of sociological research on human rights, and outline contemporary relationships between sociology and human rights research. We commence with Marx's fundamental criticism of notions of human rights, and argue that this has carried influence in sociology beyond the boundaries of Marxism, while also noting how founding theorists Weber and Durkheim were sceptical about universal forms of law or normative claims. We examine the later development of interest in citizenship and associated civil, political and social rights in the work of T.H. Marshall in the post-war period, but argue that human rights continued to be largely neglected in Anglophone sociology until Bryan Turner led the development of a sociology of human rights from the early 1990s, which we outline. We then introduce the individual contributions which comprise the volume in turn, and outline how they are grouped to illuminate certain similarities of perspectives. We argue for the need to develop analyses of what sociology can offer to the study of human rights, but also that sociologists need to focus more on what the study of human rights can bring to sociology, to reinvigorate it as a discipline. Subsequent sections take these issues forward by examining a series of themes: how sociology can assist in conceptualising the mutually constitutive relationship between the individual and the social, with implications for conceptualising rights and human rights; the need to address inequalities; the challenge of social engagement and activism; and the development of interdisciplinarity in human rights research. As we progress through these sections, we note how authors in the volume contribute to each of these. Finally we conclude by making proposals for future directions in research.

The historical development of the sociology of human rights

'Sociology' as a concept originated in the writings of Auguste Comte from the 1820s, describing a 'positivist' science of society modelled on the natural sciences[5]; but it became more prominent methodologically developed and distinctive through the works of Emile Durkheim in the 1890s.[6] However, Durkheim's sociology was preceded by the work of Karl Marx developing historical materialism as a science of society, including in *Das Kapital* (1867).[7] Although Marx's social theory was not self-consciously developed within academic sociology, Marx has become a key founding theorist in the sociological canon, and he made a crucial contribution to the analysis of human rights.[8]

Marx attacked proponents of the 'universal rights of man' in his article 'On the Jewish Question', published in the periodical *Deutsch-Französische Jahrbücher* in 1844, even before the *Manifesto of the Communist Party* of 1848.[9] He assailed prevailing understandings of citizenship associated with formal rights granted by the state, including the French Revolution's *Declaration of the Rights of Man and of the Citizen* (1789) (and the further *Declaration* of the same title in 1793). Marx described the rights of man as exemplifying individualism, as the rights of 'egoistic man' in 'civil society' – understood as including the market – while obfuscating the wider social class relations of capitalism. He noted the distinction between rights of man and rights of the citizen, and hence analysed the exclusions this entailed. In particular Marx criticised the notion of a right to 'property', asserted in Article 2 of the *Declaration* in 1789, arguing that this supported and entrenched, rather than challenged, class inequalities inherent in the structure of capitalist societies:

> The right of man to private property is, therefore, the right to enjoy one's property and to dispose of it at one's discretion (*à son gré*), without regard to other men, independently of society, the right of self-interest.[10]

Thus sociology from its beginnings has been a central source of profound criticism of universalist claims about human rights. Marx and Engels' call for the 'Abolition of private property' remains an important reference point in interpreting contemporary human rights including the Universal Declaration of Human Rights (1948) in which Article 17 asserts that 'Everyone has the right to own property alone as well as in association with others' –notwithstanding that Marx and Engels carefully distinguish their call for abolition of 'private property' from the abolition of property per se.[11]

In mainstream sociology, Durkheim and Weber also both emphasised the specificity of laws and morality in relationship to particular societies, leading to a critical attitude towards universal rights claims. Bryan Turner has argued that Durkheim 'approached the question of law...from an entirely positivistic standpoint, which appears to rob the idea of 'rights' of an evaluative or normative element . . . Durkheim was not interested in...the possibility of a distinction between just and unjust laws'.[12] This was a consequence of Durkheim's attempt to distinguish sociology entirely from philosophy. Meanwhile Max Weber's attempt to assert a fact/value distinction in sociology, and his analysis of the increasing secularisation of law in modernity, also 'relativised the law'; he 'rejected the idea that a universalistic and normative foundation for law (and hence for rights) is possible'.[13] However, recently Woodiwiss has argued that Weber and Durkheim's contributions to the sociology of human rights have been overlooked. He argues that in response to Marx, Weber whilst critical also believed that rights 'exist in order to provide the "security to do business"' providing what Weber regarded as an '"ethical minimum" in the conduct of such business'. Similarly, 'Durkheim may be read as...explaining that the market-critical concept of "liberty" or freedom is a social product'.[14] Thus the argument that sociology neglected human rights due to the legacy of the founding theorists may have been somewhat exaggerated, and the reasons for neglect in the post-war period are more complex as we have already indicated.

One reason for this negligence is that in radical sociology the subsequent influence of Marx on Marxism, and other forms of radical social thought such as feminism, was to encourage too swift a repudiation of human rights. In the landmark feminist text *The Second Sex* (1949), published a year after the *Universal Declaration of Human Rights* (1948), Simone de Beauvoir offered histories of legal citizenship rights within states but made no mention of newly defined international human rights. She commented on a 'very important fact', that:

> ... abstract rights are not enough to define the actual concrete situation of a woman; this depends in large part on her economic role; and frequently abstract liberty and concrete powers vary in inverse ratio.[15]

Where liberal feminist political theorists from Wollstonecraft[16] viewed rights as vital, early second wave feminist sociologists of the 1970s following de Beauvoir thus tended initially to neglect human rights at the international level. For example, Kate Millett's foundational second wave feminist text *Sexual Politics* commented briefly on citizenship and civil rights within its groundbreaking sociological and political analysis of patriarchy, but does not mention human rights.[17] However, much more recent feminist scholarship informed by sociology has advanced closer critical engagement with human rights, with some, such as work by Rosalind Petchesky, Sonia Corrêa and Richard Parker, yielding qualified defences of human rights as indispensable (although often not engaging directly with Marx's criticism of the right to property).[18] This illustrates a more general shift in much radical political and sociological thought towards engagement with and qualified support for human rights.

But if human rights are to be more fully addressed by contemporary sociologists, how should they be approached and conceptualised? In our view, for contemporary sociologists both the 'human' and 'rights' must be seen as concepts emerging in thought and language from a particular social context, especially in light of central disciplinary debates in sociology over the character of modernity. Both emerge from and reflect the social and subjective experiences and lives of Enlightenment thinkers, and of privileged social groups living in modernity and in capitalism. The concept of 'humanity' emerged through particular social processes and, as Foucault's post-structuralist work criticising modern societies suggestively indicated, became defined through the 'human sciences' and associated institutional configurations of power and knowledge defining the boundaries of the human.[19] Harvie Ferguson has suggested that:

> ... the advent of modern society, in principle and in fact, implied a reunification of being under the banner of humanity. ... Humanity, hitherto a degraded and utterly dependant being, roused itself to a declaration of autonomy. ... Human beings now claimed the dignity of self-movement and wilful action.[20]

Such accounts, finding resonances with theorisations of postmodernity, risk exaggerating the distinctiveness and coherence of Western modernity, and its association with the 'human'. Yet they usefully highlight the constitution of the 'human' in specific social conditions. Indeed Ferguson's phenomenological emphasis on the subjective character of the human, and hence the manner in which the human could never be entirely grasped or mastered by the Enlightenment, suggests an inescapable tension between the subjectivity of the 'human' and the purported objectivity of 'rights' – revealing 'human rights' not to have been so successfully constituted by modern thinkers as might at first appear.

The Enlightenment also saw the concept 'right' shift in meaning, with its association with moral good being supplemented by the development of an additional meaning expressing a sense of an individual self, and of entitlement for that self in relation to the external world; hence it came to express an extension of the self into the world, via an absolutist claim. This extension of the self and sense of its entitlement to equality of dignity and rights, found expression in the Universal Declaration of Human Rights (1948), principally created as a direct response to the horrors of the Holocaust.[21]

For sociologists concerned with social stratification and inequalities, however, the history of assertions of rights must be interpreted in the context of parallel assertive

extensions of self into the world by particular social groups occurring in modernity – for example through the development of racial hierarchies via anti-semitism and practices of social division analysed by Bauman in *Modernity and the Holocaust*.[22]

The issue of rights began to find a secure place in Anglophone sociology in the post-war period through T.H. Marshall's work, particularly his seminal essay *Citizenship and Social Class* (1950).[23] Marshall argued that:

> Citizenship is a status bestowed on those who are full members of a community. All who possess the status are equal with respect to the rights and duties with which the status is endowed.[24]

For Marshall citizenship in contemporary societies was largely associated with the modern nation state, and could be differentiated into civil, political and social elements, including civil, political and social rights which he tended to focus on more than parallel duties. Marshall argued that modern societies would progressively expand the scope of citizenship in this sequence for previously excluded social groups. Marshall's linear, progressivist and somewhat teleological account of citizenship and rights has been widely criticised for its positive implicit understanding of the development of liberal capitalism. However, rights were certainly brought to centre-stage for sociology in Marshall's work.[25]

Nevertheless the relationship of Marshall's sociology of citizenship and rights to the more specific issue of *human* rights has been unclear. Hence internationally defined human rights received less attention, despite the Universal Declaration being endorsed shortly prior to his essay. Human rights spanned civil, political and social rights, and hence tended not to fit straightforwardly within Marshall's schema, as suggested in a later key volume in the sociology of rights, edited by Lydia Morris, and in her more recent book where she discusses the tension between cosmopolitanism and rights in the context of asylum claims in the United Kingdom (UK).[26]

Only in the 1990s did the work of Bryan Turner lead the development of a new sociology of human rights. As already suggested above, in his groundbreaking 1993 article 'Outline of a Theory of Human Rights' Turner argued that the key founding theorists of sociology Durkheim and Weber had shown an unwarranted emphasis on the necessary national specificities of law, while Marx had been too categorical in his repudiation of the rights of man, especially due to treating the property right 'as the definitive model of rights as such'.[27] Sociology had also been misled by relativistic tendencies in the sociology of knowledge. Turner convincingly criticised the subsequent neglect of sociological attention to human rights, and in this and subsequent works opened up the field in sociology as well as the social sciences more generally.[28] However his approach in sociology had two specific characteristics. First, Turner emphasised above all that sociology's neglect of human rights could be attributed to its lack of engagement with normative theories, and that sociology thus required a normative grounding for human rights in order to endorse human rights while studying them (although as we have already indicated Woodiwiss notes that this should not be taken to imply an absence of any discussion of rights by the founding theorists of sociology). Secondly, and most importantly, Turner argued that such a grounding for human rights could be found in the sociology of the body and embodiment, specifically in the embodied vulnerability of human subjects. For Turner the universal social experience of embodied vulnerability could provide a universal grounding for human rights, if as he argues 'sympathy…is a consequence of…human frailty'.[29] This became part of his wider contribution to theorising society after the 'cultural turn' in sociology, with an emphasis on the embodiment of social action.[30]

Turner has made an enormous contribution to both instigating and developing the sociology of human rights. However we would suggest that his particular framing of the issues might constrain certain avenues of sociological investigation which might otherwise be developed. In particular we would suggest that his emphasis on the universality of embodied vulnerability seems to risk becoming a back door essentialism, as a foundational grounding for human rights. Turner's framing would seem to suggest that those human rights more closely connected to bodily experience should be understood as more fundamental, or at least that there is more shared social experience to provide the social and political basis for a collective endorsement of such rights as universal. However we would suggest that certain categories apparent in human rights documents, for example 'privacy', are distinctively defined by implicit reference to sociality (our relationships to other people), and perhaps also spatiality (a geographical sense of place, socially mediated and interpreted as 'space'). Privacy has for example, problematically, been the lynchpin of human rights claims by international lesbian, gay and bisexual movements, for example in arguably the most globally significant ruling in the case of *Toonen* v. *Australia* by the United Nations (UN) Human Rights Committee in 1994, which introduced the notion of a right to privacy with respect to 'sexual orientation'.[31] Such examples beg questions about whether rights less closely related to experiences of embodiment should be less valued. But a further problem for sociology is that Turner's strong emphasis on the need for sociologists to find a universal normative foundation for their approach perhaps leads to a narrowing of the scope of investigation. Are there not benefits in sociologists approaching human rights with a more open conceptual framework?

This is suggested in other strands of work in the sociology of human rights. Malcolm Waters has criticised Turner's foundationalist approach, emphasising an alternative 'social constructionist' perspective: 'an adequate sociological theory of human rights must, indeed, take a social constructionist view, that human rights is an institution that is specific to cultural and historical context just like any other'.[32] Waters' perspective emphasises the shaping of human rights by political interests, and similar perspectives are advanced by Lydia Morris and others in the collection previously cited and by Short in his work on Australian reconciliation.[33] Anthony Woodiwiss' important body of work has developed such approaches further, utilising Michel Foucault's post-structuralist theoretical approach to analyse human rights discourses as related to configurations of power and knowledge.[34] Short has demonstrated the utility of such perspectives in understanding the role of indigenous rights to land within a national reconciliation process. He showed how a seemingly beneficial indigenous land rights regime was constructed within a colonial structural framework by vested political interests and industry lobbyists to suit their own ends.[35] A more open conceptual framework is also suggested by anthropological approaches to human rights, which initially proceeded from relativism and continue to show greater willingness to disaggregate and problematise aspects of human rights discourse.[36]

Reinvigorating the sociological imagination in an 'age of rights'

As we have seen so far, interest in human rights from sociologists has been slower than in other disciplines, however it is equally important to remember that it has primarily been in the last twenty years that human rights have begun to enter the mainstream and consciousness of the individual lives and societies – the 'structures and biographies' in the words of C. Wright Mills[37] – that contemporary sociology is principally concerned with.

Until the early 1990s particularly in Europe and North America, human rights laws, principles and practices remained somewhat confined to Cold War politics and international

relations, United Nations policy and transnational advocacy organisations.[38] Greater interest generally arose in regions where overt conflict was underway and the language of human rights had a political immediacy such as in Latin America. However with the fall of the Berlin Wall, the rapid move towards democratisation around the world and the proliferation of treaty ratification, the penetration of international norms deepened and international scrutiny has increased.[39] De Feyter argues, 'human rights gradually became sufficiently significant to be studied as a variable: an external variable (part of the international environment that influences how societies develop) or internal (a value supported by domestic social groups) factor that influences social action at the domestic level'.[40] Add to this the phenomena whereby social actors utilise the normative value of the internal 'variable' to influence the external and back again, what Keck and Sikkink have termed 'the boomerang effect'.[41] Rhiannon Morgan's work on the global indigenous movement's impact on the normative development of international law is an example of empirical sociological research into a key aspect of this phenomenon.[42]

Thus, as human rights laws, language, values, discourses, principles and practices have gathered momentum, so has sporadic interest from sociologists developed into more sustained engagement. Recently, new texts have emerged[43] which are firmly grounded in sociology and the social sciences, and developments in the sociology of human rights have warranted a chapter in an interdisciplinary text book on human rights.[44] In the UK the British Sociological Association Study Group in the Sociology of Rights held its first workshop that brought together sociologists from the UK and Europe in 2009; similarly an international conference in South Korea brought together scholars from the UK, Europe, Asia and the United States.[45] A stream dedicated to the Sociology of Rights is now a feature of the International Sociological Association Annual Conference and a similar stream at the British Sociological Association's Annual Conference will be convened from 2011. At the same time, courses and modules that bring the study of human rights into sociology programmes and degrees are proliferating in the UK, Europe, Asia and the Americas. These developments are in addition to the numerous conferences, publications and courses that are not primarily focused on the sociology of rights, but which now include sociological perspectives as part of a multi-disciplinary/interdisciplinary approach to the study of human rights.

Despite these developments, uncertainty about precisely where human rights fits into sociology seems to remain, as a brief review of encyclopaedias and dictionaries of sociology attests. In the provocatively titled *Encyclopaedia of 21st Century Sociology*, the sociology of human rights or rights does not appear amongst the many categories of social life examined. This may be because, as Bryan Turner indicates in his own entry on the subject in his edited *Cambridge Dictionary of Sociology*, whilst 'nearly the entire discipline of sociology is fundamentally concerned with the issue of human rights' … 'with few exceptions, sociology as a discipline has not yet articulated an autonomous sub-field called the Sociology of Human Rights'.[46] The *Blackwell Encyclopaedia of Sociology*[47] also gives the sociology of human rights an entry of its own, but in contrast fails to discuss the sociological aspects of rights scholarship; the author Susanne Karstedt confines herself to commenting on the historical development of human rights as a social phenomena rather than discussing it as sub-discipline within sociological study or addressing specifically sociological questions concerning rights. Conversely the *Encyclopaedia of Sociological Studies* makes a strong plea for sociological engagement with rights, noting that the 'study of implicit values [should become] a vital area for sociologists', and arguing that if one role of sociology is to challenge assumptions, then those that underpin the Universal Declaration of Human Rights should be no less subject to scrutiny than any others.[48]

Such varied approaches and uncertainties about accepting the sociology of human rights as a coherent and acknowledged part of the discipline of sociology, as well as differences over its significance within the discipline, are not without precedent, and lessons from other recently acknowledged sub-fields are instructive. The sociology of law only emerged in the 1960s as a specific disciplinary speciality within sociology[49] and it too fought to establish its reception and status as a result of similar concerns over the relationship between law and its normative evaluation, and how far it could be grounded in sociology's foundational texts.[50]

Thus current developments in the sociology of human rights as a specific sub-field of sociology are characterised by ongoing neglect in some quarters coupled with gathering interest in others. Against this backdrop we suggest it is useful to focus on two questions which imply approaching the relationship between sociology and human rights from different perspectives: First, how can sociology develop our understandings of 'human rights'? Secondly, there is a question less frequently posed in previous research: what can human rights activism and scholarship do for sociology? These questions are addressed in different ways in each of the contributions gathered in this volume.

Introducing Sociology and Human Rights: New Engagements

Before proceeding further, we will briefly outline the contributions in this volume in turn, then describe how the contributions here are organised in relation to their point of departure. Subsequent sections will further illuminate the contributions made to developing various dimensions of the sociology of human rights.

Damien Short's contribution opens the volume, examining the concept of 'cultural genocide', and discussing how the original definition of the concept by Raphael Lemkin has been narrowed in contemporary state and academic usage, in a manner which obfuscates the experiences of indigenous peoples. Victoria Canning examines the rights of women raped in conflicts, with reference to contexts such as the former Yugoslavia, and argues that both human rights discourses and sociology have neglected aspects of these experiences which a feminist analysis illuminates. Joanna Ferrie discusses the implications of the United Kingdom's Human Rights Act (embedding the European Convention on Human Rights in domestic law) in relation to private care homes, with reference to theories of care, noting the limits of existing law but emphasising the potential of mobilising the concept of a human right to dignity through social action to improve the lives of people in care. Eunna Lee-Gong discusses the rights to social security and welfare in the context of South Korea, revealing that human rights have become central in the economic struggles of social movements and NGOs in relation to the state and indeed that rights have been successfully brought into legal frameworks and state policy, while remaining subject to contested interpretations. Michele Grigolo examines how cities operationalise human rights by studying the context of Barcelona in Spain, where he finds that in practice the governmental organisation responsible for addressing discrimination employs a human rights framework with flexibility to address migration. Hannah Miller focuses on international development, and develops a critique of the notion of 'rights-based approaches' in the work of development NGOs, proposing instead the distinctive concept 'rights-framed approaches'. Jennifer Melvin's contribution examines the aftermath of genocide against Tutsi people by Hutus in Rwanda, examining whether human rights should be balanced against, or can contribute to, national reconciliation. Patricia Hynes analyses the relationship of human rights to processes involving the trafficking of children and young people into and within the United Kingdom. Matthew Waites analyses how campaigns for decriminalisation of adult same-sex behaviour in India, led by the coalition

Voices Against 377, led to a groundbreaking legal ruling by the Delhi High Court, but develops a critique of how both Voices Against 377 and the court articulated national constitutional rights together with international human rights discourses including children's rights, and the Indian age of majority, to constitute a new legal definition of childhood in relation to sex offences which continues to proscribe certain kinds of sexual activity for under-18s. Finally Michele Lamb analyses the impact of the introduction of human rights in post-Good Friday Agreement Northern Ireland focusing on the theme of loyalty and how it may be in tension with, or compatible with the incorporation of human rights principles and practices by social actors in ethno-nationalist conflict.

The collection begins with contributions from Short, Canning and Ferrie who take as their starting point analysis of specific violations of human rights. Woodiwiss points out that two streams can be identified in the sociology of human rights research, 'rights-destructive' perspectives, and 'rights-restorative' perspectives. He argues that sociology has often focused too greatly on analysing restorative approaches, and been insufficiently attentive to understanding societal abuse. He concludes that:

> . . . put more concretely, on the one hand one would be trying to understand if and why particular groups or individuals were selected for abuse, what form the abuse took and why, as well as, on the other hand, trying to establish and explain what protective responses, if any, had been mobilised and how effective they had been.[51]

The contributions from Short, Canning and Ferrie, add to the sociology of human rights by focusing their lens on violations and abuse, rather than promotion, protection or redress which are more often the object of sociological enquiry into human rights. Short challenges the lack of attention paid by sociologists to cultural genocide, arguing that contemporary genocide scholarship has allowed itself to become complicit in accepting the limitations of the Convention on the Prevention and Punishment of the Crime of Genocide as socially constructed by states rather than continuing to question its validity in the light of sociological research. His contribution is principally designed to add to the theoretical conceptualisation of cultural genocide within genocide scholarship. Canning's approach is to highlight shortcomings in the prevalent international human rights response to rape in conflict, arguing that the hypermasculine and heteronormative social context that legitimises rape in societies prior to conflict has been insufficiently recognised. Ferrie argues that understanding social processes is important in order to identify shortcomings in legalistic approaches to human rights protection embodied in social policy that result in violations.

These are followed by a further seven contributions which take as their starting point particular geographic or social situatedness engaging with human rights through a primarily 'rights-restorative' lens through empirical research in specific contexts. Each contribution interrogates 'the social life of rights' from the perspective of how rights are interpreted and embedded by social actors – be they the recipients of human rights protection and promotion, or those responsible for their implementation. Research into the 'social life of rights' however straddles two perspectives. Lee-Gong, Grigolo, Miller and Melvin are interested in demonstrating empirically how human rights themselves are constructed in various contexts. Through analysis of welfare rights claiming in Korea, Lee-Gong reveals how normative ideas of duty, patriarchy and reciprocity embedded in state promoted Confucianism, allow nominally universal rights to welfare to be withheld from specific groups. Miller demonstrates the ways in which human rights NGOs use rights discourses instrumentally to pursue social justice in ways that complement their ideological orientation and Grigolo argues that the city is a new domain of rights construction situated at the intersection of

the state, communities and individuals, through which human rights are pragmatically yet expansively constructed. Finally, Melvin considers the way in which human rights are being constructed in the service of the Rwandan government's national reconciliation programme in ways that conflict with their international human rights obligations.

From an alternative perspective, Waites, Hynes and Lamb are concerned with the ways in which the introduction of human rights may impact upon the societies into which they are introduced and the limitations and contradictions that can arise from their implementation in the lives of those they seek to protect. All three essays to some extent explore whether or not human rights are taken up by individuals (including activists), communities and movements, and if so how. All three essays emphasise the ways in which human rights when implemented as concepts without recognition of the social processes and realities of peoples' lives, can fall short. Hynes considers the shortcomings of social policy aimed at curbing the trafficking of children in the UK, when human rights are invoked with insufficient attention to the social processes of child trafficking. Waites too is interested in revealing the ways in which campaigns for changes to the law relating to same-sex relationships in India can lead to problematic outcomes for young people. His research reveals the intimate interconnectedness between violations and protection, in that in pursing the protection of same-sex relationships amongst adults over 18 in India, children have been constructed by petitioners within a framework of childhood shaped by colonial histories that will in turn proscribe the sexual lives of young people, creating the conditions for new forms of violation to emerge. Finally, Lamb's analysis reveals how the introduction of human rights ideas and practices can come into conflict with individual and social identities grounded in loyalty to community, creating contradictions which can act as barriers to the acceptance of human rights.

Each author addresses the relationship of sociology to their research, theoretically and/or methodologically, while also addressing a human rights theme. However while some of the contributions originate in sociology and social theory, and are overtly situated in that respect, several originate in interdisciplinary human rights studies, and represent initial or developing engagements with sociology. The collection as a whole is presented as illustrating developing dialogues and exploratory engagements.

Examination of the various approaches taken by each of the authors in this collection provides resources with which to respond to the two questions posed earlier in this contribution: namely, 'how can sociology develop our understandings of human rights?' and 'what can human rights activism and scholarship do for sociology?'. The contributions reveal four areas that merit greater scrutiny. The first two largely concern how sociology can illuminate human rights; the second two themes illustrate how human rights activism and scholarship might help to develop and renew sociology. First, what are the relationships between 'rights' and 'human rights' and between the individual and the social, and how should those relationships be placed within the discipline of sociology? Secondly, how can sociology's central concern with social inequality illuminate more specific questions concerning human rights? Thirdly, what is the relationship between human rights activism and sociological research and what do the varied approaches adopted in this collection have to say about emerging trends in sociological methodology? Fourthly, what impact might the interdisciplinary tendency of much human rights research have on sociology as a discipline?

A sociology of rights and human rights

Anthony Woodiwiss contends that a major contribution arising from the project to 'take the sociology of human rights seriously'[52] is to open new domains of research to which central

questions of classical sociology and social theory can be applied. Woodiwiss notes that a central problem facing sociology, and one that has prevented sociological engagement, has been the tension between 'civil liberties (or human rights) and social rights'.[53] If as he argues, we are to take human rights seriously, sociologists must recognise that 'whilst they may be analytically separable, the individual and the social or collective are in fact mutually constitutive of one another'.[54] In Woodiwiss' analysis rights are constructed through a relation 'between the individual and the structural, the human and the social' – rather than the individual being ontologically prior to the social.[55] Two consequences follow from this insight: first, by highlighting the mutually constitutive relationship between the individual and the social, Woodiwiss seeks to avoid what he argues has been the result of sociological disinterest in rights, the conflating of human rights with a liberal conception of society. In contrast, he argues that sociologists should cast aside their scepticism and begin to imagine 'how [rights] might be employed in a way that transcends the liberal society and opens the field to social democratic, communitarian and non-liberal readings.[56] Thus released, sociologists are freed to challenge the assumptions behind, for example, the 'universal values' contained in concepts invoked by the Universal Declaration of Human Rights such as the 'family' as suggested by Borgatta.[57] In this volume Waites, Miller, and Short all challenge assumptions behind the development of human rights approaches and conventions that have all too easily resulted in a 'winning side version of history'.[58] In his contribution, Waites analyses the assumptions contained in human rights-based reforms where they relate to child sexuality in India, illustrating selective articulations of both human rights and children's rights in relation to specific definitions of childhood with colonial histories. Miller similarly challenges assumptions contained in the emergence of 'rights-based approaches' to development, and Short argues that sociologists studying genocide have too easily fallen victim to dominant interpretations of the Genocide Convention.

The second result arising from the mutually constitutive relationship between the individual and the social, is to facilitate a return to Mills' 'sociological imagination' in which questions of values, well-being, uncertainty and change are a principal concern of sociology, grounded in exploring the relationship between history, structure *and biography* (italics added).[59] Mills' thesis has attained the status of a foundational text in the sociological canon, and if there has been a legacy from sociologists' reticence to engage with human rights, it has been to foreclose, or delay sociologically imaginative questions. One result of such myopia has been insufficient attention to the presence of agency in human rights research and its relation to structural/systemic conditions. Hynes notes that 'forced migration needs to be analysed as a social process in which social networks and human agency are incorporated', calling on practitioners to recognise the complex reasons for child migration that fail to correspond to protection agencies' assumptions, whilst simultaneously calling on those same agencies to be more cognisant of the complexity of the structural conditions that exist in the children's countries of origin. Lamb in this volume focuses attention on agency by revealing how community activists selectively respond to new human rights initiatives aimed at their communities. It is such approaches that the employment sociological theories addressing the complex relationship between structure and agency that could contribute significantly to better understanding of human rights protection, promotion and remedy.

A final consequence of re-engaging with the individual and the social in human rights research is that it reveals a starting point, both for distinguishing between, and connecting the sociology of rights and the sociology of human rights, since rights in general need not be associated with the human. As discussed earlier, whilst the sociology of rights has a much

longer and more distinguished history in sociology, the sociology of human rights has not yet had a large impact on mainstream sociological scholarship. Yet while the sociology of human rights is necessarily a sub-field of the sociology of rights in a broad sense, it can be argued that the former represents an increasingly large area of study, and has particular potential to invigorate and illuminate the sociology of rights more broadly. Recognition of the place of both the sociology of human rights and the sociology of rights, can not only provoke new questions but can also prompt a revisit to older questions in different ways and at new levels of analysis – from the individual to the global, encompassing both theoretical and applied sociology and involving rigorous yet also imaginative methodology.

Recognising the interconnectedness that exists between the sociology of rights and the sociology of human rights also allows those working in the fields of both individual and group/community/social rights to avoid having to make the distinction between the two sets on ontological grounds enabling them to recognise that from a sociological perspective they are interdependent and interconnected, rather than being forced into a false distinction between human/individual rights which may be universal, and group/social rights which are usually tied to the state and citizenship, although exceptions to this distinction have emerged for example in the United Nations Declaration on the Rights of Indigenous Peoples which accepts group rights as human rights. Whilst it may be that these are important analytical distinctions in sociological research and theory, and empirically they should be distinguished, they cannot be entirely divorced. States often speak of their duty to fulfil universal human rights, yet international human rights obligations that are ostensibly universal often recognise that states owe more to various categories of citizens than they do to those beyond the state. As Morris argues in her recent book, the tension between cosmopolitanism and citizenship is yet to be resolved[60] and only by engaging with both human rights and rights more broadly, can research be productively developed. Rights more broadly are necessary, although arguably still insufficient, to address social inequality and exclusion – the next thematic area in which we argue sociology has much to contribute to is the study of human rights.

Sociology, inequality and human rights

Sociology took social inequality as a central focus from its beginnings. Earlier Enlightenment philosophy and political thought had problematised the natural or divinely ordained character of inequality, but the discipline of sociology emerged to distinctively offer systematic social theories of how inequality was socially produced and reproduced (where the latter is termed 'stratification').[61] The desire of the founding theorists, Durkheim, Marx and Weber, was to problematise and challenge at least some of the dramatic inequalities associated with the industrial revolution. The legacy of Marx put equality on the agenda for sociology, especially for Weber, but even in Durkheim's work where certain forms of inequality were justified as enabling an efficient division of labour, much attention was given to the sources of other problematic forms of inequality generated by inherited wealth or un-merited exclusions in labour markets. While other social science disciplines pay some attention – such as economics looking at measures and distributions of wealth and income, and political theory grappling with equality largely in relation to rights and citizenship – it is sociology which more distinctively approaches social inequality as a central conceptual focus, and (in most of sociology) as a problem, and hence insistently questions the social inequalities which exist despite the formal, legal equalities that are increasingly established in many contemporary societies (for example influenced by the forms of non-discrimination required by the European Union).

Much human rights scholarship is stunted as a contribution to a broader social analysis by its delimited focus on attempts to establish and implement equality of human rights, without contextualisation of this in relation to broader social inequalities. In part responding to this, in recent years debates over the relationship between 'equality' and 'human rights' have developed, especially within states – for example in the United Kingdom in the context of the formation of an Equality and Human Rights Commission from 2007. Yet the response of many human rights practitioners and theorists has been to emphasise that 'equality' is a part of human rights conventions and discourses. In particular, Article 1 of the Universal Declaration of Human Rights is often quoted: 'All human beings are born free and equal in dignity and rights', as for example by the representative of the British Institute of Human Rights at the conference 'Conceptualising and Achieving Equality and Human Rights' in 2009.[62] Yet such rhetorical invocations of the 'equality' in 'human rights' enact a dangerous conflation of the two concepts, as suggested by leading feminist sociologist Sylvia Walby at the same event in her alternative emphasis on human rights as a 'threshold concept'.[63] In fact the Universal Declaration asserts equality only with respect to 'dignity' and 'rights'. By contrast sociologists typically emphasise the need to distinguish between various meanings of equality, especially between 'basic equality' of dignity, a more extensive 'liberal equality of opportunity', and most expansively, 'equality of outcome' (or what Baker et al. call 'equality of condition', which allows more scope for choice and variation).[64] Consideration of social inequalities relative to the standard 'equality of outcome' illuminates that equality of 'dignity and rights', when proffered in a form integrated with the assertion of a right to property in the context of capitalism, can be considered to some degree as ideological support for persistent social inequalities in society. As Baker et al. comment, the human rights rights agenda is 'closely connected to liberal egalitarianism because it is primarily concerned with the setting of minimum standards and promoting key principles of non-discrimination'.[65] Hence sociology has a major role to play in encouraging human rights scholarship which is too closely aligned to human rights practice to contextualise and analyse human rights struggles in the full context of social inequalities.

Moreover sociology can helpfully encourage attention to the multiple and diverse character of forms of social inequality, exclusion and dimensions of power in society. While initially the founding theorists of sociology focused on stratification with reference primarily to social class, since the 1970s sociology has become characterised by an interest in multiple dimensions of inequality, including especially gender, racialised, ethnic and national inequalities, with the study of age, religion, sexuality, and disability also more recently gaining increasing attention in the mainstream of sociological research. This parallels a process whereby in some states, particularly in the European Union, there are moves in governance and policy-making to standardise anti-discrimination legislation across the strands of inequality (apparent also in the UK's Equality Act 2010). In the present context we would note that a distinctive contribution of this collection is that it contains contributions which address the impact of human rights in relation to all the major dimensions of inequality either explicitly or implicitly: class and poverty (Lee-Gong, Miller), gender (Canning, Waites), sexuality (Canning, Waites), racism and ethnicity (Short, Melvin, Lamb, Grigolo), nationalism and/or indigeneity (Lamb, Grigolo, Short, Hynes), religion (Lamb), disability (Ferrie), age (Ferrie on old age; Hynes and Waites on childhood/youth).

Additionally we would suggest that some of the best sociological research has been at the forefront, relative to other academic disciplines, of examining multiple social inequalities simultaneously. A recent focus on the concept of 'intersectionality' as a central focus for debate over how to theorise such multiple inequalities is welcome and has also been a focus in political theory, socio-legal studies and interdisciplinary debates. 'Intersectional'

frameworks emphasise the importance of viewing the relationships between different social divisions in the production of social relations. As Anthias argues, these divisions have often led to dominant categories emphasised at any given point, or viewed separately while being experienced simultaneously, resulting in a form of 'additive model' found in debates about 'race', class and gender for example.[66]

As Bhavnani et al. argue, discourses on equalities tend to divide people up by 'race', ethnicity, gender, age, disability, religion and sexuality rather than treat each person as someone with complex intersecting identities.[67] Of course, gendered, racial and other identities are experienced in a continuous flow and they point out that 'intersectionality' has not been problematised in the official equalities debate. This also applies to human rights conventions and discourses which tend to address dimensions of equality as distinct, through distinct articles within conventions such as the Universal Declaration.

In the case of migrants, the particular identity made dominant often rests on the need to create a situational identity to fit into such articles. Morris has already suggested that there is an emergent civil stratification[68] of rights that sorts, includes and excludes migrants into different positions. The interface between rights and identity and the subsequent right to belong, for migrants, is therefore a space that is often highly visible, given the predominance of deterrence strategies through public policy. That virulent debates around citizenship occur simultaneously is therefore unsurprising. Bloch has argued that undocumented migrants fall outside any form of protection or rights regimes, even those based on notions of universality.[69] Sociological approaches that shed light on such contradictions, power relations, inequalities and discrimination are thus of great value in the field.

Human rights research and the challenge of social engagement

If sociology can assist human rights scholars and practitioners in conceptualising inequality, what then can human rights research offer to sociology? A key contribution that engagement with human rights can have for the discipline of sociology, it can be argued, is to develop and expand its engagement with social policy, public education and the realisation of human emancipation. Sociology has a long tradition of engagement in public sociology, yet when confronted with human rights many sociologists appear to fear that to engage with human rights is to implicitly side with them – to confuse the study of value with a commitment to the means suggested for their realisation. Goodale introduces the notion of an 'ecumenical anthropology of human rights that tolerates and encourages research which is fundamentally critical of contemporary human rights regimes but also research that is politically or ethically committed to these same regimes'.[70] Morgan similarly argues that 'social scientific approaches to the study of human rights are incomplete without normative or critical evaluation' and that 'normative neutrality [is] potentially constraining to the development of the social science of human rights and should not confuse the social scientific analysis of human rights problems'.[71]

Yet there are recent developments that appear to go beyond the scholarly co-theorising and critical engagement suggested by Goodale and Morgan. In 2009 the American Sociological Association issued a council statement which 'affirms and expands the commitment of the American Sociological Association (ASA) to human rights and freedoms enunciated in the 2005 ASA statement on human rights'. This commitment to human rights arose as a result of advocacy by members of the association largely drawn from the organisation 'Sociologists Without Borders/Sociólogos Sin Fronteras (SSF)'. Founded in Spain in 2001 and in the United States in 2002, SSF is committed to the realisation of universal human rights and actively challenges 'western neo-liberal ideology that subordinates

peoples, communities, and societies to global markets, transnational corporations, and financiers'. It acknowledges that 'in these ways, SSF is "partisan", that is, partisan in favour of human rights, participatory democracy, equitable economies, peace, and sustainable ecosystems'.[72]

What are we, as sociologists to make of such an overtly normative commitment to the realisation of human rights by one of the world's leading sociological associations? SSF argues that their approach is 'perfectly in synch with public sociology that advocates that sociologists be engaged and committed, and also reflective and critical'.[73] This robust approach to the expansion of human rights, promoted by sociologists such as Judith Blau[74] chimes strongly with renewed interest in public sociology in the United States and in the American Sociological Association itself. In 2004, Michael Buroway as President of the ASA called for 'public sociology' at the ASA General Meeting, drawing in the largest attendance at any ASA meeting in history.[75] Some American sociologists are thus not only concerned with developing principles, methodologies and empirical findings, but are also overtly concerned with helping humanity face pressing problems, identifying solutions and engaging with the public not only in dialogue, but also to 'create publics and forge identities for movements of social change'.[76] This robust approach to activism is one in which sociologists do not just study human rights but actively pursue and promote them as emancipatory extending beyond social justice as often understood.[77]

Such a robust approach may be regarded as inclusive of a broad spectrum of standpoints that at one end encourages sociologists to actively campaign on human rights issues and embrace a normative commitment to them, whilst at the other end encourages theoretically and empirically informed scepticism, doubt and even cynicism. On one level the more sceptically informed approach regards human rights as 'nothing special but simply a sub-set of a much larger set of social relations that produce and enforce behavioural expectations, a subset distinguished by their legal form and their focus on the limitation of abuses of power'.[78] In this view moreover, human rights are the tip of a social iceberg, an indicator of social change in that they come into being when social expectations change or are no longer working effectively.[79] Understanding and illuminating social change is the heart of sociological research and should not be confused with normative commitment, but be grounded in theoretical and methodological rigour.

All of the contributions in this volume take a rigorously analytical approach to the sociological study of human rights, yet many of them also call on activists to heed their findings as a means of addressing the contradictions and deficiencies that the practice of human rights entails. Ferrie points out the unfeasibility of expecting those whose rights are in breach, or those who work on their behalf, to be cognisant of the various means of promotion, protection and redress available legally, arguing that the job of sociology is to provide the sociological perspective needed to turn rights from aspirations to reality. Conversely, Short in his analysis calls on sociologists to heed the insights of those whom they study and who may have insights to offer based on their experience of violations. He notes for example, that insights from the experience of indigenous peoples have made them more adroit in recognising deficiencies in definitions of genocide that sociologists would do well to heed.

There is of course the danger that the 'co-authored' approach advocated for by Goodale takes sociology too far from its original methodological roots and aspiration of objectivism. Of the authors here, Short and Canning are the most normatively committed to the specific communities with whom they are engaged – indigenous peoples and women experiencing sexual violence in conflict zones. Yet Lee-Gong goes the furthest methodologically. Whilst rejecting what Shannon Speed calls 'critically engaged activist research',[80] she

acknowledges that in her work she 'took sides and became directly involved in contestations over rights and duties' (p. 879). By acting as an advocate for her research subjects. Hers is an example of what Short has described as the near convergence of anthropology and sociology in the study of human rights (see note 1). Lee-Gong defends her approach however by arguing that only through demonstrating her commitment to her subjects well-being through working with them, even whilst maintaining her analytically critical position towards human rights themselves – a position shared by Short and Canning – could she gain the access she needed and trust required to conduct research with vulnerable people, a stance also adopted by many anthropologists.

Others in the volume, Miller, Lamb, Waites, Grigolo, Melvin and Ferrie work more from a starting point as outsiders in relation to the communities and societies they are studying, but still believe their research has relevance to, and potential benefits in, illuminating the limits of certain forms of human rights advocacy. For some such as Miller, this is the aim of the research, whilst for others it is an outcome. In his analysis of the struggle for the repeal of Section 377 of the Indian Penal Code to end the criminalisation of adult same-sex behaviour, Waites reveals how the expansion of human rights for one section of the population (in this case adults over 18 years) campaigned for by a coalition of Indian NGOs, has been at the cost of proscribing young people's sexual lives in India. Such a consequence would be difficult to identify without a sociological perspective on the ability of human rights to simultaneously emancipate whilst creating new domains in which violations can occur. Lamb similarly draws on empirical interviews to reveal how individuals encounter the ideas and practices of human rights, revealing the ways in which deep-seated loyalties impact on the way they understand human rights, and calling on activists to be aware that whilst human rights may be welcomed by people as they offer the potential of social and economic gains for previously marginalised communities, they also come at costs for individuals, a contradiction that often goes unacknowledged.

Beyond the concept of co-authorship advocated by Goodale lies a further challenge for sociologists working in human rights. The relationship between human rights activism and sociology can be extremely porous as the work of Hynes attests. As a sociologist working within the charitable sector, there is a continuous requirement and ethical imperative to make research relevant to the organisational aim of ending cruelty to children. As other sociologists outside academia report, the urgency of resolving such issues, particularly given limited access to academic resources and working within shorter timescales, can create difficulties. Partnership working is a way forward in such cases. Hynes has noted the need for researchers to choose whether they carry out research *for*, *on* or *with* their subjects, arguing that 'with' is the most desirable as in her work with refugees.[81]

Sociology and disciplinarity

A third contribution that the study of human rights can make to sociology is to raise questions regarding its confrontation with interdisciplinarity. The study of human rights will necessarily push the boundaries of 'what is sociological' by engaging with other disciplines such as philosophy, history, political science and economics, as well as sub-disciplines and specialties such as cultural sociology and the sociology of law. There continues to be considerable debate over whether the study of human rights is interdisciplinary, multi-disciplinary, or indeed as O'Byrne has argued, a discipline itself.[82] De Feyter raises the distinction between multidisciplinarity and interdisciplinarity, arguing that whilst multidisciplinarity aims at cooperating across boundaries so as to contribute disciplinary-specific perspectives on a subject towards creating a rounded view of a particular problem or issue,

interdisciplinarity aims at integration of methods and perspectives towards identifying find-ings that can go beyond a particular discipline.[83] Whilst she argues that a full understanding of human rights in a specific context can only be achieved if the result of different disciplines are combined[84] there are significant concerns when incomplete understandings of specific disciplines are combined or added on without sufficient analytical rigour or full understand-ing of their subtleties.[85] Whilst this may be a valid concern, this need not be the case as the aforementioned discussion about the relationship between sociology and anthropology attests to the possibilities of interdisciplinary work. Rather 'borrowing', 'solving problems' and methodological and subject consistency[86] can enrich the sociological analysis of human rights as researchers seek to harness insights from other disciplines towards the common goal of understanding human rights theory and practice, whilst retaining their focus on what sociology does best – ask sociologically imaginative questions, apply sociological theory, and employ rigorous research methodologies that have been honed in their pursuit over the last century. In this volume, for example, Short draws on analysis of historical docu-ments by historians to bring the concept of 'culture' back into the study of genocide, and in developing his sociological argument he invokes, somewhat paradoxically, the insights of two philosophers to highlight the importance of 'social' death to the concept of genocide. Without these interdisciplinary insights, this new perspective could not emerge.

However interdisciplinarity is not the only issue raised when studying human rights. Short, Canning, Ferrie, Lee-Gong, Grigolo, Miller, Melvin, Hynes, Waites and Lamb all draw on various analytical lenses, such as the sociology of genocide, the city, loyalty and reconciliation, social movement theory and feminism as well as specific sociological theories such as social action theory and symbolic interactionism in order to illuminate and draw out the specific contribution such perspectives can make to understanding human rights. Such approaches employ a mixture of inter-disciplinarity, (as in Short's work across the boundaries of history and sociology) trans-disciplinarity (as in Canning's work on feminism or Miller's engagement with development studies) or sub-disciplinarity (as in Lamb's work on the sociology of loyalty).

The sociology of human rights: new engagements

We have suggested that, given that scholarship, research and teaching is now undeniably gathering pace, it is pertinent to reflect on what the emergence of what Bobbio calls an 'age of rights'[87] raises for sociology as a discipline as well as what a sociology of human rights/rights might look like as research in this area develops. As research has gath-ered pace, all the issues raised here require sustained scrutiny, discussion and research. Through asserting its place in sociology more broadly, we contend that research into human rights can contribute to the reinvigoration of sociology, identifying new domains of struggle and social change, and bringing sociological theory and methodology to bear on matters of domestic, national and international concern. And the sociology of human rights holds the potential to reinvigorate sociology and to ensure its continued vitality.

Notes

1.   Human rights scholarship broadly covers everything from analysis of human rights norms in inter-national law and their violation, to discussions over the exact nature of the normative concept of human rights, to the whole range of knowledge regimes through which human rights emerge in social practice, see the summary of Goodale's work on this last area in Damien Short, 'Sociological and Anthropological Perspectives on Human Rights', in *Human Rights, Politics and Practice*, ed. Mark Goodhart (Oxford: Oxford University Press, 2009), 92–108.

2. C. Wright Mills, *The Sociological Imagination* (New York: Oxford University Press, 1959).
3. Immanuel Wallerstein, *World-Systems Analysis: An Introduction* (Durham, MD: Duke University Press, 2004).
4. Short, 'Sociological and Anthropological Perspectives on Human Rights', 92–108.
5. Gertrud Lenzer, *Auguste Comte and Positivism: The Essential Writings* (Piscataway, NJ: Transaction Publishers, 1998).
6. Emile Durkheim, *The Rules of Sociological Method* (New York: Free Press, 1966).
7. Karl Marx, *Capital*, *Volume 1* (London: Pelican Books, 1976).
8. Ibid.
9. Karl Marx, 'On the Jewish Question', *German-French Annals*, February 1844, http://www.marxists.org/archive/marx/works/1844/jewish-question/index.htm (accessed June 6, 2010); Karl Marx and Friedrich Engels, *Manifesto of the Communist Party* (Moscow: Progress Publishers, 1952).
10. Marx, 'On the Jewish Question'.
11. Marx and Engels, *Manifesto of the Communist Party*, 61–2.
12. Bryan S. Turner, 'Outline of a Theory of Human Rights', *Sociology* 27, no. 3 (1993): 489–512.
13. Ibid.
14. Anthony Woodiwiss, 'Can We Get More of the Social into the Sociology of Human Rights?' (conference papers, Human Rights and the Social: Making a New Knowledge, Kyujanggak Institute for Korean Studies, Seoul National University, 5–6 November 2009), 202–03.
15. Simone de Beauvoir, *The Second Sex* (London: Vintage, 1997), 124, 689.
16. Mary Wollstonecraft, *A Vindication of the Rights of Woman* (London: Penguin, 1792).
17. Kate Millett, *Sexual Politics* (London: Abacus, 1972).
18. Sonia Corrêa, Rosalind Petchesky and Richard Parker, *Sexuality, Health and Human Rights* (New York: Routledge, 2008).
19. Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences* (London: Tavistock Publications, 1970).
20. Harvie Ferguson, *Phenomenological Sociology: Experience and Insight in Modern Society* (London: Sage, 2006), 27.
21. Although labour movements, child rights movements and women's suffrage are among the other forms of normative mobilisation that also fed into the post-WWII response.
22. Zygmunt Bauman, *Modernity and the Holocaust* (Cambridge: Polity Press, 1989).
23. T.H. Marshall, *Citizenship and Social Class, and Other Essays* (Cambridge: Cambridge University Press, 1950).
24. Ibid., 28.
25. B.S. Turner, 'Outline of a Theory of Citizenship', *Sociology* 24, no. 2 (1990): 189–217.
26. Lydia Morris, ed., *Rights: Sociological Perspectives* (New York: Routledge, 2006); Lydia Morris, *Asylum, Welfare and the Cosmopolitanism Ideal: A Sociology of Rights* (Oxon: Routledge-Cavendish, 2010).
27. Bryan S. Turner, 'Outline of a Theory of Human Rights', (cf. note 12).
28. R. Morgan and B.S. Turner, eds, *Interpreting Human Rights: Social Science Perspectives* (London: Routledge, 2009).
29. Bryan S. Turner, *Vulnerability and Human Rights* (Pennsylvania: The Pennsylvania University State Press, 2006).
30. Bryan S. Turner and Chris Rojek, 'Rights', in *Society and Culture: Principles of Scarcity and Solidarity*, ed. Bryan S. Turner and Chris Rojek (London: Sage, 2001), 109–29.
31. Wayne Morgan, 'Queering International Human Rights Law', in *Sexuality in the Legal Arena*, ed. Carl Stychin and Didi Herman (London: The Athlone Press, 2000), 208–25. Matthew Waites, 'Critique of "Sexual Orientation" and "Gender Identity" in Human Rights Discourse: Global Queer Politics beyond the Yogyakarta Principles', in *Contemporary Politics* 15, no. 1 (March 2009): 137–56 (Special Issue: 'The Global Politics of LGBT Human Rights', eds. Kelly Kollman and Matthew Waites).
32. Malcolm Waters, 'Human Rights and the Universalisation of Interests: Towards a Social Constructionist Approach', *Sociology* 30, no. 3 (1996): 593–600, 593.
33. Damien Short, 'The Social Construction of "Native Title" Land Rights in Australia', *Current Sociology* 55 (2007): 857; Damien Short, *Reconciliation and Colonial Power: Indigenous Rights in Australia* (Aldershot: Ashgate, 2008).
34. Anthony Woodiwiss, *Human Rights* (London: Routledge, 2005).

35. Short, 'The Social Construction of "Native Title" Land Rights in Australia'; Short, *Reconciliation and Colonial Power*.
36. Short, 'Sociological and Anthropological Perspectives on Human Rights', 92–108.
37. Mills, *The Sociological Imagination*.
38. Although the 1970s and 1980s saw grassroots mobilisation that utilised human rights talk and arguably influenced the creation of such legal norms as the UN Convention on the Elimination of All forms of Discrimination against Women 1979 and the Convention on the Rights of the Child 1989, at the inter-state level the remnants of Cold War politics were still evident. Moreover, The European Convention on Human Rights is still the only human rights body with an enforcement mechanism that enable it to make judgements on the behaviour of states towards their citizens, and few countries were incorporating human rights into domestic legislation so that they could filter more fully into the societal mainstream.
39. J. Donnelly, *International Human Rights* (Boulder, CO: Westview, 1993).
40. De Feyter, 'Law Meets Sociology in Human Rights', 33.
41. On this point idea see Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (New York: Cornell University Press, 1998); and Thomas Risse, Stephen C. Ropp and Kathryn Sikkink, eds, *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999).
42. Rhiannon Morgan, 'Advancing Indigenous Rights at the United Nations: Strategic Framing and its Impact on the Normative Development of International Law', *Social and Legal Studies* 13, no. 4 (2004): 481–501.
43. See for example two recent offerings: R. Morgan and B.S. Turner, eds, *Interpreting Human Rights: Social Science Perspectives* (London: Routledge, 2009); and Morris, *Asylum, Welfare and the Cosmopolitan Ideal: A Sociology of Rights*.
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52. Anthony Woodiwiss, 'What Could it Mean to Take Human Rights Seriously?' in *Interpreting Human Rights: Social Science Perspectives*, eds, R. Morgan and B.S. Turner (London: Routledge, 2009), 104.
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74. See for example, Judith R. Blau, and Alberto Moncada, *Freedoms and Solidarities: In Pursuit of Human Rights* (Lanham, MD: Rowman & Littlefield Publishers, 2007); and Judith R. Blau, and Alberto Moncada, *Human Rights: Beyond the liberal vision* (Lanham, MD: Rowman & Littlefield Publishers, 2000).

75. Patricia Langerman and Gillian Neibridge, 'Thrice Told: Narratives of Sociology's Relation to Social Work', in *Sociology in America: A History*, ed. Craig Calhoun (Chicago: University of Chicago Press, 2007), 66.

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77. The distinction is important here as the term 'social' justice can be inadequate in post-conflict situations as it can deny recourse to retribution, restitution and the other dimensions of what is now called 'transitional justice'. Social justice is often used to refer to equality of opportunity, health and welfare provision and the like and does not directly cover claims derived from such things as human rights violations. See generally Short, *Reconciliation and Colonial Power: Indigenous Rights in Australia* on the implications of the erroneous use of the concept in the Australian national reconciliation process.

78. Woodiwiss, 'What Could it Mean to Take Human Rights Seriously?', 112.

79. Ibid.

80. Shannon Speed, 'At the Crossroads of Human Rights and Anthropology: Towards a Critically Engaged Activist Research', *American Anthropologist*, 108, no. 1 (2006): 66–67.

81. Patricia Hynes, 'New Issues in Refugee Research' (Working Paper No. 98: 'The Issue of 'Trust' or 'Mistrust' in Research with Refugees: Choices, Caveats and Considerations for Researchers', School of Health and Social Sciences, Middlesex University, November 2003).

82. Darren O'Byrne, *Human Rights* (New York: Longman, 2003).

83. Koen De Feyter and George Pavlakos, 'In Defence of a Multi-disciplinary Approach to Rights', in *The Tension between Group Rights and Human Rights* (Oxford and Portland, OR: Hart Publishing, 2008), 13.

84. Koen De Feyter, *Law Meets Sociology in Human Rights* (conference papers, Human Rights and the Social: Making a New Knowledge, Kyujanggak Institute for Korean Studies, Seoul National University, 5–6 November 2009), 39.
85. Ibid.
86. Klein notes that the most common forms of interdisciplinarity are: (1) borrowing; (2) solving problems; (3) increased consistency of subjects or methods; and (4) the emergence of an inter-discipline. See Julie T. Klein, *Interdisciplinarity: History, Theory, and Practice* (Detroit, MI: Wayne State University Press, 1990), 64.
87. Noberto Bobbio, *The Age of Rights* (Oxford: Polity, 1999).